

**TO:** Sydney Central City Planning Panel

**SUBJECT:** 16-26 Friend Street MERRYLANDS NSW 2160

**APPLICATION No:** DA2020/0197

<b>Application lodged</b>	3 April 2020
<b>Applicant</b>	NSW Land & Housing Corporation, C Watkins
<b>Owner</b>	NSW Land & Housing Corporation
<b>Application No.</b>	DA2020/0197
<b>Description of Land</b>	16 -26 Friend Street MERRYLANDS NSW 2160, Lots 34, 35, 36, 37, 38 and 39 in DP 35643
<b>Proposed Development</b>	Demolition of existing structures, tree removal and construction of two storey seniors housing development in two stages comprising 30 units with at-grade car parking including lot consolidation and associated landscaping & stormwater works
<b>Site Area</b>	4492.8m <sup>2</sup>
<b>Zoning</b>	R2- Low Density Residential
<b>Regional Development Criteria</b>	Crown Development with Capital Investment Value over \$5 million
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	No
<b>Principal Development Standards</b>	<ul style="list-style-type: none"> <li>Floor Space Ratio – 0.5:1 (HLEP 2013) Proposed: 0.48:1</li> <li>Height of Buildings – 9m Proposed: is 8.9m</li> </ul>
<b>Issues</b>	Density and scale Private open space Setbacks Submissions

## SUMMARY

- Development Application No. DA2020/0197 was received on 3 April 2020 for the demolition of existing structures, tree removal and construction of two storey seniors housing development in two stages comprising 30 units with at-grade car parking including lot consolidation and associated landscaping & stormwater works.
- The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 1 May 2020 and 22 May 2020. In response, a total of 3 unique submissions including a petition containing 29 signatures were received, objecting to the proposal.

3. The application is being made pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP), which permits seniors housing development on R2 Low Density residential zone, despite the provisions of any other environmental planning instrument.
4. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Holroyd Local Environmental Plan 2013 (HLEP) and Holroyd Development Control Plan 2013 (HDCP).
5. The proposal seeks the following variations which are considered supportable as discussed in detail elsewhere in the report:

Control	Required	Provided	% variation
Density and scale - SEPP (Housing for Seniors or People with a Disability) 2004	0.5:1 Required GFA = 2246.4m <sup>2</sup>  Proposed GFA = 2524.4m <sup>2</sup>	0.56:1 Proposed GFA (as calculated in accordance with SEPP definition) = 2524.4m <sup>2</sup>	12%
Driveway Setback (HDCP 2013)	Min. 1.5m	1.2m for unit 25 driveway along eastern boundary	20%
Rear setbacks (single dwellings) – (HDCP 2013)	7m for first floor	4m However, complies with Multi Dwelling Housing controls	43%

6. The application is recommended for approval subject to the conditions as provided in the Draft Notice of Determination contained in Attachment 1 of this report.
7. The proposal is referred to the Sydney Central City Planning Panel given that the proposed development is carried out by or on behalf of the Crown and has a capital investment value of more than \$5 million.
8. The draft conditions of approval were forwarded to the applicant (LAHC) by email dated 29 September 2020. The applicant has agreed to all the conditions.

## REPORT

### SUBJECT SITE AND SURROUNDING AREA

The subject site comprises 6 allotments, being lots 34, 35, 36, 37, 38 and 39 in DP 35643 and is owned by Land and Housing Corporation NSW. The site is known as 16 – 26 Friend Street, Merrylands. The site is a regular block with a combined frontage of 95.1m to Friend Street, depth of 42.245m and a total site area of 4,492.8m<sup>2</sup>. Existing improvements on the site include 6 x single-storey residential dwellings

with associated structures and vegetation. The site falls approximately 4.5m from the south eastern corner to north western corner.

The site adjoins low density residential development to the east and south and its western boundary adjoins Alderson Park, which is Council's owned land. Merrylands town centre is located approximately 2km south-east of the site. The site benefits from access to good bus services, with bus stops in both directions being situated within 400m of the site. These bus services connect the site with Merrylands town centre, Parramatta CBD and Westmead and their respective train stations providing convenient access to retail, commercial, community and recreational use.



