

Planning and Infrastructure

Assessment Report and Recommendation

1. INTRODUCTION

On 2 July 2010, Land and Housing Corporation (LAHC) (formally Housing NSW) lodged a development application (DA) with Parramatta City Council seeking development consent for a staged DA, comprising a concept proposal for the construction of a 91 unit residential flat building complex with sufficient details to enable consent for Stage 1 of the development.

Stage 1 of the development includes demolition, tree removal and landscaping works, construction of a residential flat building accommodating 33 social housing units, community artist space (equivalent to 2 units), and provision of 7 at grade car parking spaces.

Stage 2 of the development, (which is described in concept and will be subject of a further separate DA), will consist of two residential flat buildings, comprising of 58 affordable/ private units (Building B 30 units and Building C 28 units) and basement car parking for 90 vehicles.

Pursuant to clause 5 Schedule 4A of the *Environmental Planning & Assessment Act 1979* (the EP&A Act), the Sydney West Joint Regional Planning Panel (the regional panel) is the consent authority for the determination of the DA as it is Crown development with a capital investment value of approximately \$6.1 million. Under section 89(1)(a) of the EP&A Act, the regional panel referred the application to the Minister seeking approval to refuse the application because several of its concerns about the development had not been resolved.

The department has reviewed the documentation supporting the DA that was provided to both Parramatta City Council (council) and the Regional Panel. At the Minister's request, the department also requested further information from LAHC to respond to some of the concerns raised by members of the Regional Panel and in public submissions. The department considers that adequate information has now been provided to grant development consent to the DA, and specifically to allow for the carrying out of Stage 1 without the need for further consent, subject to conditions.

The Panel's remaining concerns may be resolved during the assessment process for the DA for Stage 2 of the development. The DA for Stage 2 will also confirm details of the number and type of affordable and private housing units to be included in that stage of the development.

2. PROPOSED DEVELOPMENT

The site is owned by the LAHC and is located on the corner of Albert Street and O'Connell Street, North Parramatta. The site has an area of 8,358sqm and currently accommodates the former North Parramatta Infants School, which was used as a temporary group home.

Originally the proposal was for 106 units and 97 parking spaces. Due to the proposal being for more than 100 units, Council requested LAHC to submit a staged DA covering the entire site. Since the initial lodgement in July 2010, the proposal has been amended to comprise of 91 units and 97 parking spaces.

The staged development application seeks:

- concept proposal for the residential flat building complex containing 91 apartments with basement car parking, and
- consent for Stage 1, including:
 - demolition of the existing hostel building;
 - tree removal and landscaping works;
 - provision of an internal access driveway;

- construction of a residential flat building accommodating 33 residential units to be occupied by LAHC tenants;
- provision of a community artist space; and
- provision of 7 at grade car parking spaces.

Stage 2, which will be subject to a separate DA, will comprise:

- construction of 2 residential flat buildings to accommodate 58 units that will be occupied partly by LAHC Tenants and partly by private owners/tenants;
- provision of basement car parking for 83 vehicles; and
- provision of 7 at grade car parking spaces.

A staged development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development. If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:

- a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or
- b) the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

While such a consent is in force, any further development applications for the site cannot be inconsistent with the staged consent. As a result when lodgement for Stage 2 occurs, the application must be consistent with the current staged development consent and also abide by the relevant current LEP and Development Control Plan (DCP).

3. BACKGROUND

On 2 July 2010, LAHC lodged a DA with council seeking approval for the demolition of the former school building on the site and staged approval for a residential flat building complex containing 106 apartments.

The DA was advertised between 14 July 2010 and 4 August 2010 and re-advertised between 24 September 2010 and 8 October 2010

A total of 19 submissions, including two petitions containing 73 signatures, were received during the exhibition periods. The key issues raised in the submissions relate to traffic and parking, safety and security, social impacts on the local community and negative impacts on surrounding property values.

Council undertook a detailed assessment of the DA and recommended that the DA should be approved subject to conditions, pending agreement by the Crown applicant.

