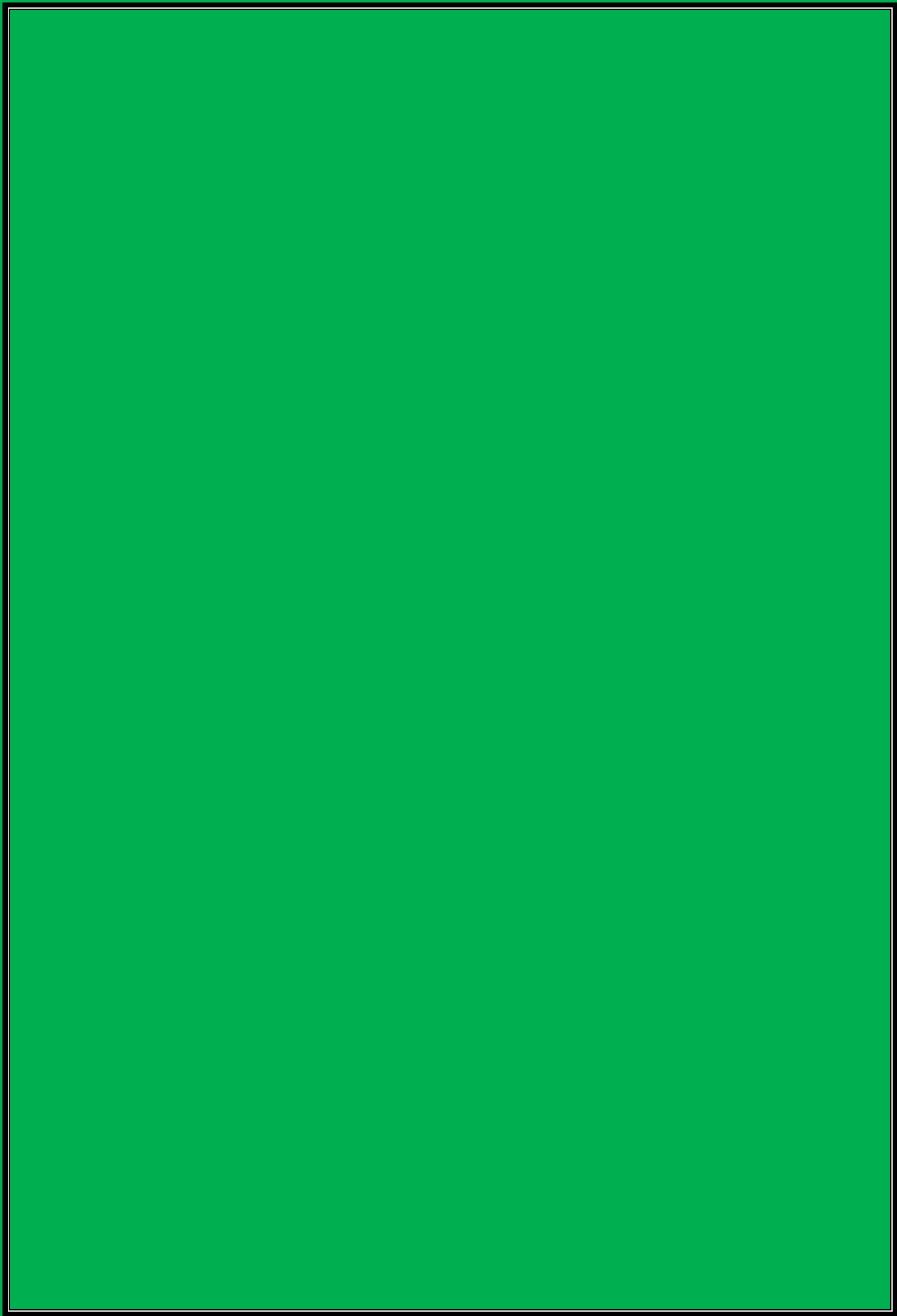


Council Assessment Report

2015SYW077 (DA/244/2015)

Three Storey Mixed Use Development

365 Clyde Street & 48-52 Wellington Road, South Granville



**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	JRPP Reference Number: 2015SYW077
DA Number	DA/244/2015
Local Government Area	Parramatta City Council
Proposed Development	Consolidation of sites, demolition of existing structures and construction of a four storey mixed use development complex comprising of ground floor shops and a supermarket with residential units above across three separate bulidings over two levels of basement car parking for 262 vehicles.
Street Address	365 Clyde Street and 48-52 Wellington Road, South Granville
Applicant Owner	Mr. P Doroch (Architecture Design Studio Pty Ltd) SA and RT Tesoriero Pty Ltd
Number of Submissions	No submissions have been received.
Regional Development Criteria	The development has a capital investment value of over \$20 million
List of All Relevant s79C(1)(a) Matters	State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy No.65 (Design Quality of Residential Flat Buildings), State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Parramatta City Centre LEP 2007, Parramatta Development Control Plan 2011
Recommendation	Refusal
Report by	Maya Sarwary, Senior Development Assessment Officer

