Residential Flat Development
and Strata Subdivision

70 - 74 O'Neill Street, Guildford

Statement of Environmental Effects

September 2014

Ref: 14120

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1. INTRODUCTION

1.1 Preamble

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) to Holroyd City Council for a residential flat development at No's 70 - 74 O'Neill Street, Guildford.

The subject site is located on the eastern side of O'Neill Street, between Grove Street to the north and Guildford Road to the south. The site is located approximately 150 metres to the north of Guildford Railway Station and the surrounding retail/commercial centre.

The site comprises three (3) adjoining allotments with a combined area of approximately 2,304.9m^2. The site is an irregular rectangle in shape with a frontage of approximately 42.9 metres to O'Neill Street.

The site is currently occupied by three (3) detached dwellings and associated outbuildings. The topography of the site provides a gentle fall towards. The site accommodates a series of trees, shrubs and groundcovers typical of a modified urban environment.

The proposed development comprises the demolition of the existing structures on the site, and the construction of a residential flat building accommodating 41 apartments.

Off-street car parking is proposed for 36 vehicles located within a basement structure accessed via a combined entry/exit driveway located along the O'Neill Street frontage of the site.

The proposed development has been designed as *"affordable rental housing"* pursuant to State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009. Accordingly, the proposed development will contribute to housing diversity and affordability, capitalising on the sites proximity to the railway station and the surrounding retail/commercial centre.

Further, the proposed development has been designed to provide a good standard of residential accommodation, with the built form designed to sit in a landscape setting, incorporating a multitude of canopy trees within common areas and around the perimeter of the site.

1.2 Purpose

This SEE has been prepared pursuant to the provisions of the Environmental Planning and Assessment Act 1979 and accompanying Regulation. To that end, it:

- identifies the site and provides details of its locational context;
- describes the physical characteristics and features of the proposed development;
- identifies the environmental planning instruments and policies that apply to the site and considers the proposed development against those that are relevant; and
- provides an assessment of the proposed development against the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

2. SITE DESCRIPTION

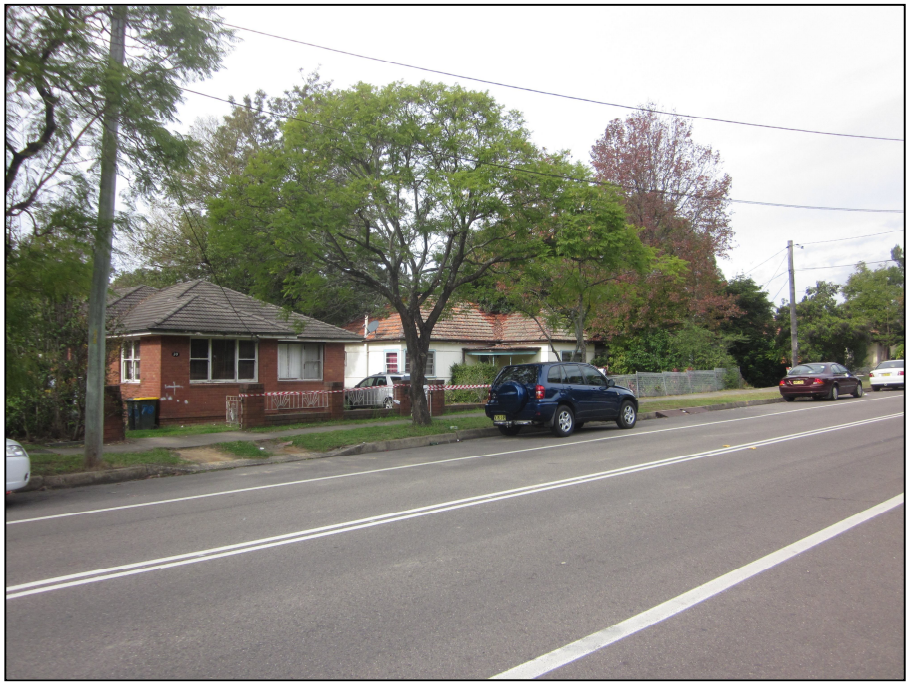
2.1 Site Details

The subject site formally comprises Lots 12 - 14 in Deposited Plan 9748, and is commonly known as No's 70 - 74 O'Neill Street, Guildford.

The site is located on the eastern side of O'Neill Street, between Grove Street to the north and Guildford Street to the south. The site is located approximately 150 metres to the north of Guildford Railway Station and the surrounding retail/commercial centre.

The site comprises three (3) adjoining allotments with a combined area of approximately 2,304.9m^2. The site is an irregular rectangle in shape with a frontage of approximately 42.9 metres to O'Neill Street.

The site is currently occupied by three (3) detached dwellings and associated outbuildings. The topography of the site provides a gentle fall towards the rear of approximately 1.5 metres. The site accommodates a series of trees, shrubs and groundcovers typical of a modified urban environment.



Photograph 1: Subject Site Viewed from O'Neill Street

2.2 Site Context

The site effectively forms part of a larger residential precinct zoned for high density residential development, in the vicinity of Guildford Railway Station and the surrounding retail/commercial centre.

The precinct is generally bounded by Grove Street to the north, the railway line to the east, the water supply corridor to the south, and Berwick Street to the west. The precinct is currently characterised by a mix of detached dwellings and residential flat buildings.

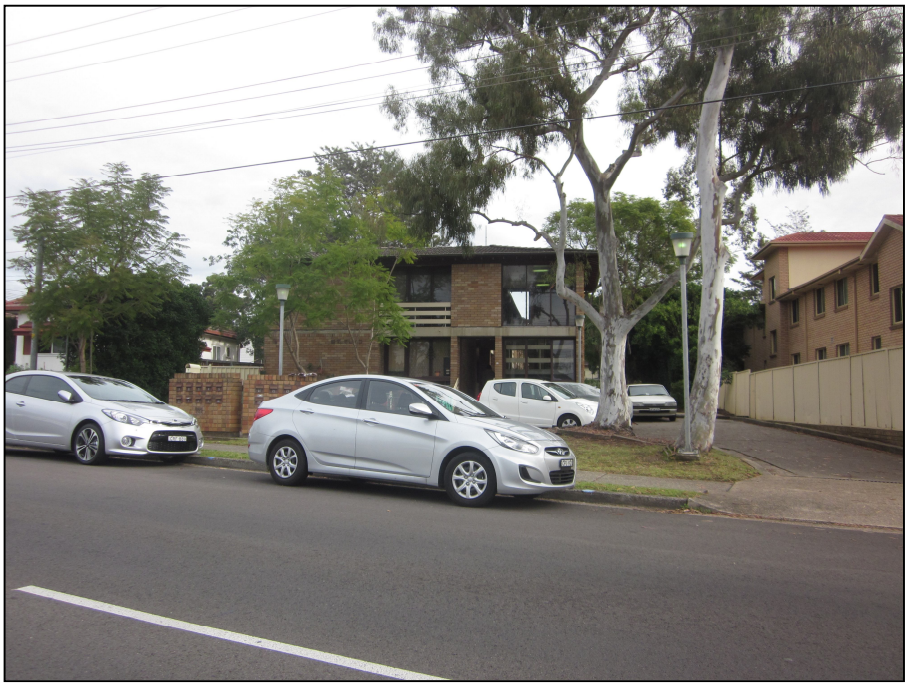
In more immediate terms, the site is adjoined to the north by a single storey detached dwelling (No. 68 O'Neill Street) incorporating off-street car parking within a single width carport.

Photograph 2: Adjoining Development to the North

The site is adjoined to the south by a single storey detached dwelling (No. 76 O'Neill Street) incorporating off-street car parking within a garage structure to the rear.