Figure 1 - Zoning map with the subject site. Source: Cumberland Council



Figure 2- Aerial view of the locality with the subject site. Source: IntraMaps





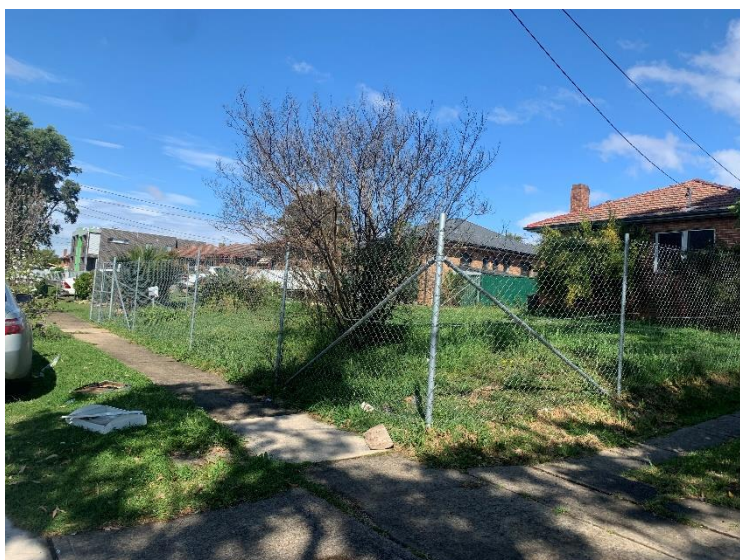


Figure 3, 4 & 5- Site Photos and adjoining Alderson Park.

## **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

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The proposed development includes the demolition of existing structures, tree removal and construction of two storey seniors housing development in two stages comprising 30 units with at-grade car parking including lot consolidation and associated landscaping & stormwater works.

Key features of the development proposal are as follows:-

- The proposal will be undertaken in two construction stages – ‘East Village’ and ‘West Village’. Each stage of the site is capable of operating independently, with exception of the stormwater OSD system which will be required to traverse the ‘West Village’ from the ‘East Village’.
- Demolition of 6 dwelling houses and associated structures.
- Removal of 17 trees (non-exempt species).

### Stage 1 West Village

- Tree removal (17 trees) across entire site;

- Construction of 14 units comprising 6 x 1-bedroom and 8 x 2-bedroom units (Units 1 to 14);
- At grade car parking for 7 vehicles including 3 accessible spaces;
- Services works including OSD and stormwater works
- Lot consolidation of lots 37, 38 and 39 into 1 lot; and
- Creation of drainage easement (burdening “West Village” and benefiting “East Village”).

### Stage 2 East Village

- Construction of 16 units comprising 6 x 1-bedroom and 10 x 2-bedroom (Units 15 to 30);
- at grade car parking for 8 vehicles including 4 accessible spaces; and
- Lot consolidation of lots 34, 35 and 36 into 1 lot.

### Access and Parking

Access to the site is via three vehicular entrances (2 primary vehicle entries (one for each ‘village’) and a separate accessible driveway) and four pedestrian entrances from Friend Street.

### Landscaping

Landscaping is proposed to provide a buffer and screening to adjacent lots and to embellish the setting and amenity of the development. Replacement tree planting is proposed to offset the loss of established trees on the site.

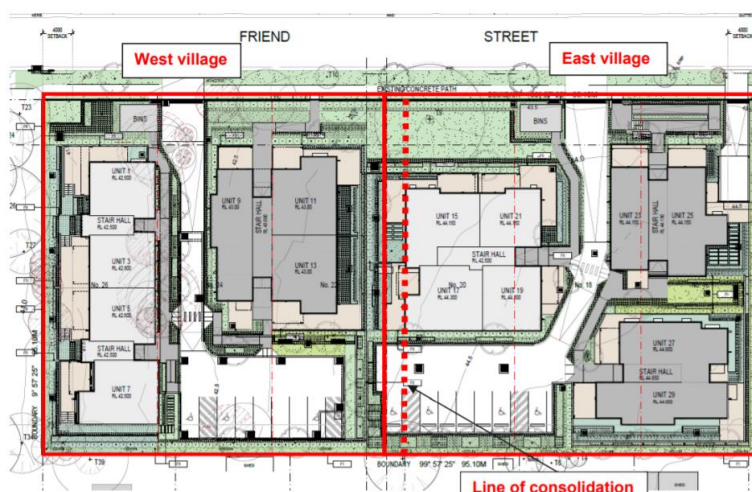


Figure 6- Stage construction of proposed development





Figure 7 & 8- 3D perspective of the proposed development.