ASSESSMENT REPORT – Residential Flat Building S79C – Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/244/2015
Assessment Officer:	Maya Sarwary
Property:	Lot 131 DP 528534 and Lots 1-3 DP 20945, at 365 Clyde Street and 48-52 Wellington Road, SOUTH GRANVILLE NSW 2142
Proposal:	Consolidation of sites, demolition of existing structures and construction of a four storey mixed use development complex comprising of ground floor shops and a supermarket with residential units above across three separate buildings over two levels of basement car parking for 262 vehicles.
Date of receipt:	1 May 2015
Applicant:	Mr P Doroch
Owner:	SA & RT Tesoriero Pty Ltd
Submissions received:	Nil
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Issues:	Amalgamation of sites Egress/Ingress into the site Amenity Height Insufficient information submitted
Recommendation:	Refusal

Legislative requirements

Zoning: B1 Neighbourhood Centre

Permissible under: Parramatta Local Environmental Plan 2011

Relevant legislation/policies: Parramatta Development Control Plan 2011
BASIX SEPP, Section 94A Plan, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65, Urban Renewal SEPP, Policy for the Handling of Unclear insufficient and amended development applications

Variations:

PLEP 2011

- Building Height

SEPP 65 (Residential Flat Design Code)

- Building depth
- Separation
- Storage
- Deep soil zones
- Balconies
- Internal Circulation
- Daylight Access

PDCP 2011

- Building Height
- Salinity
- Public Domain
- Deep Soil Zone and Landscaped Area
- Building Form and Massing
- Building Façade and Articulation
- Cross Ventilation
- Waste Management
- Housing Diversity and Choice
- Retail Car spaces
- Social Amenity
- Vehicular Access

Integrated development: No

Crown development: No

The site

Site Area: 7253.1m²

Easements/rights of way: Yes

No. 365 Clyde Street - An easement for electricity services (substation) adjacent to the Clyde Street frontage and a 3m wide easement to drain water extending along the site's eastern boundary.

Heritage item: No

In the vicinity of a heritage item: Yes – the site is located within the vicinity of No 7-11 Ferndale Street (The Acrow Building), three properties to the south of the subject site.

Heritage conservation area: No

Site History: Yes

DA/1260/2005 was approved on 31 March 2006 for internal alterations to the existing building, extension of the hours of use and extension of the approved use of the building to include processing activities at 365 Clyde Street, South Granville.

SECTION 79C EVALUATION

SITE & SURROUNDS

The subject site comprises 4 allotments being (as depicted in Figure 3 below): -

- Lot 131 DP 528534 at 365 Clyde Street, South Granville; and
- Lots 1-3 DP 20945 48-52 Wellington Road, South Granville.

The sites have a combined area of 7253.1m² having a 41.21m frontage to Clyde Street and a 49.99m frontage to Wellington Road. The land is 'L' shaped, having no frontage to the corner of Clyde and Wellington Road.

The site is presently occupied by an existing 2 storey factory with associated outbuilding used as a steel fabrication business on No 48-52 Wellington Road and a warehouse used for the storage of fruit and vegetables for distribution to residences and offices is located on the site at 365 Clyde Street.

The site at 365 Wellington Road is adjoined by a place of public worship (mosque) to the south (3 Ferndell Street). A 2 storey building used for the manufacture of aluminum products and windows adjoins this site to the north.

A 2 storey building used for the manufacture and sale of kitchens immediately adjoins the site to the west (58 Wellington Road). While also to the west on the corner of Clyde Street and Wellington Road is a 2 storey building used as a tyre repair workshop (62 Wellington Road). To the east of this site is a 3 storey mixed use development comprising shops, commercial offices and warehouses (46 Wellington Road).

Opposite the site on Wellington Road are townhouses (Nos 39-47 and 35-37 Wellington Road) while opposite the site on Clyde Street are single storey dwellings.

The rear of No. 365 Clyde Street is currently being utilised as additional car parking for the adjoining place of public worship at 3 Ferndell Street.