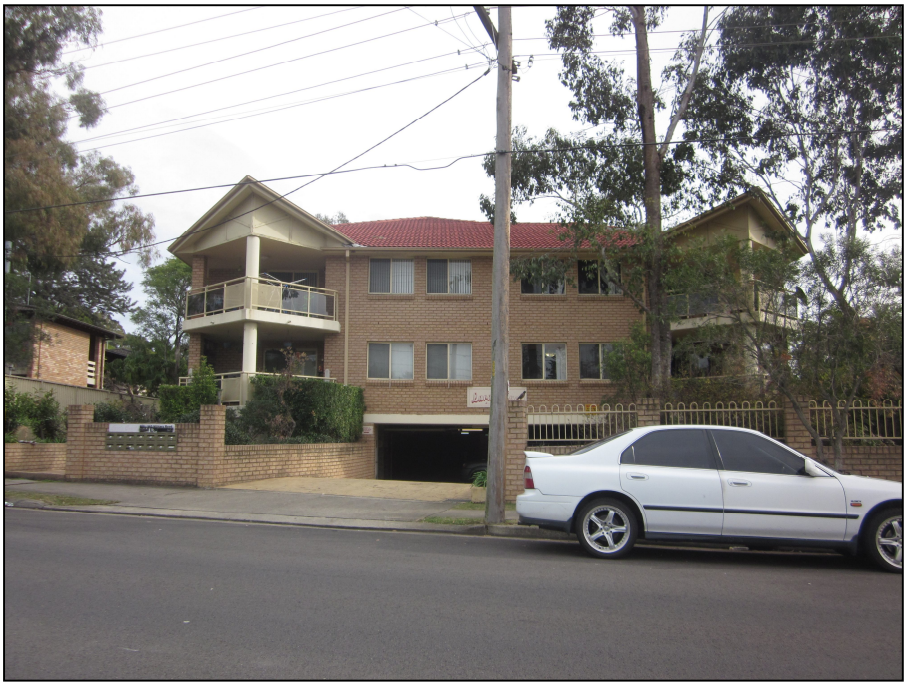
The site is also adjoined to the south by a 2-storey residential flat development (No. 111 Military Road) incorporating off-street car parking within the setback to Military Road.

Photograph 3: Adjoining Development to the South Fronting O'Neill Street



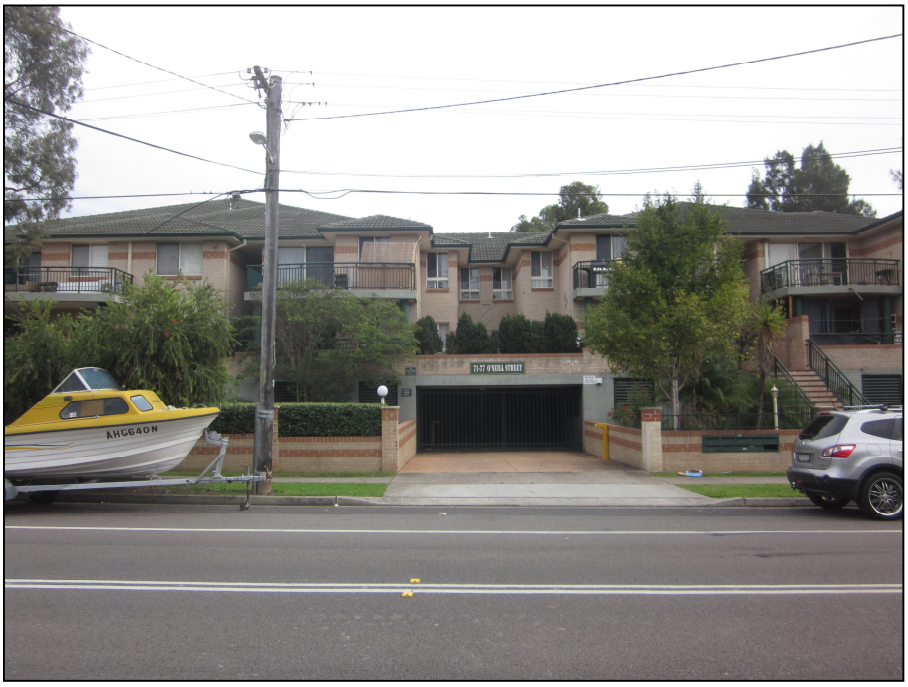
Photograph 4: Adjoining Development to the South Fronting Military Road

The site is adjoined to the east by a 2 - 3 storey residential flat development (No's 108 - 110 Military Road) incorporating off-street car parking within a partially excavated basement level.



Photograph 5: Adjoining Development to the East

The existing development on the opposite side of O'Neill Street comprises a 2 - 3 storey residential flat development (No. 77 O'Neill Street and No's 1 - 3 Stimson Street) incorporating off-street car parking within a partially excavated basement level.



Photograph 6: Existing Development on the Opposite Side of O'Neill Street

3. PROPOSED DEVELOPMENT

3.1 General Description

The proposed development is illustrated in the Architectural Plans prepared by *AR Design,* identified as *Drawings 838_01 - 838_20*.

The proposed development comprises the demolition of the existing structures on the site, and the construction of a residential flat building (and Strata subdivision) accommodating 41 apartments.

The proposed development has been designed as *"affordable rental housing"* pursuant to State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009. In that regard, the apartments will be managed by a *"registered community housing provider"* and maintained as *"affordable rental housing"* for a period of 10 years in accordance with Clause 17 of SEPP (Affordable Rental Housing) 2009.

The mix of residential apartments comprises 6 x studio apartments, 19 x 1-bedroom apartments and 16 x 2-bedroom apartments. The apartment mix and types are summarised in Table 3.1 as follows:

Table 3.1.1 - Schedule of Apartments

Unit	Level	Bedrooms	Floor Area	Open Space	Storage
101	Ground	2	98.0m^2	18.0m^2	8.0m^3
102	Ground	2	91.0m^2	18.0m^2	8.0m^3
103	Ground	Studio	43.2m^2	18.0m^2	6.0m^3
104	Ground	1	61.6m^2	18.0m^2	6.0m^3
105	Ground	Studio	40.0m^2	15.6m^2	6.0m^3
106	Ground	1	65.0m^2	11.5m^2	6.0m^3
107	Ground	1	60.6m^2	19.2m^2	6.0m^3
108	Ground	2	77.7m^2	12.0m^2	8.0m^3
109	Ground	2	74.4m^2	11.5m^2	6.0m^3
201	First	1	60.8m^2	10.5m^2	6.0m^3
202	First	1	64.7m^2	10.5m^2	6.0m^3
203	First	1	68.3m^2	10.5m^2	6.0m^3
204	First	Studio	40.7m^2	10.5m^2	6.0m^3
205	First	1	61.0m^2	10.5m^2	6.0m^3
206	First	Studio	40.7m^2	10.5m^2	6.0m^3
207	First	1	61.3m^2	11.9m^2	6.0m^3
208	First	1	60.6m^2	10.0m^2	6.0m^3

209	First	2	77.7m^2	13.6m^2	8.0m^3
210	First	2	74.4m^2	13.5m^2	8.0m^3
301	Second	1	60.8m^2	10.5m^2	6.0m^3
302	Second	1	64.7m^2	10.5m^2	6.0m^3
303	Second	1	68.3m^2	10.5m^2	6.0m^3
304	Second	Studio	40.7m^2	10.5m^2	6.0m^3
305	Second	1	61m^2	10.5m^2	6.0m^3
306	Second	Studio	40.7m^2	10.5m^2	6.0m^3
307	Second	1	61.3m^2	11.9m^2	8.0m^3
308	Second	1	60.6m^2	10.0m^2	6.0m^3
309	Second	2	77.7m^2	13.6m^2	8.0m^3
310	Second	2	74.4m^2	13.5m^2	8.0m^3
401	Third	1	72.6m^2	10.5m^2	6.0m^3
402	Third	1	64.7m^2	10.5m^2	6.0m^3
403	Third + Attic	1	64.4m^2	10.5m^2	6.0m^3
404	Third + Attic	1	64.4m^2	10.5m^2	6.0m^3
405	Third + Attic	2	93.5m^2	10.5m^2	8.0m^3
406	Third + Attic	2	97.6m^2	10.5m^2	8.0m^3
407	Third + Attic	2	85.3m^2	10.5m^2	8.0m^3
408	Third + Attic	2	85.3m^2	10.0m^2	8.0m^3
409	Third + Attic	2	85.3m^2	10.5m^2	8.0m^3
410	Third + Attic	2	85.3m^2	10.5m^2	8.0m^3
411	Third + Attic	2	85.3m^2	10.5m^2	8.0m^3
412	Third + Attic	2	85.3m^2	10.5m^2	8.0m^3

Off-street car parking is proposed for 36 vehicles (including 4 disabled spaces) located within a basement structure accessed via a combined entry/exit driveway located towards the southern boundary along the O'Neill Street frontage of the site.