## HISTORY

Date	Action
25/09/2019	Pre Development Advisory PDA/867 meeting was held for the demolition of existing structures and construction of a two storey seniors housing development comprising 30 units and at-grade car parking, associated landscaping and civil infrastructure works.
3/04/2020	Development Application 2020/0197 was lodged.
27/04/2020	The application was referred to Council's internal and external departments for review.
1/05/2020 to 25/05/2020	The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 21 days. In response, a total of 3 unique submissions including a petition containing 29 signatures were received objecting to the proposal.
20/10/2020	Application referred to SCCPP for determination.

## **APPLICANTS SUPPORTING STATEMENT**

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The applicant has provided a Statement of Environmental Effects prepared by Urbis dated 19 March 2020 in support of the application.

## **CONTACT WITH RELEVANT PARTIES**

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The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

## **INTERNAL REFERRALS**

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### Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the proposed stormwater drainage system complies with the relevant provisions of HDCP 2013 and Council's On-site Stormwater Detention policy and therefore can be supported subject to recommended conditions of consent.

### Environment and Health

The development application was referred to Council's Environment and Health Officer for comment with respect to contamination and acoustic matters. Council's Environmental Health Officer has advised that the development is supportable in regards to site contamination, acoustic assessment and soil assessment subject to the imposition of conditions which have been imposed within the draft conditions of consent.

### Tree Management Officer

The application was referred to Council's Tree Management Officer for comment. Response received indicates that the proposed tree removal and landscape works are satisfactory subject to conditions. The conditions recommended by the Tree Management Officer are included in the draft determination.

### Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the proposed waste management is supportable subject to conditions.

### Parks and Recreation

The development application was referred to Council's Parks and Recreation Officer for comment who has advised that the development proposal is satisfactory subject to recommended conditions of consent.

## **EXTERNAL REFERRALS**

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### Transgrid

The development application was referred to Transgrid for comment who has advised that the development is supportable in regards to not affecting Transgrid's asset.



### Endeavour Energy

The development application was referred to Endeavour Energy for comment who has advised that the development is supportable in regards to electricity connection, sufficient clearance to existing electricity asset and proposed substation provision, subject to conditions requiring submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the commencement of works.

### NSW Police

The application was referred to NSW Police for comment regarding CPTED. Response dated 20 May 2020 indicates that the proposal is satisfactory subject to conditions.

## **PLANNING COMMENTS**

### **The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))**

#### State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

#### **(a) State Environmental Planning Policy (State and Regional Development) 2011**

Development of a type that is listed in Schedule 7 of SEPP (State and Regional Development) 2011 is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act 1979. The proposed development is a Crown Development as the subject land is owned by NSW Land and Housing Corporation. The proposed development constitutes 'regionally significant development' as it is a Crown Development and has a Capital Investment Value (CIV) which exceeds the \$5 million threshold. While Council is responsible for the assessment of the DA, determination of the application will be made by the Sydney Central City Planning Panel.

#### **(b) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

SEPP (Housing for Seniors or People with a Disability) 2004 aims to provide access to affordable housing for older people, people with disability and those on low income. The proposed development has been assessed and found to generally comply with the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004.

