
**Report to the Director General on an application for a Site Compatibility Certificate (SCC)
under State Environmental Planning Policy (Affordable Rental Housing) 2009**

SITE

Lots 139 and 140 in DP 35912, 118-120 Hannans Road, Narwee.

APPLICANT

NSW Land and Housing Corporation (NSW L&HC).

PROPOSAL

The proposal is for the construction of 15 dwelling units on the subject land, comprising a three storey residential flat building (RFB) to the front of the site containing 10 units, plus 5x2 bedroom two-storey townhouses at the rear. The RFB is proposed to contain 6x1 bedroom units, 3x2 bedroom units and 1x3 bedroom unit.

LGA

Canterbury City Council.

PERMISSIBILITY STATEMENT

Site Context

The site is located within an established residential area dominated by post-war cottages and more recent modern multi-unit housing. It is located approximately 450 metres from Narwee Railway Station, which is a major commuter station on the East Hills line. It also has convenient access to social infrastructure and is close to a number of major retail, commercial, educational, social and cultural services.

While RFBs are prohibited in the 2(a) Residential zone they are permitted in the 2(c4) zone approximately 200 metres away. There are also existing forms of older style three storey RFBs along Hannans Road directly across from Narwee Station, 450 metres away.

Under draft Canterbury LEP 2012, the site is proposed to be zoned R3 Medium Density Residential, which would permit various housing types, but not RFBs. Maximum 0.5:1 FSR and 8.5 metre building height controls would also apply under the draft LEP.

While 118 Hannans Road is vacant, number 120 contains a single storey detached brick cottage which is part of a larger Housing Commission development, but has come to the end of its economic life. A large number of surrounding and nearby properties are owned by NSW L&HC (see p 21 of the Application). Located directly opposite the site at 85-91 Hannans Road is a NSW L&HC residential development comprising 17 single and double storey units.

Strategic Justification

The proposed RFB and townhouses use of the site is consistent with the objectives and directions of both the *Metropolitan Plan for Sydney 2036* (Metropolitan Plan) and the draft *Sydney City Subregional Strategy* (Subregional Strategy) on the basis that:

1. as the proposed development would be located within approximately 450 metres of Narwee Railway Station, it will assist the Metropolitan Plan's aims of developing more efficient homes,

2. reducing car dependence, promote public transport, reducing greenhouse emissions and containing Sydney's urban sprawl; and
3. the proposal will assist Canterbury Council in meeting its dwelling target under the South Subregional Strategy and contribute to housing diversity in the Canterbury LGA.

CLAUSE 37(6)

Clause 37(6) of the SEPP states that the Director General must not issue an SCC unless he:

- (a) has taken into account any comments received from the council within 14 days after the application for the SCC was made; and
- (b) is of the opinion that the development concerned is:
 - (i) compatible with the surrounding land uses having regard to the matters set out in clause 37(6)(b); and
 - (ii) not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.

COMMENTS FROM COUNCIL

A letter was sent to Canterbury Council on 18 July 2012 advising it of the SCC application and requesting comments. Council responded on 3 August 2012 with the following comments:

- the proposed development is considered to be inconsistent with clause 37(6)(b) of the SEPP because the proposed RFB would be incompatible with the predominantly one or two storey detached dwelling and townhouse character of the area;
- the proposed development does not comply with the minimum front and side setback controls in Council's Development Control Plan 13 – Multiple Unit Development;
- greater consideration needs to be given to mitigating privacy impacts on adjoining properties, especially from the RFB component;
- while an existing Swamp Paperbark can be removed, the other trees along the western boundary must be retained and protected during construction, which may require an application for a Tree Preservation Order;
- the concept design does not comply with Council's Development Control Plan 48 – Waste Management;
- the concept design needs to include a stormwater system designed in accordance with Council's Stormwater Management Manual;
- a contribution amount of \$136,159.94 would be payable for the proposed development.

COMPATIBILITY WITH SURROUNDING LAND USES

1. The existing uses and approved uses of land in the vicinity of the development (clause 37(6)(b)(i))

Council's response states that the proposal is inconsistent with the predominantly one and two storey detached dwelling and townhouse character of the area. However, it appears that Narwee is undergoing a change in its residential character from low to medium and higher density development, as new developments of this type have been constructed nearby.