At its meeting on 18 November 2010, the regional panel deferred its decision and requested additional information about a range of matters, including:

- impact of the development on the local community, with particular reference to the existing social issues
- traffic impacts
- clarification of the number of private housing units to be provided in Stage 2 and consideration of a larger unit size for the private housing component, and
- agreement on conditions of consent.

The applicant submitted supplementary information in response to these matters, including a social impact assessment. Council staff reviewed the submission and advised that the information satisfactorily responded to the reasons for deferral. However, the regional panel considered that the additional information was not adequate to address its concerns about the development, and resolved at its meeting of 31 March 2011 to refer the application to the Minister for refusal.

During the assessment of the DA, concerns were raised by Dr Geoff Lee, State Member of Parliament for Parramatta, on the overall unit mix of 1, 2 and 3 bedrooms. In response to this issue an amended report and set of plans were submitted in March 2013. The amended report and plans, have resulted in a reduction in the total number of units from 106 to 91 (a reduction of 15 apartments), with the total of 2 and 3 bedrooms increased and that the total number of 1 bedrooms decreased. No amendments have occurred to the proposed car parking facilities.

As a result of the overall unit mix changing Council re-exhibited the revised plans between 1 and 15 July 2013. During the exhibition period, Council received a further 14 submissions. The key relevant issues raised in the submissions relate to visual impacts (loss of neighbouring views), negative impacts on surrounding property values, traffic and parking, overshadowing produced and high proportion of 1 bed apartments.

Further to the points above, at the time of lodgement (July 2010) the site was zoned Special Uses 5 zone under the Parramatta Local Environmental Plan 2001. Under this zoning the proposal was permissible with development consent.

However under the current Parramatta Local Environmental Plan 2011 which was gazetted and came into effect on 7 October 2011 the site has been rezoned as R2 low density. Under the zone Residential Flat Buildings are prohibited. The new LEP's savings provisions enable approval of Stage 1 in spite of the new R2 zoning prohibition. However, Stage 2 of the proposal will be prohibited as the Parramatta LEP 2011 (or the current LEP at the time of lodgement) will be the relevant planning instrument at the time of lodgement of a DA for Stage 2.

4. URBAN DESIGN REVIEW

In response to the zoning issue, the Department undertook its own urban design review of the proposal in relation to the architectural and urban design aspects of the proposal and assesses suitability within the context of the site.

Contextual fit

The surrounding context of the proposed development is low scale medium density residential development. Built form comprises a mixture of three storey walk up apartment buildings dating from the 1970s and single storey cottages which are remnants of an earlier phase of development in this area. Building alignments have small setbacks to street boundaries with landscaping in the front setbacks. Mature trees tend to be located in private gardens and there are few street trees. The topography is relatively flat with wide streets.

The proposed building replaces an existing temporary hostel/crisis accommodation facility housed in a former single storey school building. The existing building is inconsistent with development in the immediate context in terms of height and the setback from the street frontage. The current hostel/crisis accommodation is being re-housed in a new facility being built to the west of the site. The new development will house a mix of social, affordable and private market housing.

The proposed development is for three 3 storey apartment buildings which are more consistent with the surrounding context than the existing building. The increase in residential

density on the site is appropriate given the close proximity of employment, public transport and services to be found in Parramatta CBD 1km to the south.

Access and circulation

The proposed development shows vehicle access from Albert Street, via a through route that exits the site on O'Connell Street. Fourteen at grade car spaces (seven as part of Stage 1) are provided off the through route, two of which are disabled and accessible spaces. The through route will enable cars to circulate through the site in a forward direction, minimising the need for manoeuvring and reversing that is potentially hazardous for pedestrians, particularly children, walking through the site.

Built form aesthetics

The design of the proposed development is of higher architectural quality than its surroundings and will set a benchmark for future development in the locality. The street facades are well articulated and broken into a hierarchy of forms with a mix of materials and a muted palette of colours. The roof is a low scale pitched roof which is subordinate to the wall planes. The portal beams to the balconies form a lively profile to the skyline of this development when viewed from the footpath. The quality and design of the proposed development is better than can generally be expected of social and affordable housing and better than buildings in the immediate vicinity.