The basement level also accommodates bicycle parking, a car wash bay, a waste and recycling room, and individual storage areas for each of the apartments.

The main pedestrian entry is located towards the centre of the site along O'Neill Street, with an accessible pathway commencing near the northern boundary. The accessible pathway also provides access to the communal areas located towards the rear of the site.

The apartments located at the ground floor level are serviced by courtyards, and the apartments located above the ground floor level are serviced by balconies. The private open space is directly accessible to/from the main living rooms. Further, the private open space is supplemented by a series of interconnected areas of communal open space.

The proposed development includes the retention of two (2) existing trees on the site, and the proposed landscaping includes the planting of an additional 26 replacement trees across the site, including within the setbacks to the front, side and rear boundaries.

Further, the existing/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.

4. SECTION 79C ASSESSMENT

The heads of consideration incorporated in Section 79C of the Environmental Planning and Assessment Act 1979 comprise:

- any environmental planning instrument;
- any proposed environmental planning instrument that is or has been the subject of public consultation and that has been notified to the consent authority;
- any development control plan;
- any planning agreement or draft planning agreement that a developer has offered to enter into;
- any matters prescribed by the Regulation;
- the likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality;
- the suitability of the site for the development;
- any submissions made in accordance with the Act or the Regulations; and
- the public interest.

4.1 Environmental Planning Instruments

The proposed development is subject to the following environmental planning instrument:

1. State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land;
2. State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009;
3. State Environmental Planning Policy (SEPP) No. 65 - Residential Flat Development; and
4. Holroyd Local Environmental Plan (LEP) 2013.

<u>SEPP No. 55 - Remediation of Land</u>

SEPP No. 55 specifies that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is, or is likely to be contaminated, and if the land is, or is likely to be contaminated, whether the land requires remediation before the land is developed for the proposed use.

The site has an established history of use for residential purposes, and evidently has not been zoned or used for industrial, agricultural or defense purposes at any times in the lands recent history.

In the circumstances, there is no evidence to suggest that the land is likely to be contaminated to the extent that would render it unsuitable for continued residential use.

SEPP (Affordable Rental Housing) 2009

SEPP (Affordable Rental Housing) 2009 generally aims to provide a consistent planning regime for the provision of affordable rental housing, and facilitate the delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio (FSR) bonuses and non-discretionary development standards.

Part 2 (Division 1)[1] provides controls relating to *"in-fill affordable housing"* (including standards that cannot be used to refuse consent), the relevant provisions of which are considered in Table 4.1.1 as follows:

Table 4.1.1 - Part 2 (Division 1) In-Fill Affordable Rental Housing		
Control	**Proposed**	**Satisfactory**
13 - Floor space ratio		
Maximum floor space ratio of 1.7:1 (1.2:1 pursuant to the Holroyd LEP 2013 + 0.5:1 pursuant to Clause 13(2) of the SEPP).	Gross floor area of approximately 3,007.0m^2, representing a floor space ratio of 1.3:1.	Yes
14 - Standards that cannot be used to refuse consent		
Site Area Minimum site area of 450m^2.	**Site Area** Site area of 2,304.9m^2.	Yes
Landscaped Area Minimum landscaped area of 30% of the site area.	**Landscaped Area** Landscaped area of 43.1% of the site area.	Yes
Deep Soil Zones Minimum deep soil zone of 15% of the site area.	**Deep Soil Zones** Deep soil zone of 32.8% of the site area.	Yes
Parking	**Parking**	Yes

[1] The site is located within approximately 200 metres walking distance of the entrance to Guildford Railway Station.

Minimum car parking provision of resident 18 spaces.	Car parking provision of 36 spaces.	
Dwelling Size Minimum dwelling size of: Studio: 35m^2 1 bedroom: 50m^2 2 bedroom: 70m^2	**Dwelling Size** Dwelling sizes of: Studio: 40m^2 - 43.2m^2 1 bedroom: 60.6m^2 - 72.6m^2 2 bedroom: 74.4m^2 - 98.0m^2	Yes
16 - Continued application of SEPP 65		
Nothing affects the application of SEPP No. 65 - Design Quality of Residential Flat Development.	The provisions of SEPP No. 65 - Design Quality of Residential Flat Development are considered below.	Noted
16A - Character of local area		
The consent authority must take into consideration whether the design of the development is compatible with the character of the local area.	The character of the local area is defined primarily by the 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 adopts a simple building form, with extensive new deep soil landscaping designed to enhance the landscaped setting of the site and surrounds.	Yes
17 - Must be used for affordable housing for 10 years		
Conditions must be imposed to the effect that the dwellings are used as affordable housing, the affordable housing must be managed by a registered community housing provider, and a restriction will be registered against the title of the properties.	The *"affordable rental housing"* apartments will be managed by a *"registered community housing provider"* and maintained as such for a period of 10 years with a restriction against the title of the apartments.	Yes
18 - Subdivision		
Subdivision may be carried out with the consent of Council.	Subdivision will be carried with the consent of Council.	Noted

SEPP No. 65 - Residential Flat Development

SEPP No. 65 generally aims to improve the design quality of residential flat development in New South Wales. The *"design quality principles"* specified in Part 2 of the Policy are considered in Table 4.1.2 as follows:

Table 4.1.2 - Part 2 Assessment	
Comment	**Satisfactory**
Introduction to the Principles	
The design quality principles are a general guide to achieving good design. The proposed development is subject to a suite of controls incorporated in SEPP (Affordable Rental Housing) 2009, the Holroyd Local Environmental Plan (LEP) 2013 and Holroyd Development Control Plan (DCP) 2013. The specific design solutions which address the design quality principles are generally assessed under the more specific provisions of the SEPP, LEP and DCP.	Noted
Principle 1: Context	
The site is located within an established residential precinct currently characterised by a mix of detached dwellings and residential flat buildings. The site effectively forms part of a larger residential precinct zoned for high density residential development in the vicinity of Guildford Railway Station and the surrounding retail/commercial centre. The character of the local 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 adopts a simple building form, with extensive new deep soil landscaping designed to enhance the landscaped setting of the site and surrounds. The proposed development has generally been designed to provide a good standard of residential accommodation, with the built form designed to sit in a landscape setting, incorporating a multitude of canopy trees within common areas and around the perimeter of the site. In the circumstances, the proposed development will contribute to the character and identity of the area in a form that is consistent with the existing and desired future character of the precinct.	Yes
Principle 2: Scale	
The proposed development achieves an appropriate scale in terms of visual appearance from the public domain, and the nature and extent of impacts on the amenity of surrounding land. The proposed development will contribute to the character and identity of the area in a scale and form that is consistent with the existing and desired future	Yes

character of the precinct.	
Principle 3: Built Form	
The proposed development achieves an appropriate built form in terms of building alignment, proportion, building type and manipulation of building elements. The proposed development will define the public domain, and the building form will provide a good standard of residential accommodation, with the built form designed to sit in a landscape setting, incorporating a multitude of canopy trees within common areas and around the perimeter of the site.	Yes
Principle 4: Density	
The proposed development has a density appropriate for its site and context in terms of the building bulk, height, setbacks, spatial separation, and type and mix of accommodation. Further, the building form provides a good level of internal amenity for future occupants while minimising the impacts on the amenity of surrounding land.	Yes
Principle 5: Resource, Energy and Water Efficiency	
The proposed development employs suitable design techniques to ensure resource, energy and water efficiency. The planning and arrangement of apartments has been repeated where possible to maximise efficiency in servicing and construction. Further, 95% of the apartments will achieve a minimum of 3 hours of solar access to the main living areas and open space, and 78% of the apartments will be naturally cross-ventilated. The proposed development incorporates energy efficient materials and finishes, and energy efficient fixtures and appliances will be installed throughout. Further, the Application is accompanied by a compliant BASIX Certificate.	Yes
Principle 6: Landscape	
The proposed development has been carefully designed to provide a built form within a landscaped setting, with provision made for a multitude of canopy trees within common areas and around the perimeter of the site. The canopy trees will be supplemented by a hierarchy of lower level trees, shrubs and ground covers. The proposed development provides for the operation of the landscaping and buildings as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both the building occupants and the public.	Yes
Principle 7: Amenity	
The amenity of the proposed development is generally optimised through appropriate room planning in terms of dimension/shape and facilities, visual and acoustic privacy, storage, indoor/outdoor space, efficient layouts, outlook and access. Further, 95% of the apartments	Yes

will achieve a minimum of 3 hours of solar access to the main living areas and open space, and 78% of the apartments will be naturally cross-ventilated.	
Principle 8: Safety and Security	
Internal and external safety and security is optimised through casual surveillance of the public domain from the residential apartments orientated towards O'Neill Street. Further, the main entrance is clearly visible to/from the public domain.	Yes
Principle 9: Social Dimensions and Housing Affordability	
The proposed development will provide additional housing choice and improve affordability within an established residential precinct, capitalising on the sites proximity to Guildford Railway Station and the surrounding retail/commercial centre. The *"affordable rental housing"* apartments will be managed by a *"registered community housing provider"* and maintained as such for a period of 10 years. Further, four (4) apartments have been designed as adaptable apartments, and four (4) disabled car parking spaces are accommodated within the basement.	Yes
Principle 10: Aesthetics	
The proposal contains the appropriate composition of building and landscape elements, textures, materials and colours to reflect the positive elements of the existing and emerging neighbourhood, its use, internal design and structure.	Yes