The surrounding development comprises of a mixture of land uses including warehouses, retail shops, industrial uses, commercial uses, low and high density residential development and a place of public worship.

THE PROPOSAL

Consent is sought for the following:

- Demolition of all existing structures from the site;
- Consolidation of 4 allotments into 1;
- Construction of a new 4 storey mixed use development comprising of 3 separate buildings with ground floor retail tenancies and a supermarket. The buildings are known as Building A which has a frontage to Clyde Street, Building B which is located at the rear portion of the site and Building C which has a frontage to Wellington Road. Each building comprises the following:-

Building A

Ground Floor

5 shops

First Floor

2 x 2 bedroom units

9 x 3 bedroom units

Second Floor

2 x 2 bedroom units

2 x 3 bedroom units

Third Floor

2 x 2 bedroom units

2 x 3 bedroom units

Building B

Ground Floor

Supermarket

First Floor

4 x 2 bedroom units

18 x 3 bedroom units

Second Floor

4 x 2 bedroom units

2 x 3 bedroom units

Third Floor

4 x 2 bedroom units

8 x 3 bedroom units

Building C

Ground Floor

16 Shops

First Floor

3 x 2 bedroom units

8 x 3 bedroom units

Second Floor

3x 2 bedroom units

1 x 3 bedroom units

Third Floor

3 x 2 bedroom units

2 x 3 bedroom units

- The unit mix features 27 x 2 bedroom, and 53 x 3 bedroom units;
- Construction of 2 levels of basement car parking comprising a total of 262 car spaces, waste storage areas, bicycle parking and trolley bays;
- Construction of a supermarket within the site;
- Construction of outdoor communal areas comprising an outdoor gymnasium, children's playground and basketball court;
- Café/Restaurant outdoor seating areas; and
- Egress and ingress to the site is proposed off Wellington Road.

It is noted that no details of the proposed uses of the ground floor retail or supermarket tenancies have been provided.



Figure 1: Photomontage of Building C facing Wellington Road.



Figure 2: Photomontage of Building A facing Clyde Street.

PERMISSIBILITY

Parramatta Local Environmental Plan 2011

The site is zoned 'B1 Neighbourhood Centre' under Parramatta Local Environmental Plan 2011. The proposed works are for the construction of 'mixed use buildings'.

The definition of a 'mixed use development' is as follows:

Mixed use development means a building or place comprising 2 or more different land uses.

Accordingly, the proposed 'mixed use development' is permissible with consent.