Recommendation

The proposed development is symptomatic of the changes that land close to major centres in the Sydney metropolitan area is experiencing. Increasing demand for housing close to services and employment is putting pressure on these city fringe residential areas to increase in density. Increased residential densities near centres make optimal use of the investment in existing infrastructure and services, placing housing in close proximity to a greater variety of employment opportunities. This is particularly pertinent for occupants of social and affordable housing who are vulnerable to multiplied disadvantage if housed great distances from employment opportunities.

The proposed development is generally well designed and a great improvement on the predominant built form character of this locality. There are no urban design grounds on which to refuse consent. Future stages need to be designed to an equivalent standard of quality to ensure this development remains the benchmark in the locality it has the potential to be.

5. ASSESSMENT

The following assessment considers the regional panel's reasons for seeking the Minister's approval to refuse the DA.

5.1. Social impact

Concerns raised

At its meeting of 18 November 2010, the regional panel requested further information from LAHC on the potential social impact of the development.

LAHC engaged Elton Consulting to prepare a social impact assessment for the proposed development, who found that the development is unlikely to place additional strain on existing community infrastructure, subject to a range of recommendations being implemented. They include the following:

1. 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 behavior 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.

2. 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 may all have a role to play in these community building initiatives.
3. Engaging with Parramatta City Council and the local community about the community artist space.
4. Consideration of the potential to extend the Loop bus service further north along O'Connell Street.
5. 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.
6. A construction management plan includes strategies to minimise adverse impacts on neighboring properties.
7. Housing NSW and the community housing provider develop a community engagement plan to establish and maintain open and constructive relationships with the local community.

Council staff reviewed the social impact assessment and its recommendations, and considered that it adequately responded to the regional panel's concerns. Council is of the opinion that recommendations 3, 5 and 6 of the Social Impact Assessment (SIA) are addressed by the conditions. These include engaging the community on the artist's space, providing appropriate plantings to enable screening and privacy to neighbouring properties, and preparing a construction management plan to minimise impacts on neighbouring properties.

Council staff drafted an additional condition to respond to recommendations 2 and 7 of the SIA, relating to the establishment of a community engagement plan prior to tenant occupation.

Contrary to council staff's conclusion, the Regional Panel considered that the SIA did not adequately consider the existing social issues in the area and did not respond to the potential impacts of the development within the local community. The JRPP however made the recommendation that the following condition be drafted and implemented.

- 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. LAHC shall ensure that any recommendations of this community engagement plan are implemented.

The local community has also raised a number of concerns about the social impact of the development, particularly:

- the development does not provide a good mix of tenants
- there is a concentration of single unit dwellings
- pre-existing social problems
- close proximity to a 24 hour supply of liquor and the close proximity to local schools.

These matters are considered below.

Supplementary information about delivery, management and tenants

The social and affordable housing component will be delivered by Affordable Community Housing Limited (ACHL), which is a registered community housing provider. Under the affordable housing model, the title to the land would be transferred to ACHL, and it will then construct and own the 33 social housing units.

The Stage 1 residential block of units would comprise 24 one-bedroom units, 8 two-bedroom units, 1 three bedroom unit, and also a community space. The higher number of single unit dwellings is considered appropriate to respond to the current and forecasted need for single person households.

The expected social housing tenant profile for the 33 social housing units in Stage 1 is anticipated to match the existing tenant profile for social housing in North Parramatta. All tenants would be allocated through Housing Pathways, which is the single housing register used by public and community housing providers.

Stage 2 of the development proposes 58 units, a mix of affordable rental housing and units that will be sold on the private market. Affordable housing is designed for people earning less than the median income and paying a large proportion of their income on rent. Professions including nurses, bus drivers, retail worker and police officers may qualify for affordable housing, especially for accommodation within a reasonable travel time to work.

