

JRPP No:	2010SYW039
SUBJECT:	. Approval is also sought to use a portion of the building as Community Artist Space.
DESCRIPTION:	Approval is also sought to use a portion of the building as Community Artist Space.
REFERENCE:	DA/527/2010
APPLICANT/S:	DEM Pty Ltd on behalf of Housing NSW
OWNERS:	New South Wales Land and Housing Corporation
REPORT OF:	Manager Development Services

Assessment and Report and Recommendation

This application was previously considered by the Western Sydney Joint Regional Planning Panel on 18 November 2010 where it was resolved that:

Moved, by Bruce McDonald seconded by Cllr Julia Finn that

The application be deferred and a subsequent report be submitted to the Joint Regional Planning Panel which addresses:

1. Clarification be sought on the traffic issues provided by the RTA and Council officers.
2. The amended conditions of consent proposed by the Department of Housing are examined and further comments be provided.
3. Seek comments from Housing NSW regarding the potential impacts this proposal will have on the locality with regards to existing and potential social issues.
4. Provision by Housing NSW of a precise number of private housing units to be provided within the development, based upon financial modelling.
5. Housing NSW to explore larger unit sizes for the private housing component and the distribution of private and public housing throughout the development.

This report addresses the above resolution.

1. Traffic Issues

In accordance with this resolution a letter was sent to the RTA on 9 December 2010 that requested:

"I refer to the above development Application and your comments dated 27 August 2010 and 1 October 2010.

The application was considered at the JRPP meeting on 18 November 2010 where it was resolved to defer the application to seek clarification on the traffic advice received by the RTA.

In this regard your clarification is sought on the following:

1. *Is concurrence provided by the RTA allowing the proposed exit point onto O'Connell Street?*
2. *Is the width of O'Connell Street sufficient to enable vehicles to exit in a safe manner?*

In addition, Council wishes to clarify that the application seeks approval for the overall approval of 106 units, whilst only 33 units will be approved for construction under this application. In this regard can you please confirm that RTA comments are based on the entire development for 106 units.

Your assistance is greatly appreciated and it would be appreciated if your comments could be forwarded to Council by 22 December to enable the application to be finalised."

In a response from the RTA dated 19 January 2011 the following advice was provided:

Hi Brad

I refer to the Council letter dated 9 December 2010 and your email below regarding the proposed exit from the above site onto O'Connell Street.

The RTA provided concurrence to the exit only driveway on O'Connell Street, subject to Council, as the roads authority for O'Connell Street, approving the driveway.

The RTA is of the opinion that O'Connell Street at this location is wide enough for vehicles to exit from the subject site. However, Council may request the applicant to provide swept path diagrams demonstrating that the longest vehicles to service the site can safely exit onto O'Connell Street.

Please note that the RTA's comments were provided based on the assessment of the ultimate development of the site.

I trust this information is of assistance.

Concern was also raised at the panel meeting that the comments of Council's Development Engineer were not consistent with that of Council's Traffic Engineers. Having regards to the specialist expertise of Council's traffic engineer as opposed to the broad understanding of a wider range of engineering matters reviewed by Council's drainage engineers the advice of Council's traffic engineer is preferred and has been relied upon in the assessment of this development application.

2. Consent conditions

In accordance with this resolution further discussions have occurred with the applicant regarding the proposed conditions of consent.

The conditions that remain outstanding at the time of writing this report are condition 20 that relates to the payment of Section 94A contributions and proposed condition 74 that is a result of the recommendations of the Social Impact Assessment that is discussed in the next section of this report.

The applicant advises that Section 94A contributions are not required to be paid as a Section 94E Direction issued by the Department of Planning on 10 November 2006 indicates that a levy under Section 94A of the Environmental planning and Assessment Act 1979 cannot be imposed on development for the sole purpose of affordable development.

As the development has not been lodged as an affordable housing development and has a mix of public and private housing, it is Council's view that the condition is appropriate.

Further discussions will occur with the applicant on these conditions and an update will be provided to the JRPP on these discussions.

A copy of the current proposed conditions are attached as attachment 1.

3. Social Impact Assessment

In accordance with this resolution, the applicant engaged Elton consulting to prepare a Social Impact Assessment of the proposal. The Social Impact Assessment is Attachment 2.

The report concludes that:

"The new community is unlikely to place additional strain on existing community infrastructure. Any additional demands for support services will be managed through the partnership arrangements developed by the community housing provider and local agencies."

The report also makes the following recommendations:

"It is recommended that the potential for social impacts could be minimised through:

- Establishment of a Community Liaison Group, comprising Housing NSW, Parramatta City Council, NSW Health, NSW Police and representatives from the local area to examine current reports of anti-social behaviour and develop strategies for ensuring residents' concerns are addressed. The community housing provider should become involved once appointed. The group should remain active to assist in establishing good relations within the local community, building community capacity and addressing concerns about crime.*
- Implementation of formal and informal opportunities to encourage interaction between new and existing residents. This may include welcome BBQs, site tours and other recreational or community-building activities. Housing NSW, the community housing provider and Parramatta City Council's may all have a role to play in these community building initiatives.*
- Engaging with Parramatta City Council and the local community about the community artist space.*
- Consideration of the potential to extend the Loop bus service further north along O'Connell Street.*
- Ensuring plantings and street trees proposed on Albert Street are adequate to ensure the site is well screened from neighbouring properties, in the Stage 2 DA.*
- A construction management plan includes strategies to minimise adverse impacts on neighbouring properties.*
- Housing NSW and the community housing provider develop a community engagement plan to establish and maintain open and constructive relationships with the local community."*

Planning Comment:

It is considered that recommendations 1 and 4 are beyond the scope of this development application as they relate to post construction/ development initiatives with a range of stakeholders needing to be involved. There is no certainty in participation or duration of such a consultation group. Given this it is not considered to reasonably relate to an identified planning issue associated with the proposal. The Loop bus service is currently funded entirely by Parramatta City Council (PCC owns and operates the buses). Transport NSW is currently in negotiations with PCC to take control of the services. If the panel was mindful to require the extension of the loop, this should be funded by the applicant.