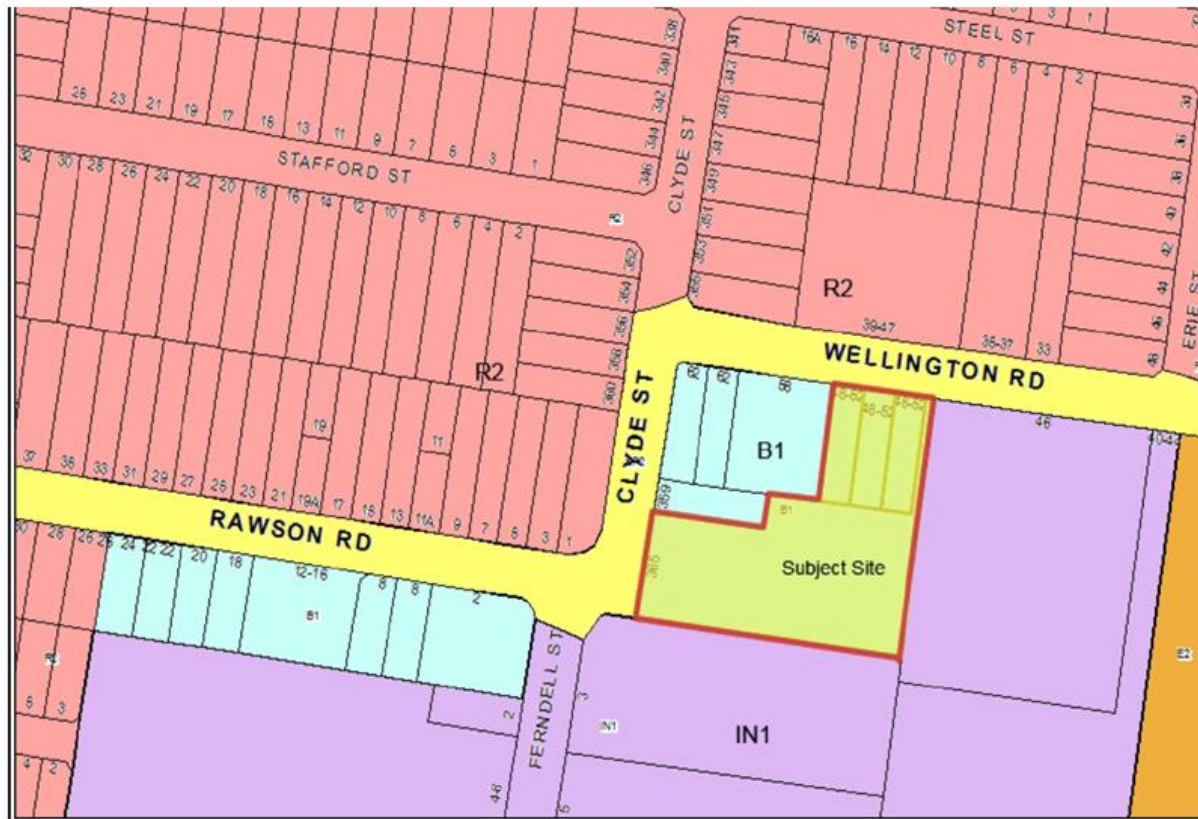


Figure 3: Zoning Map Extract

REFERRALS

Internal Referrals

Development Engineer

The development application was referred to Council's Senior Development Engineer who advised that the application cannot be supported for the following reasons:-

- The proposed OSD tank is not clear of the existing drainage easement running through the site benefitting the adjoining property. The width of the drainage easement is to be identified and indicated on plan.
- An escape route has not been provided above the existing drainage easement for the overland flow from the benefitting adjoining property such as a V-drain or similar.
- The proposed site stormwater discharge pipe is not connected into a junction pit in front of the property on Wellington Road at a minimum 1% grade.

- The applicant's drainage engineer has not clarified in writing, the design arrangement of the 2 orifice plates, the Jellyfish and the humeceptor as shown on Dwg sheet S4/4.

The applicant was requested of the above, but to date, has not submitted information to address the above concerns, therefore the application is unsatisfactory on stormwater disposal grounds.

Landscape

The proposed development was referred to Council's Landscape/Tree Management Officer who raised no objections to the development subject to the imposition of appropriate nominated conditions of consent.

The proposed development results in the removal of 4 trees from the site as follows:-

Tree No	Name	Common Name	Location
2 x	<i>Cupressocyparis leylandii</i>	Leyland Cypress	Front
1 x	<i>Corymbia maculata</i>	Spotted Gum	Rear
1 x	<i>Eucalyptus tereticornis</i>	Forest Red Gum	Rear

Council's Tree/Landscape Officer has no objections to the removal of these trees as the 2 x *Cupressocyparis leylandii* (Leyland Cypress) and the *Corymbia maculata* Spotted Gum are of low significance or located within the building footprint. The *Eucalyptus tereticornis* (Forest Red Gum) is dead.

Traffic

The proposed development was referred to Council's Traffic & Transport Engineer who has indicated that the proposal is not supported due to the following reasons: -

The right-turn in movements are not acceptable due to the following reasons:

- *Queuing for the right-turn into the site may affect vehicles departing the Wellington Road-Clyde Street intersection and may result in rear end collisions or side swiping of vehicles.*
- *Limited sight distance from motorists turning right into the site to westbound vehicles approaching in the southern-most lane (caused by vehicles queued in the right turn lane) may result in a collision.*

In this regard entry into the site must be restricted to left-turn movements only to ensure vehicle safety and to prevent any illegal manoeuvres for access into the site.

Council's Traffic Engineer has recommended that an additional driveway/vehicular entry be provided on the western side of the property off Clyde Street for easy entry into the site for vehicles entering the site from Clyde Street and Wellington Road. This would require concurrence from RMS.

In relation to parking spaces Council's Traffic Engineer has advised that there is a deficiency of 36 retail spaces within the basement, 31 excess residential spaces and 3 excess visitor spaces proposed.

It has been recommended that the 34 excess residential spaces be redesigned and reallocated as retail parking spaces.

Heritage

The proposed development was referred to Council's Heritage Advisor as the site is located within the city of a heritage item at 7-11 Ferndale Street (The *Acrow Building*). Council's Heritage Advisor raised no objections to the development given the separation between sites. In this regard it is deemed that significant views of the heritage listed item will not be impacted by the development.

Waste

The proposed development was referred to Council's Waste Management Officer who could not assess the application due to the submission of insufficient information including a waste management plan for the demolition and construction stages of the development. Further details regarding waste disposal and storage areas for the use of the development were also deficient to allow for a proper assessment of the application.