Clause 30(2) of the SEPP requires the consent authority to take into consideration the *Residential Flat Design Code* (RFDC). The relevant provisions of the RFDC are summarised and considered in Table 4.1.3 as follows:

Table 4.1.3 - Residential Flat Design Code		
Required	**Proposed**	**Satisfactory**
Building Configuration		
Apartment Layout		
Design apartment layouts capable of accommodating a variety of furniture layouts, flexible room sizes, with efficient circulation.	The apartment layouts accommodate a defined furniture layout, with efficient circulation.	Yes
Provide private open space adjacent to main living areas and locate habitable rooms on the external face of the building	The private open space is adjacent to the main living rooms, and the living rooms are on the external faces of the building.	Yes

where possible.		
Apartment Mix		
Provide a variety of apartment types.	An appropriate mix of studio, 1 and 2-bedroom apartments.	Yes
Consider population trends and proximity to public transport, public facilities, employment area, schools, universities and retail centres.	The mix of apartments will provide considerable benefit to the housing market having regard to current and future market demand.	Yes
Locate a mix of one and three-bedroom apartments on the ground level.	A mix of studio, 1 and two-bedroom apartments.	Yes
Optimise the number of accessible and adaptable apartments.	Four (4) adaptable apartments.	Yes
Balconies		
Provide a primary balcony adjacent to the main living areas, sufficiently large and well proportioned, with a minimum depth of 2 metres.	The private open space is adjacent to the main living rooms, with minimum depths of 2.1 metres through the principal area.	Yes
Co-ordinate and integrate building services.	Building services are integrated into the roof design and recessed behind the external walls.	Yes
Ceiling Heights		
Maximise heights in habitable rooms.	2.6 - 2.7 metre floor to ceiling heights in the habitable rooms.	Yes
Facilitate access to natural light.	The size and arrangement of glazing provides access to natural light.	Yes
Design ceiling heights which promote flexibility over time.	The ceiling heights promote flexibility in use over time.	Yes
Provide 2.7 metre ceiling heights for habitable rooms and 2.4 metres for non-habitable rooms.	2.6 - 2.7 metre ceiling heights for habitable and non-habitable rooms.	Yes
Flexibility		
Provide multiple entries and circulation cores.	Multiple entries and two (2) vertical circulation cores.	Yes
Accommodate changing use of rooms.	The apartment layouts could potentially be modified.	Yes
Facilitate future change in	The structural system supports	Yes

building use or configuration.	flexibility in the future use of the building.	
Maximise the number of accessible and visitible apartments with adequate pedestrian mobility.	Four (4) of the apartments are designed as adaptable apartments, and the proposed development provides an accessible pedestrian entrance, and lift access between the car parking facilities and adaptable apartments.	Yes
Internal Circulation		
Provide generous corridor widths and ceiling heights, minimising corridor lengths, avoiding tight corners, and providing legible signage.	The internal circulation spaces are of adequate width, the corridor lengths are minimised, and legible signage will be provided.	Yes
Design buildings with multiple cores.	Two (2) vertical circulation cores.	Yes
Limit the number of units accessible from a single corridor/core to eight (8) unless certain circumstances dictate otherwise.	No more than seven (7) apartments on any floor other than twelve (12) at the third floor to avoid the cost of installing a second lift.	Appropriate Design Solution
Storage		
Locate storage conveniently for the needs of residents.	The apartments provide adequate internal storage, with additional storage space in the basement.	Yes
Building Amenity		
Acoustic Privacy		
Maximise acoustic privacy.	The arrangement of rooms maximises acoustic privacy.	Yes
Minimise noise transition between flats.	Construction methods will minimise noise transmission.	Yes
Separate noisier space from quieter spaces.	Noisier rooms are generally separated from quieter rooms.	Yes
Daylight Access		
Optimise northern aspect.	The substantial majority of apartments have an orientation towards the north, east or west.	Yes
Ensure daylight access to communal open space and	Communal areas in sunlight and shade will be available at all times	Yes

provide appropriate shading in summer.	of the year.	
Optimise daylight access to habitable rooms and principle windows.	Daylight access to habitable rooms and windows has been maximised.	Yes
Design for shading and glare controls.	The orientation, balconies and overhangs provide shading and glare control.	Yes
Limit the use of lightwells as a source of daylight.	None of the apartments rely on lightwells as a source of daylight.	Yes
70% of apartments should receive a minimum of 2 hours direct sunlight between 9 am and 3 pm in mid-winter.	95% of the apartments will achieve a minimum of 3 hours sunlight during mid-winter.	Yes
Maximum of 10% of apartments with a single aspect to the south.	None of the apartments have a single aspect to the south.	Yes
Natural Ventilation		
Promote and guide natural breezes.	78% of the apartments will be naturally cross-ventilated.	Yes
Increase the potential for natural ventilation.	78% of the apartments will be naturally cross-ventilated.	Yes
Building depths of 10 to 18 metres.	Maximum building depth of 18 metres.	Yes
60% of units to be naturally cross ventilated.	78% of the apartments will be naturally cross ventilated.	Yes
25% of kitchens to be natural ventilation.	78% of the kitchens will be naturally ventilated.	Yes
Building Form		
Facades		
Consider the building form and the façade and/or building elements.	The external facades reflect the internal arrangement of rooms, and the palette of external materials and finishes reflect the contemporary architectural character.	Yes
Compose facades with an appropriate scale, rhythm and proportion.	The external facades reflect the internal arrangement of rooms, and the scale, rhythm and proportions reflect the contemporary architectural character.	Yes

Co-ordinate security grills/screens, ventilation louvers and carpark entry doors.	The roller shutter to the basement is recessed well behind the front alignment.	Yes
Roof Design		
Relate roof design to the desired built form.	The roof form reflects the architectural style.	Yes
Minimise the visual intrusiveness of service elements.	The services elements are integrated into the building and roof design.	Yes
Building Performance		
Energy Efficiency		
Incorporate passive solar design techniques.	The materials, orientation and design minimise energy demands.	Yes
Consider photovoltaic panels.	Photovoltaic panels could be located on the roof.	Yes
Maintenance		
Select durable materials and appropriate landscape elements.	The building materials are durable, and the landscaping has low maintenance requirements.	Yes
Waste Management		
Locate storage areas for rubbish bins away from the front elevation.	The garbage and recycling room is located within the basement.	Yes
Provide a waste cupboard or temporary storage area.	A waste cupboard could be provided at each level if required.	Yes
Water Conservation		
Use AAA rated appliances.	AAA rated appliances will be installed.	Will Comply
Encourage the use of rainwater tanks.	Water tanks are not practical in this instance.	Acceptable Solution
Incorporate local indigenous native vegetation.	The landscaping includes local indigenous native vegetation.	Yes

Holroyd LEP 2013

The site is zoned R4 - High Density Residential pursuant to Clause 2.1 of the Holroyd LEP 2013, and *"residential flat buildings"* are permissible in the zone with the consent of Council.