The proposed development must satisfy Division 2 (Design Principles) of Part 3, Division 2 of the Seniors Housing SEPP (Clauses 33-39) before the consent authority can consider granting consent. These design principles are considered as follows:

Clause	Design Principles	Response
33	Neighbourhood amenity and streetscape	The development is considered to be in keeping with the existing and desired future character of the area. The development will maintain reasonable neighbourhood amenity and appropriate residential character by

		maintaining suitable building setbacks to reduce overshadowing and bulk, use of a built form that relates to the site landform, adopting building heights that are compatible with the scale of adjacent developments and the provision of suitable landscaping to embellish the site.
<b>34</b>	Visual and Acoustic Privacy	The proposal is considered to suitably ameliorate potential visual and acoustic privacy impacts on nearby residential properties by providing appropriate building setbacks, suitably orientated habitable windows and balconies, and providing screening devices and landscape screening. In this regard, visual and acoustic privacy has been maintained to an acceptable level.
<b>35</b>	Solar Access and design for Climate	Adequate solar access has been maintained to neighbouring dwellings by the provision of appropriate setbacks.  In addition 26 out of 30 units (86.6%) will receive at least 3 hours of solar access to the main living areas and POS of the proposed development.
<b>36</b>	Stormwater	It is considered, subject to appropriate conditions, that the development proposal will satisfy the requirements of clause 36. Further, Council's Engineering section has reviewed the proposal and advised that the proposed stormwater drainage system complies with the relevant provisions of HDCP 2013 and Council's On-site Stormwater Detention policy and therefore can be supported subject to recommended conditions of consent.
<b>37</b>	Crime Prevention	Safety and security have been maintained to an acceptable level. The proposal provides adequate surveillance.
<b>38</b>	Accessibility	The proposal will achieve safe pedestrian links from the site that provide access to public transport services and local facilities. Further, the proposed development provides convenient access to the car parking area for the residents.
<b>39</b>	Waste Management	The proposed development will provide waste facilities in keeping with Council's adopted waste management objectives.

A comprehensive assessment against the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004 has been undertaken, and is provided at Attachment 5 which indicates that there are minor non-compliances with the SEPP as discussed below:

No.	Control	Comment	Yes	No	N/A
<b>Part 7- Clause 50- Standards that cannot be used to refuse development consent for self-contained dwellings</b>					
<b>(b)</b>	<b>Density and scale</b>				
	<p>if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less</p> <p>Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>	<p>The subject area (comprising of six lots) has a total area of 4492.8 m<sup>2</sup>. Required GFA = 2246.4m<sup>2</sup></p> <p>Proposed GFA (as calculated in accordance with SEPP definition) = 2524.4m<sup>2</sup> which equates to FSR of 0.56:1; resulting in the development breaching 0.5:1 standard by 0.06:1 (12% variation).</p> <p>It is pertinent to note that this control is not a development standard under the SEPP, hence a clause 4.6 is not required.</p> <p>Despite this, the note contained under clause 50 outlines that the provision of this clause does not impose any limitations on the grounds which a consent authority may grant consent. In this regard, it is considered that the proposal exhibits sufficient merit for which the density and scale may be exceeded, as demonstrated by the following:</p> <ul style="list-style-type: none"> <li>• The proposed seniors housing development is of a modest scale and is considered to be in keeping with the established character of residential housing in the immediate locality.</li> <li>• The design incorporates 5 blocks to provide visual relief in terms of bulk and scale.</li> <li>• The proposal does not result in unacceptable impact on the amenity of the neighbouring properties or the residential amenity of the proposed occupants.</li> </ul> <p>Further, the proposal is consistent with the overall objectives of the SEPP in that it provides in that the proposal provides for development of seniors housing that is located in a suitable location close to the existing infrastructure and public transport facilities.</p> <p>Notwithstanding, the proposal complies with the FSR standard under HLEP 2013 i.e. 0.48:1 and has a bulk and scale compatible</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