Environmental Health

The proposed development was referred to Council's Environmental Health Officer to assess the submitted Preliminary Investigation of the potential for contamination of the land in accordance with the "Managing Land Contamination Planning Guidelines SEPP No 55 – Remediation of Land".

Council's Environmental Health Officer advised that the report finds that the potential for significant soil impact is medium-high and recommends that a Detailed Site Investigation (DSI) be undertaken to assess the extent of contamination.

Therefore the proposal cannot be supported until a DSI is submitted which determines the levels of contamination and identifies whether it is possible for the site to be remediated to be suitable for the proposed use.

A DSI has not been submitted to date. The Council cannot be satisfied that the site is suitable for the proposed development and does not meet the requirements of SEPP 55.

Strategic Planning

The application was referred to Council's Team Leader – Land Use Planning in accordance with a request made by the Joint Regional Planning Panel (JRPP) at its briefing of 12 August 2015. In this regard it was requested by the JRPP that a planning comment be obtained from Council's Strategic Planning section regarding a concept plan for the overall B1 Neighbourhood Centre area so that the

development will form part of an integrated neighbourhood facility that is well-connected with the corner site and the site to the east.

Council's Team Leader – Land Use Planning provided the following comments:-

Council has not commenced/completed any strategic work relating to the subject B1 - Neighbourhood Centre fronting both Clyde St and Wellington Rd to which the current DA is located within.

Council is currently preparing an Employment Lands Strategy however, this strategic works relates to industrial zoned land only and applies to the South Granville/Chester Hill industrial precinct directly south of the subject site and not the subject B1 zoned land.

Planner's Comment

While it is acknowledged that Council has not commenced/completed any strategic work relating to the subject B1 - Neighbourhood Centre fronting both Clyde St and Wellington Rd it is considered that there is suitable justification for Council to pursue for the amalgamation of the subject site with the allotments on the corner of Wellington Road and Clyde Street (i.e. Nos 58 and 62 Wellington Road and No 359 Clyde Street).

Amalgamation with these sites would result in a development with greater exposure of retail ground floor shops increasing their potential long term viability. In addition amenity for residents and the public would be improved substantially with respect to solar access, ventilation, outlook, accessibility, legibility of public and private spaces and vehicular egress and ingress. These aspects are discussed further in this report.

Design Excellence Advisory Panel

The development application was considered by the panel at its meeting on 28 May 2015. The DEAP provided the following comments on the application.

- 1. Whilst the proponent may comply with some of the key numeric controls applicable to the site, the Panel's view is that in many areas the design quality of this proposal is well below an acceptable level for such a large and significant development. In many areas the proposal does not achieve the design intent of SEPP65's Design Quality principles or the RFDC recommendations for amenity.*
- 2. The Panel firstly recommend that a comprehensive site context assessment is undertaken. This includes identification of other retail facilities, public recreation and sporting spaces, public transport, demographic opportunities, community facilities, noise and pollution and other environmental factors.*
- 3. The Panel support the use of the site for retail, as it seems that the surrounding areas are almost exclusively residential. The Panel also support the proposed residential mix, which offers a higher percentage of three bedroom apartments than is usual.*

4. *Whilst there is no deep soil provision required, the Panel recommends that an effort is made on this large site to incorporate some significant landscape and deep soil area in the public areas of the site.*
5. *The Panel support location of vehicle access from Wellington Road, as Clyde Street is busy and difficult to provide access from.*
6. *The Panel see significant issues with the design and legibility of public access to and within the site. There is no evidence of a way-finding strategy, the entry points through standard door sets suggest that public access is not allowed, and the Wellington Road entry appears to be dark, single-storey internalised passage leading to a dead-end. Similarly the Clyde Street entry gives little indication that the public are welcome, as the courtyard beyond is almost a full level below the street.*
7. *The public spaces of the site are hard-finish, overshadowed, and therefore likely to be inactive and noisy. There is little sense of invitation or welcome. A better strategy might be to investigate location of the main public circulation route and one central “square” adjacent to the “Berry Kitchens” site on the corner, so that its eventual redevelopment can readily integrate with this development.*
8. *Many of the proposed retail shops are poorly located and the Panel recommend that a retail specialist is engaged to undertake a comprehensive review.*
9. *Whilst provision of a free community gym and basketball court are commendable, they are also poorly located and do not appear to work functionally. For example is there sufficient head height for basketball? As these areas are un-enclosed and tucked away from public scrutiny there are also issues of environmental amenity and public safety that must be considered.*
10. *The Panel are unconvinced by the proponent’s arguments in regard to acceptable environmental amenity being provided to all apartments facing east directly towards an existing blank concrete boundary wall of the adjacent development.*
11. *The Panel recommend that an independent consultant is engaged to assess solar access compliance, as the level indicated by the proponent appears to be too high (over 90%). The Panel were also interested in the proposal for achieving natural ventilation through “wing wall pressure differential” to single aspect apartments, and further detail of this should be provided by the architect to Council.*
12. *There are numerous instances of poor or non-compliant internal apartment planning in respect of the Building Code of Australia, Multi-unit BASIX and the Residential Flat Design Code. It is recommended that a thorough review of apartment planning and amenity should be undertaken by an architect with extensive SEPP65/RFDC experience.*

