

Attachment 4 – Holroyd Local Environmental Plan 2013 compliance table

Clause	Yes	No	N/A	Comment
Land use table				
Zone R4 High Density Residential 1 Objectives of zone <ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The subject site is zoned R4 High Density Residential pursuant to HLEP 2013.</p> <p>The proposal comprises of a child care centre located on the ground floor with residential apartments above. The proposal is considered to be a 'centre based child care facility' and 'residential flat building' under the provisions of HLEP 2013; both of which are permitted consent in the R4 – High Density Residential zone which applies to the land.</p> <p>The proposed development is considered to be consistent with the R4 zone objectives as it provides a variety of housing types, and provides for a child care facility satisfying the needs of the community.</p>
4.3 Height of buildings (1) The objectives of this clause are as follows: (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties, (b) to ensure development is consistent with the landform, (c) to provide appropriate scales and intensities of development through height controls. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map .	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum building height of 15m applies to the site.</p> <p>The building proposes a maximum height of 16.5m to the top of the lift core and stair well.</p> <p>This represents an exceedance of 1.5m, and a variation of 10% to the maximum permitted 15m building height development standard.</p> <p>The Applicant has submitted a written request in accordance with Clause 4.6 of HLEP 2013 to vary the building height development standard.</p> <p>The exceedance in building height is not supported in this instance, having regard to the circumstances of the case. Refer to further discussion in body of Report.</p>
4.4 Floor space ratio (1) The objectives of this clause are as follows: (a) to support the viability of commercial centres and provide opportunities for	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the FSR map accompanying HLEP 2013, a maximum FSR of 1.2:1 is applicable to the site.</p> <p>In accordance with Clause 4.5 of HLEP 2013, land required to be</p>

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<p>economic development within those centres,</p> <p>(b) to facilitate the development of a variety of housing types,</p> <p>(c) to ensure that development is compatible with the existing and desired future built form and character of the locality,</p> <p>(d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>dedicated for road widening is excluded from the total site area. In this regard, the 'site area' is calculated to be 1,236.18m² (post-dedication).</p> <p>Max. GFA permitted = 1.2 x 1,236.18m² = 1,483.41m²</p> <p>Provided FSR = 1.53:1</p> <p>Provided GFA = 1,895.5m² Ground Floor = 433.4m² Level 1 = 483.6m² Level 2 = 483.6m² Level 3 = 483.6m² Rooftop terrace = 11.3m²</p> <p>The proposal is made pursuant to SEPP ARH, however, affordable units have not been identified to confirm the percentage of affordable housing provided, and to determine overall FSR compliance inclusive of any FSR bonus applicable.</p> <p>A Clause 4.6 request has not been submitted for Council's consideration with regard to the variation sought to the max. FSR permitted.</p> <p>The variation to FSR sought is not supported as it results in a building which is of an excessive bulk and scale at the subject site. This is included as a reason for refusal.</p>
<p>4.6 Exceptions to development standards</p> <p>(2) 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. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Clause 4.6 written request has been submitted for the height variation – Refer to discussion in the body of report.</p>
<p>5.10 Heritage Conservation</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The land does not contain a heritage item and is not subject to an interim heritage order.</p>

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				<p>The site is not located within or close proximity to a heritage conservation area.</p> <p>However, the subject site is located within the vicinity of a heritage item of local significance being "Kelvin", Federation/Queen Anne bungalow at No. 67 Berwick Street, Guildford (I33).</p> <p>The application has not been accompanied with a heritage impact statement.</p> <p>However, given the separation distance between the properties, and the nature of the heritage item, the proposal is not considered to adversely impact the heritage significance of the item.</p>
<p>6.2 Earthworks</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Proposal is considered to be satisfactory.</p>
<p>6.4 Flood planning</p> <p>(2) This clause applies to land at or below the flood planning level.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The subject site is identified as a flood control lot. The proposal was referred to Council's Development</p>

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<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p>				<p>Engineer for comment who has outlined that the submitted Survey Plan does not correspond with levels as identified in Council's mapping system – The variation of levels being in the extent of approximately 6.0m. In addition, the proposal comprises of a child care centre which is identified within the sensitive land use category in Table 7 – Land Use Categories for Development upon Flood Prone Land – Section 8 – Flood Prone Land in Part A of HDCP 2013. In this regard, the finished floor level (FFLs) shall be equal to or greater than the PMF level in accordance with the Flood Risk Precincts (FRPS) in Part A of HDCP 2013. Given the submitted Survey Plan is incorrect, the proposal fails to provide the required levels for the proposal and there is inadequate information to support the development. In this regard, the proposal is not supported and engineering matters raised form part of the reasons for refusal contained within the draft notice of determination.</p>
<p>6.7 Stormwater management</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed stormwater management system is satisfactory subject to conditions, should consent be granted.</p>
<p>6.8 Salinity</p> <p>Consult the Salinity Map accompanying HLEP 2013</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The site is identified as having a moderate salinity potential.</p> <p>Appropriate conditions would be imposed to address this issue should consent be granted.</p>