ACHL would maintain the affordable housing waiting list for the complex for the allocation of units. The selection of tenants for the affordable housing units in Stage 2 would target people with low and moderate incomes who have links in the local community and who derive at least part of their income from paid employment.

ACHL will also consider providing a mix of social and affordable housing tenants within the 2 blocks to avoid a concentration of social housing tenants in one block only, which has been a successful model adopted elsewhere for similar developments.

Department's review

The department has reviewed the SIA and the supplementary information provided by LAHC regarding the affordable housing model for the delivery of the development. It is considered that a reasonable assessment of the social impacts of the proposed development has been provided. With appropriate management, and subject to the implementation of a number of recommendations (mentioned in the SIA), the proposed development is not expected to have an unacceptable impact on the surrounding neighbourhood.

It is considered that the proposal has been designed to minimise the impact of the development on the local community, by providing a mix of social, affordable and private units within the larger complex, and responds to the needs of LAHC's clients. Affordable two and three bedroom dwellings have the potential to attract couples, small families, older couples, and other household types.

ACHL was selected through a tender process, and has demonstrated its experience in delivering similar developments within local communities throughout the state, including integration of tenants into the surrounding community and selection of tenants, and physical management of the property.

A condition has been imposed requiring ACHL to prepare a community engagement plan. This will ensure that the integration of the tenants into the local community and the amenity of surrounding neighbours, which address the recommendations of the social impact assessment where appropriate. The department has also recommended a condition to require ACHL's active participation in a Community Liaison Group, to foster a better relationship between future residents of the development and the local community and to ensure ongoing open and constructive relationships.

Local residents' concerns about the proximity of the site to a drug and alcohol centre are not considered well-founded for the development. As demonstrated above, there will be a range of tenants allocated to units within the housing complex. The social housing tenants will be similar to the social housing population already residing in the local area. The local community's concerns raise issues of broader public drug and alcohol policy, which are not specifically relevant to the consideration of the current DA.

The proposed development must also be considered in terms of the broader government policies for providing social and affordable housing. The proposal satisfies the following goals and targets identified in *NSW 2021: A plan to make NSW number one*, including:

- Goal 13 – Better protect the most vulnerable members of our community and break the cycle of disadvantage. This goal identifies the need for the provision of significant housing assistance for disadvantaged people.
- Goal 20 – Build liveable centres. This goal identifies the need to increase the percentage of people living within 30 minutes of public transport. The proposed development has a low ratio of car parking to dwellings and it is therefore essential that it be located close to good public transport which will enhance social inclusion for the tenants.

The project is also consistent with the objective to increase affordable housing supply in NSW, as identified in the Affordable Housing Forum held in November 2011.

LAHC is limited by the range of sites that can suitably accommodate such developments, and in regard to this site, the benefits include its proximity to good public transport and community support facilities, and the appropriate use of the Crown land site.

The subject site is currently vacant as Parramatta Mission ended its tenancy in March 2012 and should the development not proceed, the existing buildings will be a potential risk for vandalism and may encourage anti-social behaviour. The delivery of the development under the above affordable housing model offers significant financial contributions to the development, thereby reducing the cost to government.

The department is of the view that an adequate assessment has been undertaken by Elton Consulting and appropriate mitigation measures have been provided to respond to the identified social impacts. This view is also supported by council assessment officers. The proposed development is consistent with broader government policy of increasing the supply of affordable housing, and on merit should be supported.

Therefore, the Panel's reasons for refusal are not supported.

5.2. Traffic impact

The potential traffic impacts for Stages 1 and 2 were addressed in the applicant's traffic report submitted with the DA. This report was reviewed by council's Traffic Engineer, who raised no objections to the overall development (Stage 1 and 2) in relation to parking and traffic. The requirements of clause 104(3) of the Infrastructure SEPP have been satisfied by council notifying Roads and Traffic Authority (RTA) of the proposed development.