Clause 2.3 of the LEP specifies that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The relevant objectives of the zone are expressed 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.*

The proposed development is generally consistent with (or not antipathetic to) the relevant objectives of the zone on the basis that the housings need of the community will be provided for within a high density residential environment, and the proposed accommodation will contribute to the variety of housing types available within the locality.

Clause 4.3 of the LEP specifies a maximum building height of 15 metres, and the proposed development extends to a maximum height of 16.5 metres (refer to Section a-a).

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 extend to a maximum height of 15 metres. Irrespective, a request to vary the building height control pursuant to Clause 4.6 of the LEP is included as ***Attachment A***.

Clause 4.4 of the LEP specifies a maximum floor space ratio (FSR) of 1.2:1, and Clause 13 of SEPP (Affordable Rental Housing) 2009 allows an additional FSR of 0.5:1, representing a total FSR of 1.7:1. The proposed development provides a gross floor area of approximately 3,007m^2, representing an FSR of 1.3:1.

Clause 5.9 of the LEP specifies that development consent (or a permit granted by Council) is required to remove any tree or other vegetation that is *"prescribed"* by a development control plan.

The Application is accompanied by an Arboricultural Impact Assessment (*Australis Tree Management*) which identifies the trees proposed for

removal, and provides individual tree protection measures for the trees proposed for retention.

The proposed development includes the retention of two (2) existing trees on the site, and the proposed landscaping includes the planting of an additional 26 replacement trees across the site, including within the setbacks to the front, side and rear boundaries.

Further, the existing/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.

Clause 6.2 of the LEP requires the consent authority to consider the impacts of earthworks relating to drainage patterns and soil stability, the likely future use of the land, the quality of the fill or excavation, the effect on the existing and likely amenity of adjoining properties, the likelihood of disturbing relics, and the potential for impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The proposed earthworks will be appropriately managed, and normal precautions will be taken during the construction period to ensure there are no adverse environmental impacts associated with the proposed earthworks.

In the circumstances, the proposed development will have not have any significant or adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Clause 6.3 of the LEP requires the consent authority to be satisfied that satisfactory arrangements have been made to service the site with all necessary infrastructure.

The site is serviced by all necessary infrastructure, and arrangements will be made for the connection to those services when required.

Clause 6.8 of the LEP specifies that the consent authority must consider whether the development is likely to have an adverse impact on salinity processes on the land, whether salinity is likely to have an impact on the development, and any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposed earthworks will be appropriately managed, and normal will be taken during the construction period to ensure there are no adverse environmental impacts related to soil salinity.

The LEP does not incorporate any further controls of specific relevance to the proposed development.

4.2 Proposed Environmental Planning Instruments

There are no proposed environmental planning instruments of specific relevance to the proposed development.

4.3 Development Control Plans

The proposed development is subject to the following development control plan:

1. Holroyd Development Control Plan (DCP) 2013.

Holroyd DCP 2013

The Holroyd DCP 2013 generally aims to supplement the provisions of the Holroyd LEP 2013, and provide more detailed objectives and guidelines for development. Part A of the DCP provides general controls, and Part B provides controls relating to residential development

The relevant provisions[2] of the DCP are summarised and considered in Table 4.3.1 as follows:

Table 4.3.1 - Holroyd Development Control Plan 2013		
Control	**Proposed**	**Satisfactory**
Part A - General Controls		
3.2 - Parking Design Guidelines		
C1. Use front setbacks to soften the impact of car parking structures or areas.	C1. The car parking is accommodated within a basement, and new landscaping is	Yes

[2] The relevant provisions of the DCP comprise those which relate to the proposed development and/or those which would not normally be required as Conditions of Consent or as part of a Construction Certificate. Further, the provisions of SEPP (Affordable Rental Housing) 2009 prevail over any comparable provisions incorporated in the DCP relating to landscaped area, deep soil zones, parking and dwelling size.

	located within the front setback.	
3.3 - Dimensions and Gradients		
C1. Minimum parking space length of 5.5 metres.	C1. Minimum parking space length of 5.4 - 5.5 metres.	Compliance with AS 2890.1
C2. A minimum parking space width of 2.4 metres.	C2. Minimum parking space width of 2.4 - 2.5 metres.	Yes
C3. A minimum clearance height of 2.3 metres.	C3. Minimum clearance height of 2.5 metres.	Yes
C6. Minimum aisle width of 7.0 metres.	C6. Minimum aisle width of 5.8 metres.	Compliance with AS 2890.1
C13. Comply with Australian Standards 2890.1-1993 Off-Street Parking.	C13. Compliance with Australian Standards 2890.1-1993 Off-Street Parking.	Yes
3.4 - Site Works		
C1. Provide adequate drainage of car parking areas.	C1. Refer to Hydraulic Plans.	Yes
3.5 - Access, Manoeuvring and Layout		
C3. Design car parking areas with a simple layout.	C3. The basement layout provides a relatively simple layout.	Yes
C4. Ensure all vehicles can enter and leave in a forward direction.	C4. All vehicles can enter and exit in a forward direction.	Yes
C7. Avoid driveways being opposite existing driveways, restricted sight distances, or within 6m of an intersection.	C7. The driveway is not opposite a driveway, provides unobstructed site distances, and is not within 6m of an intersection.	Yes
C9. Setback car parking entries are to be setback behind the building line.	C9. The car park entry is behind the front building line.	Yes
C12. Minimum setback from the side boundary to the driveway of 1.0m.	C12. The access driveway is setback 1.0 - 1.29 metres from the southern boundary.	Yes
C13. Suitably landscape the area between the driveway and the property boundary.	C13. New landscaping is proposed between the driveway and the southern boundary.	Yes
C17. Minimum headroom within car parking area of 2.3 metres.	C17. Minimum headroom of 2.5 metres.	Yes
4.1 - Preservation of Trees		
C1. Refer to Clause 5.9 of the Holroyd LEP 2013.	C1. Clause 5.9 of the Holroyd LEP 2013 is considered above.	Yes

4.2 - Development Works including Existing Trees and Landscaping		
C2. Incorporate existing trees identified as having medium to high retention values.	C2. Refer to Arboricultural Impact Assessment. Further, the proposed development includes the retention of two (2) existing trees on the site, and the proposed landscaping includes the planting of an additional 26 replacement trees across the site, including within the setbacks to the front, side and rear boundaries.	Yes
C5. Development shall not impact trees on public land.	C5. There will be no impact on any trees on public land.	Yes
C10. Provide landscaping that enhances the streetscape and setting of development.	C10. New landscaping is proposed within the front setback.	Yes
C16. Provide landscaping that it is in keeping with the character of its locality.	C16. The proposed landscaping will enhance the landscaped setting of the site and surrounds.	Yes
6.1 - Cut & Fill and Retaining Walls		
C3. On sloping sites, cut and fill should be balanced.	C3. The floor levels of the building reflect the sloping topography.	Yes
C4. Cut and fill should not reduce the privacy of adjacent land uses.	C4. The cut and fill will not reduce the privacy of adjacent land uses.	Yes
C5. Integrate development with the natural topography of the site.	C5. The floor levels of the building reflect the sloping topography.	Yes
C6. Minimise soil loss through effective site management practices.	C6. Normal precautions will be taken to minimise soil loss.	Yes
C10. Limit the height of retaining walls to no more than 1m.	C10. There are no retaining walls in the vicinity of any boundary with a height of more than 1m.	Yes
C12. Limit the height of walls and fences to no more than 2.2m.	C12. The boundary fences have a maximum height of 1.8 metres.	Yes
6.2 - Site Contamination and Land Filling		
C1. Council may require investigation of existing site contamination levels prior to the approval of new building works on the site.	C1. There is no evidence of to suggest that the land is likely to be contaminated to the extent that would render it unsuitable for continued residential use.	Yes