No.	Control	Comment	Yes	No	N/A																
		with the existing locality. Also it is noted that the differences in FSR calculations between the SEPP & the HLEP 2013 is as a result of the differences in the definition of GFA in both Instruments.																			
(f)	private open space																				
	(i)In the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and	<div>The principal POS of units 9, 23 and 27 do not comply with the minimum area requirement as below:</div> <table><tr><th>No.</th><th>POS (principal)</th><th>Additional POS</th><th>Total</th></tr><tr><td>9</td><td>13.8m<sup>2</sup></td><td>11.7</td><td>25.5</td></tr><tr><td>23</td><td>14.2m<sup>2</sup></td><td>8.4</td><td>22.6</td></tr><tr><td>27</td><td>13.2m<sup>2</sup></td><td>8.6</td><td>21.8</td></tr></table> <div>However, with the addition of private open space provided elsewhere within these units as shown above, this equates to a total area of more than 15m2, which is compliant. As such, the minor deficiency in the primary POS area is considered satisfactory.</div>	No.	POS (principal)	Additional POS	Total	9	13.8m <sup>2</sup>	11.7	25.5	23	14.2m <sup>2</sup>	8.4	22.6	27	13.2m <sup>2</sup>	8.6	21.8	<div><input type="checkbox"/></div>	<div><input checked="" type="checkbox"/></div>	<div><input type="checkbox"/></div>
No.	POS (principal)	Additional POS	Total																		
9	13.8m <sup>2</sup>	11.7	25.5																		
23	14.2m <sup>2</sup>	8.4	22.6																		
27	13.2m <sup>2</sup>	8.6	21.8																		

**(c) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

Matter for Consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Matter for Consideration	Yes	No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the site adjoin any contaminated land/previously contaminated land?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Details of contamination investigations carried out at the site:</b>  The site is not identified in Council's records as being contaminated. Council's Environmental Health Officer has advised that following review of the submitted Preliminary Site Investigation, prepared by SMEC, Project No. 30012830.001, Revision 1, dated 16 December 2019; the site is considered suitable for the proposed development, subject to the imposition of conditions.		

**(d) State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The provisions of the ISEPP 2007 have been considered in the assessment of the development application.

*Clause 45 - Development likely to affect an electricity transmission or distribution network*

The subject site proposes a provisional substation location as part of the subject development.

The development application was referred to Endeavour Energy for comment who has advised that the development is supportable in regards to electricity connection and sufficient clearance to existing electricity asset, subject to conditions.

**(e) Statement Environmental Planning Policy No 19 - Bushland in Urban Areas (SEPP 19)**

The proposal does not propose to disturb bushland zoned or reserved for public open space.

**(f) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The proposal includes removal of existing trees within the subject site. However, this does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable. Please refer to the HDCP 2013 compliance table at **Attachment 7** for further comment regarding the proposed tree removal.

**(g) State Environmental Planning Policy (Coastal Management) 2018**

The subject site is not identified as a coastal wetland nor is it 'land identified as "proximity area for coastal wetlands" as per Part 2, Division 1 of the SEPP Coastal Management 2018.

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

BASIX certificate 1059488M\_02 dated 3 February 2020 was submitted with the application. The certificate achieves target scores and is consistent with the architectural plans.

Regional Environmental Plans

The proposed development is affected by the following Regional Environmental Plans:

**(a) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged.

(Note: - the subject site is not identified in the relevant map as 'land within the 'Foreshores and Waterways Area' or 'Wetland Protection zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

Local Environmental Plans

Pursuant to Holroyd LEP 2013, the subject site is zoned R2 – Low Density Residential. The proposal is defined as 'seniors housing' which is not a permitted land use within the R2 zone under HLEP 2013. However, pursuant to Clause 2(2) of the SEPP (Housing for Seniors and People with a Disability) 2004, the SEPP sets aside Local Environmental Planning controls which would not prevent the development of housing for seniors or people with a disability that meets the development criteria and standards of the SEPP.

Notwithstanding, a comprehensive assessment and compliance table is attached to this report in Attachment 6 which demonstrates the development proposal's compliance with the relevant planning controls and development standards applicable to the site under the Holroyd LEP 2013.

Development Standard	Yes	No	N/A	Response
<b>4.3 Height of buildings</b> 9 metres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The maximum height of the proposed building is 8.9m, as



				measured from natural ground level.
<b>4.4 Floor Space Ratio</b> 0.5:1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site Area: 4492.8 m <sup>2</sup> Required GFA = 2246.4 m <sup>2</sup> Provided GFA = 2185.4 m <sup>2</sup> Provided: 0.48:1

**The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))**

**(a) Draft State Environmental Planning Policy (Environment)**

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

**(b) Draft Cumberland Local Environmental Plan 2020 (Draft CLEP)**

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) has been prepared by Cumberland Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013,
- Parramatta Local Environmental Plan 2011, and
- Auburn Local Environmental Plan 2010.