The Roads and Maritime Services (RMS, formally RTA) initially advised that its assessment focused on Stage 1 and 2 of the proposal. In a subsequent email to an objector, RMS stated that it only assessed Stage 1 of the proposed development. At the request of Council, RMS provided clarification that its assessment only applied to Stage 1 of the proposed development.

As mentioned previously, the entire development will include a total of 97 car spaces (7 in Stage 1 and 90 in Stage 2). At grade parking will be provided for Stage 1 while Stage 2 will be incorporated in an underground parking lot, underneath buildings B and C, with 7 spaces located at grade. Under its own guidelines (Design Requirements Version 6.5.2ip), LAHC is not required to provide parking for visitors and provides the following arguments:

- LAHC maintains the view that lower income households typically have reduced rates of car ownership;

- LAHC seeks to diminish the reliance of the use of vehicles through the provision of denser housing in locations close to public transportation;
- It is unfeasible to provide for further parking as it would have to be located underground; and
- The site is serviced by bus routes operating from O'Connell Street and nearby Church Street. LAHC seeks to promote the objectives set by the State Government in promoting public transportation.

Department's review

Although RMS has only assessed Stage 1 of the proposal in detail, it is noted that Council is generally satisfied with the overall development following its own assessment. Stage 2 of the project will be subject to a separate DA which will be referred to RMS for review. This will allow RMS to formally consider and address any potential traffic issues associated with the detailed Stage 2 proposal.

The Department considers the site is well serviced by various bus routes operating from O'Connell Street, Albert Street and nearby Church Street. These bus routes travel towards Parramatta CBD and Parramatta Train Station. The site is a short walk to a free shuttle stop (Cnr of O'Connell Street and Grose Street). The Parramatta free Shuttle Bus operates on a continuous loop around the city centre connecting rail, bus and ferry transport interchanges with local clubs and shops, and other community hubs. The free bus shuttle operates 7 days a week at 10 minute intervals.

The department is satisfied that the 7 proposed spaces for Stage 1 are appropriate due to the following:

- the site is well serviced by public transport as buses operate from O'Connell Street, Albert Street and nearby Church Street;
- social housing tenants generally have lower levels of income, hence reduced rates of car ownership; and
- the proposal meets the objectives of State Government to reduce the reliance of private vehicles as public transportation is promoted.

As part of the Stage 2 proposal, an additional 90 parking spaces (83 underground and 7 at grade parking spaces) will be provided with a further 58 units. The Department believes that the reduced number of units proposed for Stage 2 (from 73 to 58) could potentially free up some parking spaces that could be utilised by the residents of Stage 1, although this is not essential.

5.3. Dwelling mix and public private ratio

The Regional Panel raised concern that the number of public and private units in the development had not been identified for Stage 2. LAHC has provided the following indication of the number and type of units for Stage 2:

- Building B – 30 units comprising of 9 x one bed, 18 x 2 bed and 3 x three bed units.
- Building C – 28 units comprising of 3 x one bed, 22 x 2 bed and 3 x three bed units.

Overall, the amendments to Stage 2 involve a reduction in the number of one bedroom apartments (from 56 to 12), an increase in the number of 2 bedrooms apartments (from 17 to 40) and the inclusion of six additional apartments with 3 bedrooms. LAHC is of the belief that the greater diversity of dwellings types and population groups that would be targeted with the amended Stage 2 dwelling mix would contribute to a more balanced and sustainable environment.

LAHC will submit a separate DA for Stage 2 of the proposal. This will include details of the proposed ownership and ratio of affordable housing located on site. The DA will also provide an assessment of the appropriateness and suitability of the proportion of public/private

housing, and further assessment of the potential social impact of the Stage 2 of the development.

The department is of the view that adequate indicative information has been provided to allow staged approval, and it is more appropriate to address this issue during the Stage 2 assessment process when private housing is proposed.

It should be noted that Parramatta City Council has advised LAHC in a letter of 16 January 2013 that 'Council does not object to the proposed amendments to the dwellings mix.' Therefore, the Panel's reason for refusal is not supported.