6.4 - Erosion and Sediment Control		
C2. Soil materials are not to enter adjacent lands, street gutters, drains and/or waters.	C2. Normal precautions will be taken during the construction phase.	Yes
C5. Implement appropriate erosion control measures.	C5. Normal precautions will be taken to minimise erosion.	Yes
6.5 - Salinity Management		
C2. Investigate the need for a Salinity Management Response.	C2. The proposed earthworks will be appropriately managed, and normal precautions will be taken to ensure there are no adverse environmental impacts related to soil salinity.	Yes
8. Flood Prone Land		
On 13 August 2014, Council advised the Applicant that the *"Minimum habitable floor levels shall be 0.5m above the flood level at the upstream side of the structure. Minimum non-habitable floor levels (garages, laundries, sheds, etc.) shall be 0.15m above the flood level at the upstream side of the structure. Interpolation between flood levels is allowed"*.	The proposed development has been designed to provide minimum habitable floor levels of 0.5m above the identified flood level.	Yes
10.0 - Safety and Security		
C2. Reduce the attractiveness of crime by minimising, removing or concealing crime opportunities.	C2. The proposed development provides good internal surveillance to minimise crime opportunities.	Yes
C3. Incorporate and/or enhance opportunities for effective natural surveillance.	C3. The development provides good opportunities for effective natural surveillance.	Yes
C4. Minimise opportunities for crime through suitable access control.	C4. A security grill will control access to the basement, and a security gate will control access to the central pedestrian walkway.	Yes
11.1 - Site Waste Minimisation and Management Plan		
C1. Submit a Site Waste Minimisation and Management Plan.	C1. A Site Waste Minimisation and Management Plan has been submitted.	Yes

11.2 - Demolition of Buildings		
C1. Complete the Demolition section of the Site Waste Minimisation and Management Plan.	C1. The Demolition section of the site Waste Minimisation and Management Plan has been completed.	Yes
11.3 - Residential Land Use Waste Management		
C1. Provide a Waste Cupboard within the dwelling.	C1. A waste cupboard will be provided within the apartments.	Yes
C3. Provide a Waste Storage and Recycling Area.	C3. A waste and recycling room is located within the basement.	Yes
12.0 - Services		
C1. Ensure the design, construction and location of utility services conform to the specific standards of the relevant servicing authority.	C1. All utility services will conform to the specific standards of the relevant servicing authority.	Will Comply
Part B - Residential Controls		
1.1 - Building Materials		
C1. Building materials must be compatible with the streetscape and character of its locality.	C1. The locality is characterised by a diversity of building materials, and the palette of external finishes reflects the contemporary architectural style of the development.	Yes
C3. The use of light coloured galvanized iron and other reflective materials is discouraged.	C3. The external materials do not include any light coloured galvanized iron, and the use of reflective materials has been minimised.	Yes
1.2 - Fences		
C1. Fencing styles shall be associated with housing styles that characterise different areas of Holroyd.	C1. The locality is characterised by a relative diversity of fencing styles, and the proposed masonry wall with slats and landscaping along the front boundary reflects the contemporary architectural style of the development.	Yes
C2. Integrate the design of fences with the design of the development.	C2. New lapped and capped timber fencing to a height of 1.8 metres will be erected along the side and rear boundaries, and the	Yes

	front boundary treatment consists of a masonry wall with slats and landscaping.	
C5. Fencing should be stepped with the topography of the site.	C5. The proposed fencing reflects the sloping topography of the site.	Yes
C7. Front fences should be low and transparent and shall be sympathetic with prevailing materials and detailing of surrounding properties.	C7. The front boundary treatment consists of a masonry wall with slats and landscaping, and is consistent with the variable nature of surrounding development, and the contemporary architectural style of the development.	Yes
C11. Front fences are permitted to be solid up to a height of 1 metre and are to be at least 50% transparent to 1.5 metres.	C11. The front boundary treatment consists of a masonry wall extending to a height of less than 1.0 metre above existing ground level, with partially open slats above.	Yes
C16. Side and rear fences should be provided where a suitable fence does not exist.	C16. New lapped and capped timber fencing to a height of 1.8 metres will be erected along the side and rear boundaries.	Yes
C17. Side and rear fencing should be 1.5 - 2.1 metres above existing ground level.	C17. New lapped and capped timber fencing to a height of 1.8 metres will be erected along the side and rear boundaries.	Yes
1.3 - Views		
C1. The design of development shall be designed to minimise the obstruction of such views.	C1. The proposed development will not obstruct any significant views.	Yes
1.4 - Privacy		
C1. Windows should not provide direct and close views into the windows and habitable rooms and private open space of adjoining dwellings.	C1. The privacy of the adjoining dwellings has been reasonably maintained by generally complying with the side and rear boundary setback controls, and providing new landscaping within the setbacks to the side and rear boundaries, including multiple	Yes

	canopy trees supplemented by lower level trees and shrubs.	
C3. Provide 1500mm high window sills in ground floor living areas located higher than 1 metre above existing ground level and within 6 metres of the property boundary.	C3. The ground floor living areas are all within 1 metre of existing ground level other than where some adjustments are required to accommodate the 1% AEP flood level, and the boundary fencing and perimeter landscaping will prevent any overlooking from the living rooms. Further, there are no window openings within 6 metres of the property boundaries.	Yes
C4. Building designed elements shall be used to increase visual privacy.	C4. The building layout and design maintains internal privacy between the individual dwellings, and the privacy of the adjoining properties.	Yes
C6. Landscaping shall be designed to provide screening and filtering for control of privacy.	C6. The proposed landscaping has been designed to filter external views.	Yes
C8. Any proposed attic windows are not to overlook windows of adjacent dwellings or their private open space.	C8. The attic level provides substantial setbacks to the side and rear boundaries to adequately ameliorate any overlooking of the adjacent dwellings and their private open space.	Yes
C10. Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate separation within the development and from neighbouring buildings.	C10. The internal site layout achieves appropriate acoustic privacy by complying with the side and rear boundary setback controls, and providing adequate physical separation from the neighbouring buildings.	Yes
C17. Separate noisier spaces from quieter spaces.	C17. The apartment layouts generally provide for the separation of noisier spaces from quieter spaces.	Yes
C19. Balconies are permitted along side boundaries of	C19. Balconies are proposed on the northern side of the building.	Minor Variation

residential flat buildings, as long as they meet the required separation distances.	The balconies meet the separation distance of 6 metres, with the minor exception of two (2) balconies at the first and second floor levels. The canopy trees within the setback will prevent any significant overlooking.	
1.5 - Landscaping and Open Space		
C1. Landscaped area shall be a minimum of 2 metres wide and, where possible, at ground level.	C1. The landscaped areas are a minimum of 2 metres wide and are located at ground level beyond the designated communal area located towards the centre of the site.	Yes
C3. No more than 50% of the provided landscaped area shall be forward of the front building line.	C3. Less than 50% of the total landscaped areas is located forward of the building line.	Yes
C5. Hard paved areas shall not cover the entire front setback.	C5. The front setback includes a combination of paved areas and soft landscaping, including eight (8) new trees.	Yes
C7. Landscaped areas shall adjoin the landscape areas of neighbouring properties.	C7. The proposed landscaping extends along the side and rear boundaries to form a continuation of the landscaping on the neighbouring properties.	Yes
Landscaped Area C10. Landscaped area of 30% of the total site area.	**Landscaped Area** C10. 43.1% of the total site area is provided as landscaped area, including 32.8% as soft landscaping.	Yes
1.6 - Safety and Security		
C1. The front door of a dwelling should be either visible from the street or be overlooked by a window.	C1. The main entrance will be clearly visible to/from O'Neill Street.	Yes
C2. No blanks walls along street frontages.	C2. No blank walls are proposed on the street frontage.	Yes
C3. Avoid landscaping that may allow intruders to hide.	C3. The landscaping will not allow intruders to hide.	Yes