The Application (pp 9-12) refers to older cottages being replaced with large double storey brick houses (eg 91 Hannans Road) which, when located on higher ground, could be more imposing than the proposed RFB, and discusses several nearby three storey RFBs:

- corner of Nirimba Road and Hannans Road Narwee;
- 19-23 Graham Road (28 units and four storeys, of an equal distance to Narwee Station as the proposed development);
- 25-27 Graham Road (four storeys, next to the above RFB);
- 130-136 Hannans Road (two storey multi-unit development, 130 m to the east);
- 17-21 Windarra Avenue (three two storey homes, 600m to the north); and
- corner of Graham Road and Nanowie Street (3 storey RFB, 400 m away).

The applicant owns a large number of properties in the surrounding area (see p13 of the Application) containing dwellings nearing the end of their economic life. These will eventually be earmarked for redevelopment in keeping with the trend towards medium to higher density housing.

Housing NSW consequently made a submission to the draft Canterbury LEP 2012 requesting Council to extend the R4 high density residential zone to the north of 118-120 Hannans Road to apply to an area covering many of its other properties as well as 118-120 Hannans Road. In response to submissions and given the scale of the changes, Council has proposed to prepare a Residential Development Strategy and where supported, to include sites for more intensive residential development in a future amendment to the LEP. Draft Canterbury LEP 2012 was submitted to the Department for finalisation on 22 August.

It is therefore considered that the proposed development is compatible with current and likely future development in the vicinity of the subject land, as required under clause 36(6)(b)(i) of the SEPP.

2. The impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director General are likely to be the preferred future uses of that land (clause 37(6)(b)(ii))

The Application outlines various development options and design changes made to the proposal following pre-DA discussions with Council to minimise its overall impact, including:

- siting the RFB at the front of the site to face the windows onto the street to minimise overlooking into adjoining properties;
- setting back the central part of the RFB to minimise the impact of its overall bulk and scale along the street;
- using lighter colours for the top floor and central portions of the RFB to soften its appearance along the street;
- using darker colours along the outer sections of the RFB to harmonise it with the surrounding lower density housing;
- providing setbacks and ample landscaping screens along the sides to aid privacy;
- minimising windows along the sides of the site to mainly non-habitable structures;
- carefully selecting the trees to modify climate conditions without unreasonable overshadowing; and
- careful design to ensure good urban design, privacy and ample solar access, while preserving the character of the street.

While Council has identified a number of design issues still to be addressed (as outlined in the Comments from Council section), these can be addressed as part of finalising the development application. The proposed development (including its bulk and scale) is not likely to have an adverse impact on the existing uses, approved uses and uses that are likely to be the preferred future uses of that land, as required under clause 37(6)(b)(ii) of the SEPP.

3. The services and infrastructure that are or will be available to meet the demands arising from the development (clause 37(6)(b)(iii))

As mentioned in the site context section, the site is located in close proximity to existing education and health facilities, transport networks, shops and other services in nearby village and town centres. As the Application has outlined that there are adequate services and infrastructure available to cope with the demand arising from the proposal, it is considered that the proposed development is consistent with the requirements of clause 37(6)(b) (iii) of the SEPP.

EFFECT ON THE ENVIRONMENT

The Director General must not issue an SCC unless he is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land (clause 37(6)(c)).

As there are no known environmental risks associated with the proposed development, it is considered that the proposed development is consistent with the requirements of clause 37(6)(c) of the SEPP.

RECOMMENDATION

It is RECOMMENDED that the Director General:

- note this report;
- **consider** the comments received from Canterbury Council as set out in the report (**Tag B**);
- **form the opinion** that the development concerned is compatible with the surrounding land uses having regard to the matters specified in clause 37(6)(b);
- **form the opinion** that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land;
- **determine** the application by issuing a Site Compatibility Certificate for Lots 139 and 140 in DP 35912, 118-120 Hannans Road, Narwee (**Tag C**); and
- **sign** the letters to the applicant and Council advising of this determination (**Tags D and E**).

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 11/9/12

Regional Director
Sydney Region East



Executive Director
Planning Operations

12.9.12.

Director General