5.4. Development Consent

Despite the JRPP's request to have the DA refused, draft conditions were prepared by council and reviewed by LAHC. As the department recommends the DA for approval, it has considered these conditions in making its recommendations to the Minister.

6. CONDITIONS OF CONSENT

6.1 Development Contributions

As mentioned above, Council staff prepared draft conditions of consent as part of the assessment report, which recommended conditional approval of the DA. One of the proposed conditions (number 20) relating to s94A payment remains in dispute. LAHC has requested the deletion of this proposed condition. The applicability of the proposed condition was not considered by the Regional Panel as the Panel sought to refuse the application.

The requirement of the disputed condition, and the position of each party, is discussed below.

Condition 20	LAHC	Parramatta City Council	Department of Planning & Infrastructure
A monetary payment comprising \$61,732.95 is payable to Parramatta City Council pursuant to section 94A of the <i>Environmental Planning and Assessment Act 1979</i> and the Parramatta Section 94A Development Contributions Plan.	Does not agree to the condition. LAHC state that section 94A contributions cannot be imposed on development that is solely for the purpose of affordable housing.	Council state that the staged DA includes private housing and therefore there is no certainty that the entire development will be for affordable housing.	A section 94A condition should only be applied as part of a Stage 2 DA approval, because Stage 1 will be solely for public housing.

LAHC is of the view that development contributions should not be applied as development consent is sought for the construction and occupation of Stage 1 only. Stage 1 is solely for the purpose of providing social housing within an area that has an existing social housing profile. As a result LAHC considers it is providing for a public benefit by creating and supplying the locality with additional housing stock to meet the current and future demands for social housing.

Department Comments

The current Stage 1 proposal is providing an additional service by making available additional social housing within the locality. North Parramatta currently has an existing social housing profile and Stage 1 of the proposal aims to supply the area with an additional 33 units.

Section 3.6 of Council's Section 94A Development Contributions Plan (Amendment No. 2), states that *"the Plan will not impose development contributions in respect of development:*

- *for the sole purpose of providing affordable housing.*

Stage 2 for which consent is only given in concept and will be subject to its own separate merit assessment determination by the relevant consent authority once lodged. Stage 2 will comprise 58 affordable/ private units (Building B 30 units and Building C 28 units) and basement car parking for 90 vehicles.

Under the Department Circular D6 dated 21 September 1995, (Crown Development Applications and Conditions of Consent), consideration should be given to the Crown's role in providing a community service. Across the state, LAHC has a long term aim to improve the match between housing stock and client needs.

Redevelopment of the Albert Street site offers the potential for improvements in the quality and quantity of affordable public housing an area of Sydney with high demand and good access to services. LAHC data shows there are particularly long waiting times for social housing in the area. The proposed Stage 1 will therefore deliver a much needed dwelling mix in keeping with current trends and needs.

As the applicant is providing for an additional 33 units within an existing social housing locality, the Department believes that this new facility will allow for more socially disadvantaged individuals to obtain a form of accommodation, within a limited social housing market.

A further requirement of the consent, *"the applicant must establish a Community Liaison Group and actively participate in its operation."* This additional public service will provide a benefit for the residents

As indicated in the table above, the department supports LAHC's position not to impose condition 20, because Stage 1 will be solely for affordable housing. Any requirement to pay contribution for Stage 2 is a matter for consideration at the time of determination of that stage.

To ensure Stage 1 is only for affordable housing, the following condition has been recommended in support of the above:

"Stage 1 of the proposal is to be solely for affordable housing, to be retained by LAHC."

Furthermore, the following conditions have been proposed to address recommendation 1 of the SIA:

"Prior to the first tenant occupying the premises a community engagement plan shall be prepared that outlines how the applicant will endeavour to establish and maintain relationships with the local community. The applicant shall ensure that any recommendations of this community engagement plan are implemented."