13. *The street level lobbies providing access to the residential components of the scheme must be separate and secure from the public access routes within the site. Sufficient circulation space should be allocated for these areas.*
14. *Common circulation corridors in the residential floors are generally too narrow, long, and rely on artificial illumination.*
15. *The Panel strongly recommend that a comprehensive reconsideration of this scheme is undertaken by the proponents. The Panel has formed a view that the land-locked nature of this L-shaped site limits the capacity for the allowable density to be achieved whilst also providing an acceptable standard of environmental amenity and Code compliance. For this to be possible, it is likely that the corner site would have to be acquired in order to provide sufficient frontage for reasonable access to natural light and ventilation.*
16. *The development has the potential to establish a new benchmark and kick-start a small commercial strip along the two street frontages with appropriately designed shopfronts, awnings, street trees, footpath paving, outdoor seating, public art and outdoor market and for this to continue into the site in the form of a pedestrian through site lane and courtyard.*
17. *The Panel recommends the applicant undertake the abovementioned analytical studies (including items 2 and 8) and submits a series of concept diagrams with block models for feedback prior to embarking on another detailed submission.*

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Advisory Panel the amended plans should be referred back to the Panel for comment.

Amended plans in the form of 2 concepts were submitted for review by DEAP. These plans were in draft form and contained 2 alternative ground floor plans and supermarket location and one amended upper floor plan that relate only to the applicant's non-preferred ground floor plan.

These plans were considered by the panel at its meeting on 27 August 2015. The DEAP provided the following comments on the application

1. *The Panel appreciate that the applicant has attempted to address some of the matters raised at the DEAP meeting on 28 May 2015, however substantial design shortcomings persist with this proposal.*
2. *The Panel acknowledge the applicants advice in relation to amalgamation of the adjacent corner site, however the failure to do this creates many design quality issues and challenges for this development.*
3. *The Panel was perplexed by the newly submitted DA material, which contained alternative ground floor plans and amended upper floor plans that relate only to the proponents non-preferred ground floor plan. This*

raises concerns in relation to the approval status of the proposal, which has already been lodged for development consent. The Panels view is that given the ongoing range of unresolved design issues and inconsistencies in the documentation, it would be better for the existing application to be withdrawn and re-submitted for a new consideration by the Panel and Council once the matters raised in this Report have been addressed by the applicant.

- 4. Of the two ground floor plans offered, DEAP offer qualified support for the option where the main pedestrian circulation is located along the edges of the adjacent corner site. This strategy has many issues however, and will require further sustained design study and development of site access, high quality public spaces, environmental amenity, way-finding and the need to address safety through application of CPTED principles.*
- 5. The Panel support the supermarket being located in the south-east corner of the site and smaller retail towards the street frontages.*
- 6. Although the general floor layout and unit planning has been improved, there are significant and numerous Apartment Design Guide non-compliances to be addressed. The applicant is encouraged to use the new ADG as a checklist to test and ensure compliance of this proposal. There also should be greater consideration for unit access via entry lobbies and corridors that are easily identified and accessed by visitors*
- 7. The spatial character of the primary “public” circulation route described above is unacceptable in that it is substantially covered in some areas and has a weak and unresolved relationship with the adjacent corner site. The applicant should prepare plans that demonstrate acceptable design quality of this critical armature of access for both the existing and any future development scenario of the neighbouring property.*
- 8. The Panel re-iterates its advice of 28 May (Item 15) in relation to the capacity of this land-locked site to deliver the maximum allowable FSR. The sites lack of street frontage and address to open space means that the amenity of many of the proposed units is poor and substantially compromised. As one example, separation between the proposed buildings does not meet ADG guidelines.*
- 9. The proposed building height exceeds the allowable 12m maximum. Some height non-compliance may be considered however, if it is demonstrated that it has no amenity impacts on residents or neighbours and has a high quality design outcome.*
- 10. There is inadequate spatial provision for movement and service access at the rear of ground floor retail tenancies. The proposed vehicular circulation is circuitous and appears to be extremely tight. This should be reviewed by a traffic engineer, together with basement access and planning.*