Proposed conditions 1 that approved a master landscape plan for the site, proposed condition 7 that requires the submission of a further DA for the occupation of the artist space and proposed condition 24 that requires the preparation of a construction management plan addresses recommendations 3, 5 and 6 of the Social Impact Assessment.

The following condition has been drafted to implement recommendations two and seven of the Social Impact Assessment.

74. Prior to the first tenant occupying the premises a community engagement plan shall be prepared that outlines how Housing NSW and a registered community housing provider (if applicable) will endeavour to establish and maintain open and constructive relationships with the local community. Housing NSW shall ensure that any recommendations of this community engagement plan are implemented.

4. Proportion of private housing within the development

The applicant has provided the following response to this resolution.

In reference to the request of Housing NSW to provide a precise number of private housing units which are to be provided within the development, based on financial modelling, it is noted that Housing NSW is seeking approval for Stage 1 only. No details, at this stage are known for the subsequent stages 2 and 3 and to date no investigations have been made into possible delivery options of the project with the private sector, as this is highly dependent on the economic climate at the time and availability of public funding. Accordingly, Housing NSW is unable to provide any information on the precise number of private housing units at this stage. The precise details of which will be provided with the subsequent development applications to Parramatta City Council for Stages 2 and 3.

5. Larger Unit sizes and distribution of public housing

The applicant has provided the following response to this resolution.

5. In reference to the request of Housing NSW to explore larger unit sizes for the private housing component and the distribution of private and public housing throughout the development, reference is also made to the attached Social Impact Statement, prepared by *Elton Consulting*. This report stipulates,

The social housing to be developed at this site will be tailored to meet the needs of Housing NSW clients, with 24 of the 33 units proposed in Stage 1, offering 1 bedroom units. There will be a smaller proportion of 2 bedroom units (8 units) and one 3 bedroom unit. This housing mix aligns with Housing NSW tenant demands and also addresses objectives of the Metropolitan Strategy...

Housing NSW demand data for the Parramatta area shows some important differences to other areas which support the inclusion of predominantly one bedroom dwellings and a small proportion of two bedroom dwellings in this development.

Draft Local Environmental Plan 2010

Given that the draft Local Environmental 2010 has progressed since the report was written an updated assessment against the provisions of DLEP 2010 is provided.

Under the provisions of section 79C(1)(a)(ii) of the Environmental Planning & Assessment Act 1979, any draft environmental planning instrument that is, or has been placed on public exhibition is a relevant matter for consideration in the assessment of a development application. Any such assessment must consider the degree of weight placed upon such provisions and whether the implementation of the draft LEP is certain and imminent. It must also consider the effect of any savings provisions contained within the instrument.

The subject site is included in draft Parramatta Local Environmental Plan 2010. Draft Parramatta LEP 2010 was placed on public exhibition between 1 March 2010 and 7 May 2010 and is therefore a draft environmental planning instrument for the purposes of section 79C(1)(a)(ii) of the Act. During exhibition a submission was received from the landowner that requested the site be re-zoned to R4 High Density Residential. Council on 5 October 2010 considered a report on the public submissions to the draft Parramatta LEP and resolved in respect of this site to retain the proposed R2 Low Density Residential zoning. Council also considered the draft LEP at its meeting of 18 October 2010. Council resolved to make amendments to the draft LEP and to forward the plan to the Department of Planning with the supporting information required under section 86 of the Act. Council also resolved to re-exhibit some of the changes to the draft LEP. The re-exhibition was held from 20 October 2010 to 1 December 2010. At the Council meeting of 13 December 2010 Council considered the amendments and resolved to forward the Draft LEP to the Minister for gazettal.

The subject site is proposed to be zoned R2 Low Density Residential under draft Parramatta LEP 2010. The proposed development is defined as a residential flat building under draft Parramatta LEP 2010 and is prohibited in the draft zone. The proposal is generally inconsistent with the relevant objectives of the draft zone having regards to its bulk, scale height and intensity.

Notwithstanding this it is noted that the Affordable Rental Housing SEPP would potentially allow a development with a maximum height of 8.5m and a density of at least 0.75:1 to be constructed on the site. Given this it is not considered that determinative weight should be given to the provisions of DLEP 2010

Conclusion

Given that the reasons for deferral from the 18 November JRPP have been satisfactorily addressed, the application is recommend for approval, subject to conditions.

RECOMMENDATION

- (a) **That** the JRPP as the consent authority, grant development consent to development application No. DA/527/2010 as contained in Attachment 1 with the addition of condition 74 as outlined in the further report.
- (b) **That** as the application is lodged on behalf of the crown and in accordance with Section 80 of the EPA Act 1979, Housing NSW be requested to provide written concurrence to the conditions contained with Attachment 1.
- (c) **Further, that** the objectors be advised of the JRPP's decision.

Brad Delapierre
Team Leader –Development Assessment Team

ATTACHMENTS:

Attachment 1: Recommended Conditions of consent

Attachment 2: Social Impact Assessment

Attachment 3: Section 79C Assessment Report

Attachment 4: JRPP minutes -18 November 2010