And

"Within three (3) months of the first tenant occupying the premises, the applicant must establish a Community Liaison Group. The Community Liaison Group should include representatives such as NSW Police, NSW Health, Council and representatives from the local area. The group is to examine current reports of anti-social behaviour and develop strategies for ensuring residents concerns are addressed. Once established the housing provider is required to actively participate in the Community Liaison Group. The group should remain active to assist in establishing good relations within

the local community, building community capacity and addressing concerns about crime.”

6.2 Additional Consent Changes

The application has been initially referred to the Minister of Planning for recommended refusal by the JRPP. The Department has conducted its own merit assessment of all the submitted documentation and has come to the conclusion that it does not support the JRPP's recommendation for refusal. As the department supports this application, the initial conditions recommended by Council were reviewed. With respect to these conditions, the Department has considered these and recommends a number of amendments.

Conditions Relating To Tree Maintenance

The conditions in the consent that relate to tree maintenance and removal of trees have been amended so they are consistent with each other by clearly identifying which trees should be maintained, and removed while referring to the relevant documentation.

Noise Control

LAHC provided initial comments indicating that conditions relating noise control measures cannot be regulated due to Section 6 of the *Protection of the Environment Operations Act 1997* (POEO Act) local councils. As a result LAHC believe that Parramatta City Council is not the appropriate regulatory authority in regards to activities carried on by the State, or a public authority. These responsibilities lie with the Environment Protection Authority (EPA).

In response the department believes that LAHC should be required as part of this consent to comply with the relevant noise control measures. The majority of consents issued by the Department make reference to noise and or vibration criteria, which all developments have to abide by. The consent now makes reference to noise and vibration guidelines and criteria that have to be complied with during the construction process.

Certificates and Principal Certifying Authority

Minor alterations have occurred to some conditions which had reference to Construction Certificates, Occupation Certificates and Principal Certifying Authority (PCA). These references have been removed from the consent they do not relate to the Crown under section 81A(6) of the EP&A Act.

Formatting and Structure

In addition to the above amendments to the consent, the department considered the consent would benefit from a clearer structure. As such, the consent has been updated to split the conditions into separate sections based on the time at which it is relevant, e.g. prior to construction or during construction. The contents of the conditions have largely stayed the same, only its location within the consent has changed.

6. CONCLUSION

Overall, the department's assessment concludes that the staged DA should be approved, subject to conditions. In considering the Regional Panel's reasons for refusal, there are insufficient grounds for the Minister to support the request for approval to refuse the DA.

The clarifications and additional information provided by the applicant adequately respond to the concerns raised by the Regional Panel. It is therefore considered appropriate to approve the concept for the site and Stage 1 of the development, subject to conditions. It is noted that council assessment staff support the proposed development, and the Panel members resolved (3 to 2 in favour) that Stage 1 of the development could be approved.

The department is of the view that the panel's reasons for refusal of the concept for the site and development of Stage 1, place an undue emphasis on Stage 2 of the proposed

development, for which only conceptual approval is sought and which will be subject to a subsequent DA and detailed assessment.

The subsequent DA for Stage 2 of the project will provide the opportunity for the RMS to formally consider and address any potential traffic issues associated with Stage 2 of the development. It will also include final details of the number and type of private housing units to be included in Stage 2 of the development.

As mentioned previously Stage 2 will be subject to the Parramatta LEP 2011 (or the current LEP at the time of lodgement). Under the current zone, the site is zoned R2 low density making Residential Flat Buildings prohibited. At the time of lodgement for the second DA, the applicant will be required to concurrently apply for a planning proposal to re-zone the land to make Stage 2 permissible.

Council's proposed condition relating to s94 monetary contributions should only be imposed as part of a Stage 2 DA approval, because Stage 1 will be solely for public housing. The department's additional condition for a Community Liaison Group further encourages a positive relationship between future residents of the development and the local community

The proposal is consistent with the Government's goal of increasing the stock of affordable housing across NSW, and provides an appropriate redevelopment of a government-owned land in an area well serviced by public transport and close to many community support facilities.

The Department recommends the Minister direct the JRPP to approve the staged DA by granting staged development consent, and development approval for Stage 1.