C5. Control access to and from residential properties.	C5. A security grill will control access to the basement, and a security gate will control access to the central pedestrian walkway.	Yes
1.7 - Building and Site Sustainability		
C1. Incorporate principles for achieving a more sustainable home.	C1. The Application is accompanied by a compliant BASIX Certificate, and the building design and materials will contribute to sustainable living.	Yes
C2. Use soft landscaping to promote soil infiltration.	C2. The proposed development complies with the landscaped area control.	Yes
1.8 - Sunlight Access		
C1. Minimise impact on sunlight access and amenity obtained by existing adjacent properties.	C1. The potential overshadowing of the adjoining properties to the south and east has been minimised by complying with the building height and boundary setback controls, and limiting the length of the building along the southern boundary.	Yes
C6. Adjacent dwellings must receive a minimum of 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice to at least one main living area.	C6. The proposed development will overshadow portions of the adjoining properties to the south and east in mid-winter. Portions of the adjoining properties will continue to receive 3 hours sunlight between 9.00am and 4.00pm in mid-winter.	Yes
C7. 70% of dwellings shall receive a minimum of 3 hours direct sunlight between 9.00am and 4.00pm at the winter solstice.	C7. 95% of the apartments will achieve a minimum of 3 hours of solar access to the main living areas and open space between 9.00am and 4.00pm at the winter solstice.	Yes
1.9 - Cut and Fill		
C1. Integrate development with the natural topography of the site.	C1. The floor level of the building reflects the gently sloping topography of the site.	Yes
C10. Ensure the privacy and	C10. The proposed development	Yes

amenity of the development and surrounding dwellings is not affected.	will not cause significant or unreasonable loss of privacy to the surrounding properties.	
1.10 - Demolition		
C1. Approval for the demolition is required from Council.	C1. The proposed development includes the demolition of the existing structures on the site.	Yes
1.11- Car Parking and Roads		
C21. Minimise vehicular access points.	C21. The number of vehicular access points along O'Neill Street will be reduced.	Yes
C22. Vehicle crossings widths of 3 - 6 metres.	C22. The proposed vehicle crossing is 5.5 metres wide.	Yes
C24. Use landscaping to minimise the visual intrusion of vehicular access points.	C24. New landscaping is proposed on either side of the access driveway and within the front setback area.	Yes
C26. New driveways should be 1.5 metre away from the side boundaries.	C26. The access driveway is setback 1.0 metres from the southern boundary, with the setback area accommodating new landscaping.	Appropriate Design Solution
C30. All vehicles to enter and exit the property in a forward direction.	C30. All vehicles will be able to enter and exit the site in a forward direction.	Yes
C32. Basement parking is permitted for all residential development.	C32. The proposed development provides basement car parking.	Yes
C36. Basement parking should not increase the bulk and scale of development.	C36. The basement level does not increase the bulk or scale of the development.	Yes
C37. Basement parking should not affect the privacy of adjacent residential development.	C37. The basement level will not affect the privacy of the adjacent residential development.	Yes
1.12 - Universal Housing and Accessibility		
C1. Minimise any barriers to less mobile persons.	C1. The development has been designed to minimise barriers to less mobile persons.	Yes
C3. 15% of dwellings should comply with AS4299-1995-Adaptable Housing Class B.	C2. Four (4) apartments have been designed as adaptable apartments.	Yes

1.13 - Subdivision		
C21. Strata subdivision of residential flat buildings is allowed subject to compliance with the DCP.	C21. A separate Application will be made for the strata subdivision of the proposed development.	Will comply
6.1 - Lot Size and Frontage		
C1. The minimum lot frontage of 24 metres.	C1. The site has a frontage of 42.9 metres to O'Neill Street.	Yes
C3. Individual properties should not be left between developments that would limit their future development potential.	C3. The proposed development does not leave any adjoining properties unable to be developed for the purposes of residential flat development.	Yes
6.2 - Site Coverage		
C1. Maximum site coverage of 30% of the site area.	C1. Site coverage of 29.9% of the site area.	Yes
6.3 - Setbacks and Separation		
Front Setback C1. The minimum setback from the principal street frontage of 6 metres.	**Front Setback** C1. Minimum front boundary setback of 6 metres, with the exception of the four (4) balconies setback 5.2 metres.	Minor Variation
C4. The front setback should be landscaped except for driveways and paths.	C4. The front setback is landscaped beyond the access driveway and pedestrian pathways.	Yes
Rear Setback C5. Minimum rear boundary setback of 20% of the length of the property, or 6 metres, whichever is greater.	**Rear Setback** C5. Rear boundary setback of 7.9 - 11.25 metres. The variation to the setback control relates to a relatively short section of the building, and a separation distance of more than 12 metres is maintained with the adjoining building to the east.	Appropriate Design Solution
Side Setbacks C6. Minimum side setback of 3 metres.	**Side Setbacks** C6. Side boundary setbacks of 5.265 - 6.0 metres.	Yes
Separation Separation between adjoining buildings of 6 - 12 metres.	**Separation** The boundary setbacks provide separation distances of	Yes

	approximately 7.5 - 15.0 metres to the rear, and contribute 50% of the required separation distance to the north and south.	
Use of Setbacks C9. Landscape side and rear setbacks and include private courtyards, communal open space and clothes drying facilities.	**Use of Setbacks** C9. Portions of the side and rear setbacks are used for private courtyards and communal open space.	Yes
C10. Use one side setback for access with a minimum 1m wide landscaped buffer.	C10. The setback to the south is used for vehicular access, and a 1m wide landscaped strip extends along the boundary.	Yes
6.4 - Height		
C1. Minimum floor to ceiling height of 2.7m for habitable rooms and 2.4 for non-habitable rooms. Attic should have 1.5 metre minimum wall height at the edge of room with a 30 degree minimum ceiling slope.	C1. Minimum floor to ceiling height of 2.6 - 2.7 metres in habitable rooms and non-habitable rooms.	Yes
C3. Maximum building height in storeys of 4 storeys.	C3. The proposed building is 4 storeys plus an attic level.	Yes
C4. Attics are permissible where they comply with height and floor space ratio requirements.	C4. The attics marginally exceed the building height control, however 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 extend to a maximum height of 15 metres.	Acceptable Design Solution
6.5 - Building Depth		
C1. Maximum internal plan depth of 18 metres.	C1. Maximum internal plan depth of 18 metres.	Yes
6.6 - Open Space		
C1. Communal open space to be behind the building line, in one unbroken parcel, with minimum dimensions of 4 metres.	C1. The communal area is behind the building line, and interconnected to a single parcel with minimum dimension of more	Yes

	than 4 metres.	
C3. Communal area of 10m^2 per dwelling or 30% of site area, whichever is greater.	C3. Communal area of 16.9m^2 per dwelling or 30.1% of the site area.	Yes
C4. Communal open space to be visible and accessible from dwellings.	C4. The communal open space is visible and accessible.	Yes
C7. Landscape communal open space and provide for active and passive recreation.	C7. The communal area can accommodate active and passive recreation.	Yes
C10. Each dwelling to have access to private open space.	C10. All dwellings have access to private open space.	Yes
C11. Minimum balcony areas of 10m^2 with minimum dimensions of 2m for studio and 1 bedroom units, and 2.4m for 2 bedroom units.	C11. Balcony areas of 10m^2 - 19.2m^2, with minimum dimensions of 2.1 metres.	Yes
C12. Private open space is not encouraged within the street setback unless it provides for casual surveillance.	C12. The courtyards within the front setback will facilitate natural surveillance.	Yes
C14. Ground floor dwellings to have courtyard of 10m^2 and a minimum dimension of 2.5m.	C14. The courtyards have areas of 11.5m^2 - 18m^2, with minimum dimensions of 2.5 metres.	Yes
6.7 - Building Appearance		
C1. Facades to reflect the scale, rhythm and proportion of the building's use and contextual character.	C1. The building facades reflect the scale, rhythm and proportion of the building use, and the desired future character of the locality.	Yes
C3. All walls to the street shall be articulated.	C3. The front façade is vertically and horizontally articulated.	Yes
6.8 - Building Entry and Pedestrian Access		
C1. The building entry should be clearly identifiable.	C1. The building entry is clearly identifiable.	Yes
C5. Separate the main building entry from the car park.	C5. The building and car park entries are separated.	Yes
C8. The main building entry shall be accessible from the street and car parking area.	C8. The main entry is accessible from the street and car parking area.	Yes
6.9 - Parking and Vehicular Access		

C1. Provide basement car parking.	C1. Basement parking is provided.	Yes
C2. Limit access points.	C2. Only one (1) access driveway is required.	Yes
C3. Separate vehicular and pedestrian crossings.	C3. The vehicular and pedestrian crossings are separated.	Yes
6.10 - Dwelling Layout and Mix		
C9. Back of kitchens no more than 8 metres from a window.	C9. The back of kitchens are a maximum of 7.7 metres from a window.	Yes
C13. Provide a mix of apartment types in larger developments.	C13. The mix of apartments responds to an identified market demand.	Yes
C14. Studio and 1-bedroom apartments should not be more than 20% of the total dwellings.	C14. The mix of apartments responds to an identified market demand.	Response to Market Demand
6.11 - Internal Circulation		
C1. Maximum of eight (8) dwellings to be accessed from a single core/corridor.	No more than seven (7) apartments on any floor other than twelve (12) at the third floor to avoid the cost of installing a second lift.	Appropriate Design Solution
6.13 - Natural Ventilation		
C1. Promote and guide natural breezes.	C1. 78% of the apartments will be naturally ventilated.	Yes
6.14 - Maintenance		
C3. Select durable materials which are easily cleaned and graffiti resistant.	C3. The external materials and durable and graffiti resistant.	Yes
6.15 - Waste Management		
C1. Provide a bin storage area behind the building line.	C1. The bin storage area is located within the basement.	Yes

4.4 Planning Agreements

There are no planning agreements of relevance to the proposed development.