The current planning controls for the subject site, as contained within the Holroyd LEP 2013, are not proposed to change under the Draft CLEP.

**(a) The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))**

The Holroyd DCP 2013 provides guidance for the design and operation of development within Holroyd to achieve the aims and objectives of Holroyd LEP 2013. HDCP 2013 contains general controls which relate to all developments under Part A. Whilst there are no specific DCP controls for seniors housing in HDCP 2013, the controls for medium density residential development in Part B are relevant to the assessment of the subject application with regard to built form and the relationship of buildings to the site.

A comprehensive HDCP compliance table is attached to this report at Attachment 7. A summary of the DCP non-compliances is provided in the following table.

<b>PART A – GENERAL CONTROLS</b>			
<b>Clause</b>	<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>3.5</b>	<b>Access, Manoeuvring and Layout</b>		
	Driveways shall be setback a minimum of 1.5m from the side boundary	<p>Driveway for unit 25 is setback 1.2m from eastern boundary.</p> <p>The proposed driveway location is considered to provide a safe vehicular access to unit 25. Further, this area has been appropriately landscaped to mitigate any negative impacts associated with the vehicular access adjacent to the common boundary. Further, Council engineering section has not raised any objection to the proposed driveway location.</p>	<b>No –</b> Acceptable in this instance.
<b>11</b>	<p>Waste rooms shall preferably be located behind the front building line.</p> <p>Shall be integrated into the design of the overall development.</p>	The proposal includes 2 x bin enclosures within the front setback of the development, one each for the east and west village. These enclosures have been designed to minimise any adverse amenity impacts including odour or visual clutter by incorporating building materials that are consistent with the main development. Further, these will be partly screened by landscaping in the front setback which will minimise streetscape impacts associated with the waste storage facilities.	<b>No –</b> Acceptable in this instance.

		In addition, each bin bay is enclosed by a roof structure to minimise any potential impacts.	
<b>PART B – RESIDENTIAL CONTROLS</b>			
<b>Clause</b>	<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>2.3</b>	<b>Setbacks</b> Rear setbacks: 7m for the first floor component of dwelling houses.	<p>The proposed development provides a minimum 4m rear setback for the ground and first floor. The non compliance for the first floor setback is supported on the following grounds:</p> <ul style="list-style-type: none"> <li>• This setback control applies to dwelling houses. However, the proposal is considered to be more comparable to the multi dwelling controls which require a 4m rear setback to which the proposal complies.</li> <li>• Notwithstanding, the non compliance is only limited to two rear units. The design of the development provides appropriate separation from the neighbouring dwellings to mitigate any potential amenity impacts with regard to type of openings proposed and provision of landscaping buffer along the rear boundary.</li> </ul>	<b>No –</b> Acceptable in this instance.

**The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))**

There is no draft planning agreement associated with the subject Development Application.

**The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))**

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulations 2000 (EP&A Reg).



**The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))**

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

**The suitability of the site for the development (EP&A Act s4.15 (1)(c))**

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

**Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))**

Advertised (newspaper) ☒      Mail ☒      Sign ☒      Not Required ☐

In accordance with Part E - Public Participation of the Holroyd DCP 2013, the application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 21 days from 1 May 2020 to 22 May 2020.

In response, a total of 3 unique submissions, including a petition containing 29 signatures, were received objecting to the proposal.

The issues raised in the public submissions are summarised and commented on as follows:

Issues	Comments
Traffic and parking	<p>The car parking proposed to be provided on site is greater than that required under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposal shall provide 1 space per 5 dwellings where the application is made by a social housing provider which equates to 6 car parking spaces. Fifteen (15) car spaces are proposed on the site.</p> <p>The Traffic Impact Assessment report submitted with the application has been prepared in accordance with RMS Technical Direction for Guide to Traffic Generating Developments and considered by Council's Development Engineer as satisfactory. The report indicates that the proposal will result in traffic impacts of 'no more than one (1) additional vehicle trip being generated every 10 minutes during the evening peak period' and is 'supportable from a traffic planning perspective with no external improvements to the network required.' The report provides information of the road network in the vicinity of the site and identifies Friend as a local road that currently permits on-street parking along both sides of the street, located outside of the bus zone and clearway restricted areas, and is well connected to the arterial and local road networks.</p> <p>The site with frontage of 95 metres currently is serviced by 6 separate driveway connections to Friend Street. These driveways will be redundant and replaced by three</p>