11. *Whilst there is no deep soil requirement, for a site of this size the Panel strongly recommend that there is a substantial effort to introduce this in a number of appropriate locations, and particularly aligned with the proposed public spaces.*
12. *A waste collection and management strategy should be clearly articulated. The same consideration should apply to how furniture removals would be managed across the site.*
13. *The quality of public open space and proposed restaurant outdoor seating areas should be assessed in terms of solar access and human comfort. These areas presently appear to be dark, over-shadowed and with poor outlook and amenity.*
14. *The Panel caution the applicants reliance on “wing-wall” cross ventilation to achieve ADG compliance. This should be discussed with Council.*
15. *There are still some units directly facing the blank concrete wall on the eastern boundary. The Panel do not support this, it will result in very poor amenity for the residents.*
16. *Solar protection to north and west facing windows should be provided.*
17. *In light of the above, the Panel therefore recommend that:*
 - *the applicant again considers the key comments provided previously and herein related to site amalgamation and planning.*
 - *the maximum FSR allowable is only considered if acceptable design quality is achieved across all aspects of the proposal.*
 - *this application is withdrawn and reconsidered in light of the above advice*

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Advisory Panel the amended plans should be referred back to the Panel for comment.

Planner's Comment

Council's main issue with the proposed development mirrors advice from the Panel with the exception of the Panel's request for the applicant to demonstrate compliance with the Apartment Design Guide (ADG) as the application was lodged prior to the ADG taking effect and therefore must be assessed under the residential flat design code (RFDC).

Whilst a mixed use development on the site has the potential to provide high quality medium density residential development and retail uses to support the area, any future development needs to be moderated to improve the amenity of its occupants and achieve a better contextual relationship with surrounding development. This is particularly difficult due to the land locked nature of the site.

This comment is based on the original plans submitted with the application.

External Referrals

Roads and Maritime Services (RMS)

The development application was referred to the Roads and Maritime Services (RMS) in accordance with Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007, as Wellington Road is a classified regional road which requires the removal of existing and construction of new vehicular crossings. As such concurrence is required from RMS in accordance with Section 138 of the Roads Act, 1993.

RMS did not grant concurrence to the proposal raising the following concerns:-

The proposed right turn movements would require the removal of an existing painted median island which may result in the existing right turn bay into the adjoining development to no longer comply with relevant standards. It was recommended that right turn movements into and out of the site are restricted to reduce the potential to adversely affect traffic flows on Wellington Road.

The following additional information was also requested by RMS:-

- *Swept paths are requested to demonstrate that Medium Rigid Vehicles can be accommodated on the proposed driveway and vehicle crossovers. Medium Rigid Vehicles should also not adversely affect other vehicles on the site and on Wellington Road when manoeuvring in and out of the site.*
- *The Signalised & Unsignalised Intersection Design and Research Aid" traffic modelling software (SIDRA) movement summaries provided in the Traffic Report need to be clarified as to why there is a reduction of vehicles turning left from Wellington Road in the AM peak (proposed AM).*
- *Clarity on whether the existing shared access on Clyde Street will be removed as part of this application. Council has previously conditioned that ingress is restricted to this access for the adjoining development to the south of this site (Condition 16A for DA/758/2011). Any Council requirement to remove this existing shared access will require the traffic signal plan to be amended by the developer. The amended traffic signal plan would then need to be reviewed and approved by Roads and Maritime. Roads and Maritime preference is for this driveway to be removed out of the intersection.*

The applicant has been advised of the above, and has not provided any further documentation to address the concerns raised.

Matters raised at the Joint Regional Planning Panel Briefing

On 12 August 2015, the Panel were briefed of the proposed development. The Panel requested the following issues to be investigated. A response has been provided to each matter below:

- *A planning comment is to be obtained from Council's Strategic planning section regarding a concept plan for the overall B1 Neighbourhood Centre area so that the development will form part of an integrated neighbourhood facility that is well-connected with the corner site and the site to the east.*

As discussed previously, the application was referred to Council's Team Leader – Land Use Planning who advised that Council has not commenced/completed any strategic work relating to the subject B1 - Neighbourhood Centre fronting Clyde Street or Wellington Road.