4.5 Impacts of the Development

The proposed development has generally been designed to provide a good standard of residential accommodation, with the built form

designed to sit in a landscape setting, incorporating a multitude of canopy trees within common areas and around the perimeter of the site.

The proposed development includes the retention of two (2) existing trees on the site, and the proposed landscaping includes the planting of an additional 26 replacement trees across the site, including within the setbacks to the front, side and rear boundaries.

Further, the existing/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.

The proposed development has been designed as *"affordable rental housing"* pursuant to State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009. Accordingly, the proposed development will contribute to housing diversity and affordability, capitalising on the sites proximity to the railway station and the surrounding retail/commercial centre.

The proposed development provides the appropriate composition of building and landscape elements, textures, materials and colours to reflect the positive elements of the emerging neighbourhood, its use, internal design and structure.

Further, the proposed development will not impose any significant or unreasonable impacts on the amenity of surrounding land in terms of loss of privacy, loss of views or overshadowing.

Finally, normal precautions will be implemented during the construction phase of the proposed development to ensure there are no adverse environmental impacts including the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.

4.6 Suitability of the Site

The site is located approximately 150 metres to the north of Guildford Railway Station and the surrounding retail/commercial centre, and effectively forms part of a larger residential precinct zoned for high

density residential development, in the vicinity of Guildford Railway Station and the surrounding retail/commercial centre.

The proposed development will contribute to the character and diversity of the locality without imposing any significant or adverse impacts on the amenity of surrounding land.

4.7 Public Interest

The proposed development will the proposed will contribute to housing diversity and affordability, capitalising on the sites proximity to the railway station and the surrounding retail/commercial centre.

5. CONCLUSION

The site is located on the eastern side of O'Neill Street, between Grove Street to the north and Guildford Road to the south. The site is located approximately 150 metres to the north of Guildford Railway Station and the surrounding retail/commercial centre.

The proposed development comprises the demolition of the existing structures on the site, and the construction of a residential flat building accommodating 41 apartments.

Off-street car parking is proposed for 36 vehicles located within a basement structure accessed via a combined entry/exit driveway located along the O'Neill Street frontage of the site.

The proposed development has been designed as *"affordable rental housing"* pursuant to State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009. Accordingly, the proposed development will contribute to housing diversity and affordability, capitalising on the sites proximity to the railway station and the surrounding retail/commercial centre.

Further, the proposed development has been designed to provide a good standard of residential accommodation, with the built form designed to sit in a landscape setting, incorporating a multitude of canopy trees within common areas and around the perimeter of the site.

The proposed development contains the appropriate composition of building and landscape elements, textures, materials and colours to reflect the positive elements of the emerging neighbourhood, its use, internal design and structure.

The proposed development will contribute to the character and diversity of the locality without imposing any significant or adverse impacts on the amenity of surrounding land.

ATTACHMENT A

Request to Vary Building Height Control

1. Proposed Development

The proposed development comprises the demolition of the existing structures on the site, and the construction of a residential flat building accommodating 41 apartments.

Off-street car parking is proposed for 36 vehicles located within a basement structure accessed via a combined entry/exit driveway located along the O'Neill Street frontage of the site.

The proposed development has been designed as *"affordable rental housing"* pursuant to State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009. Accordingly, the proposed development will contribute to housing diversity and affordability, capitalising on the sites proximity to the railway station and the surrounding retail/commercial centre.

Further, the proposed development has been designed to provide a good standard of residential accommodation, with the built form designed to sit in a landscape setting, incorporating a multitude of canopy trees within common areas and around the perimeter of the site.

2. Legislative Context

Clause 4.3 of the Holroyd Local Environmental Plan (LEP) 2013 specifies a maximum building height of 15 metres. The proposed development extends to a maximum height of 16.5 metres (refer to Section a-a).

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 extend to a maximum height of 15 metres.

Clause 4.6(2) of the LEP specifies that *"development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument"*.

Clause 4.6(3) specifies that development consent must not be granted for development that contravenes a development standard unless the consent authority 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.*

Clause 4.6(4) specifies that development consent must not be granted for development that contravenes a development standard unless:

> *(a) the consent authority is satisfied that:*
> *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
> *(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
> *(b) the concurrence of the Director-General has been obtained.*

Finally, Clause 4.6(5) specifies that in deciding whether to grant concurrence, the Director-General must consider:

> *(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
> *(b) the public benefit of maintaining the development standard, and*
> *(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

3. Assessment

Is the requirement a development standard?

The building height control is a development standard and is not excluded from the operation of Clause 4.6(2) of the LEP.

What is the underlying object or purpose of the standard?

The objectives of the building height control are expressed as follows:

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

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The Department of Planning published *"Varying development standards: A Guide"* (August 2011), to outline the matters that need to be considered in Development Applications involving a variation to a development standard.

The Guide essentially adopts the views expressed by Preston CJ in *Wehbe v Pittwater Council [2007] NSWLEC 827* to the extent that there are five (5) different ways in which compliance with a development standard can be considered unreasonable or unnecessary.

1. *The objectives of the standard are achieved notwithstanding the non-compliance with the standard;*

In terms of objective (a), the variation to the building height control will not materially change the overall bulk, scale or visual impact of the proposed development, and the additional height 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 building height control.

Further, the variation to the building height control will marginally increase the overshadowing of the adjoining property to the south during the midday period in mid-winter, and the additional shadows generated during the morning and afternoon periods will generally fall within the shadows cast by the adjoining building.

Finally, the proposed variation to the building height control will not contribute to any additional overlooking of the surrounding properties. In particular, the upper level windows are well setback from the side and rear boundaries, and in any event, a series of horizontal louvres are located on the outside of the upper level windows to substantially prevent any downward overlooking of the surrounding properties.

In terms of objective (b), the building form steps down the site towards the rear to reflect the sloping topography, and the additional height 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 building height control.

In terms of objective (c), the variation to the building height control will not material change the overall scale and intensity of the proposed development, and the additional height 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 building height control.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

The objectives of the building height control remain relevant, and the proposed development is generally consistent with (or not antipathetic to) the objectives of the building height control, notwithstanding the numerical variation.

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

The proposed development is generally consistent with (or not antipathetic to) the objectives of the building height control, notwithstanding the numerical variation.

In the circumstances, 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.

4. *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

The building height control has not specifically been abandoned or destroyed by the actions of Council.

5. *Compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

The zoning of the land remains relevant and appropriate, and the proposed development is generally consistent with (or not antipathetic to) the relevant objectives of the R4 - High Density Residential zone.

In particular, the housings need of the community will be provided for within a high density residential environment, and the proposed accommodation will contribute to the variety of housing types available within the locality.

Are there sufficient environmental planning grounds to justify contravening the development standard?

The proposed variation to the building height control is reasonable and appropriate in the particular circumstances on the basis that:

- 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 (or not antipathetic to) the objectives of the building height control, notwithstanding the numerical variation.

Are there any matters of State or regional significance?

The proposed variation to the building height control does not raise any matters of State or regional significance.

What is the public benefit of maintaining the standard?

The proposed development is generally consistent with (or not antipathetic to) the objectives of the building height control, notwithstanding the numerical variation. In the circumstances, the proposed development does not affect the public benefit of maintaining the building height control in other instances.

Any other matters?

There are not further matters of specific relevance to the proposed variation to the building height control.

4. Conclusion

The purpose of this submission is to formally request a variation to the building height control pursuant to Clause 4.6 of the Holroyd LEP 2013.

In general terms, compliance with the building height control is unreasonable and unnecessary in the particular circumstances, and there are sufficient environmental planning grounds to justify the proposed variation.