	<p>separate driveway connections to Friend Street instead, which will provide additional on-street parking.</p> <p>It is therefore considered that the on site parking provision proposed as part of this development will not adversely impact the existing traffic of the local road network and will provide adequate car parking spaces for the proposed development.</p> <p>Concerns regarding parking on the street is not a matter of planning consideration under the subject application. If problems are experienced with cars illegally parked on the street; a complaint can be lodged to request the issue will be investigated by Council's Compliance section.</p>
Bulk and scale/ character	<p>The Seniors Housing SEPP requires detailed consideration of character and streetscape for self-contained Seniors Housing developments, which requires consideration of Design Requirements and Design Principles (Clauses 30 – 33) for residential development. The proposal recognises the locality that is undergoing transition, from older single storey detached dwellings to 2 storey in- fill housing, and it is considered that reasonable neighbourhood amenity is maintained with the design of the proposal incorporating the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development and the key Neighbourhood amenity and streetscape design principles.</p> <p>The proposal has considered local streetscape character in the design of the development including incorporation of separate buildings along the streetscape, which represents the existing detached dwellings along Friend Street, 2 storey building height, pitched roof forms with articulated facades, traditional building materials (face brick and cladding), a built form stepped with topography, front building setbacks consistent with existing buildings setbacks and retention of significant trees within the front setback area. The parking has been designed to be located at the rear of the property to minimise the potential visual impacts on the street and extensive landscaping and tree retention is proposed within the development including within the front setback area to provide appropriate landscaping in context.</p>
Waste collection concerns	<p>Council's Waste Section has assessed the development and considers the waste storage and removal arrangements satisfactory. The development site has a frontage of 95 metres, with sufficient space (excluding driveways) for bins to be placed for pick up.</p>

	Further, the width of Friend Street has been assessed by Council's Waste Section and is considered to be no different to other streets in the locality. In this regard, width of the street will not have any impact on the waste collection services for the proposed development.
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### **The public interest (EP&A Act s4.15(1)(e))**

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

### **SECTION 7.11 (CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTION PLAN 2020)**

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This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure in accordance with Cumberland Local Infrastructure Contribution Plan 2020.

#### Comments:

In accordance with Ministerial Direction 'Environmental Planning and Assessment Act 1979 (Revocation of Direction in force under Section 94E and Direction under Section 94E)', dated 14 September 2017 and Cumberland Local Infrastructure Contributions Plan, the subject development is exempt from payment of contributions, as the Application is made under SEPP (Housing and Seniors or People with a Disability) 2004, by a social housing provider. In this regard, the development does not require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

### **DISCLOSURE OF POLITICAL DONATIONS AND GIFTS**

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The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

### **CONCLUSION**

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The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*. The likely impacts of the development in the locality have been assessed and are considered satisfactory.

The proposal is generally consistent with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Vegetation in Non-Rural Area) 2017, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Holroyd Local Environmental Plan 2013 (HLEP) and Holroyd Development Control Plan 2013 (HDCP) and is considered to be satisfactory for approval subject to the draft conditions of consent.

### **RECOMMENDATION**

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- 1. That Development Application No. DA2020/0197 for demolition of existing structures, tree removal and construction of two storey seniors housing development in two stages**

**comprising 30 units with at-grade car parking including lot consolidation and associated landscaping & stormwater works on land at 16 – 26 Friend Street MERRYLANDS NSW 2160 be approved subject to attached conditions.**

- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

## **ATTACHMENTS**

1. Draft Notice of Determination
2. Architectural Plans & Shadow diagrams
3. Landscape Plans
4. Stormwater/Engineering Plans
5. SEPP (Housing for Seniors or People with a Disability) 2004 and Schedule 3 Compliance Table
6. Holroyd Local Environmental Plan 2013 Compliance Table
7. Holroyd Development Control Plan 2013 Compliance Table
8. Access Report
9. Traffic Report
10. Acoustic Report
11. Submissions Received