- *Possible consolidation with the corner site and eastern adjoining site are to be investigated by the applicant.*

The applicant was advised that the land-locked nature of the L-shaped site limits the capacity for the allowable density to be achieved whilst also providing an acceptable standard of environmental amenity and Code compliance. It was also advised that the corner site would have to be acquired in order to provide sufficient frontage for reasonable access to natural light and ventilation and an overall improved development.

The applicant has advised that they have tried to acquire the corner site but with no success. No evidence of these discussions or negotiations has been provided to Council.

The applicant has submitted legal advice from Gadens Lawyers relating to the isolation of adjoining sites.

The advice concluded the following:-

- *The Adjoining Site will not become isolated, in a planning sense, if it is not included in the proposed development of the Subject Site.*
- *The Adjoining Site will maintain a range of viable development options that are permissible and contemplated by the LEP which satisfy the objectives of the 61 – Neighbourhood Centre zone.*
- *Clause 3.7.2 of the Parramatta Development Control Plan 2011 (Parramatta DCP), which specifically addresses site isolation, does not require the Adjoining Site to be amalgamated.*
- *The Adjoining Site could be developed in its own right, while complying with the relevant requirements of SEPP 65, the Parramatta LEP and Parramatta DCP.*
- *The orderly and economic use and development of the Adjoining Site and the Subject Site can be achieved without amalgamation.*

- *A number of factors including the size of the Adjoining Site and design of the proposed development militate strongly against the conclusion that the site would become isolated.*

PUBLIC CONSULTATION

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties, given notice of the application for a 21 day period between 13 May 2015 and 3 June 2015. In response no submissions were received.

The proposal was re-advertised for a 21 day period in the local paper and a sign placed on the site with owners and occupiers of surrounding properties, given notice of the application for a 21 day period between 23 September 2015 to 15 October 2015. In response no submissions were received. The plans were re-advertised as there was an error in the original advertised description of the development which identified the proposal as comprising 3 storeys instead of 4.

Amended Plans

Amended plans in the form of 2 concepts were submitted for review by DEAP. These plans were in draft form and contained 2 alternative ground floor plans and one amended upper floor plan that relate only to the applicant's non-preferred ground floor plan.

Given the inconsistencies in the documentation submitted and the draft status of the amended plans, the original plans submitted with the application have been assessed in this report.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application. Given that the subject site has been used for an industrial type purpose being for the fabrication of steel products which may have caused contamination a preliminary site investigation (PSI) of the potential for contamination of the land has been carried out in accordance with the "Managing Land Contamination Planning Guidelines SEPP No 55 – Remediation of Land".

The PSI report prepared by *Benviron Group*, indicates that the site has potential significant soil impacts from the past historical uses and that significant contamination from the former use of the site may be prevalent given the proximity of the development to an active foundry.

The PSI concluded that the risks to human health and the environment associated with soil contamination at the site are moderate-high in the context of the proposed use of the site, and that the site can be made suitable for the proposed development subject to the following:-

1. A Detailed Site Investigation (DSI) is undertaken in order to characterise and quantify any potential contaminants that may have impacted the site from its past uses.
2. Any soils proposed for removal from the site should initially be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste NSW DECC (2009).
3. A hazardous materials assessment of the buildings should be undertaken prior to demolition being carried out on site.

A DSI has not been submitted to date. The second and third recommendations can be incorporated within conditions of consent if the application were to be approved. However the applicant has not demonstrated that the site can be made suitable for the proposed residential use and the proposal does not meet the requirements of Clause 7(2) of SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. If the application were to be approved a condition would be imposed to ensure such commitments are fulfilled during the construction of the development.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained with the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

The proposed development does not entail any hazardous or offensive material manufacturing or use, therefore does not require an assessment under the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is subject to clause 45 of the SEPP as the development proposes the relocation of a substation from the Clyde Street frontage of the site to the Wellington Road frontage of the site. A written referral to the energy authority would be required if the application was recommended for approval.

The application is subject to clause 101 and 102 of the SEPP as the site has a frontage to a classified regional road (Wellington Road) and is located on land in or adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles.

Clause 101 states the following:-

“101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

Planner's Comment

The development application was referred to the Roads and Maritime Services (RMS) in accordance with Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007. RMS did not grant concurrence to the proposal and this has been discussed earlier under the 'Referrals' section of this report.

Council's Traffic and Transport Engineer does not support the proposal and this has also been discussed earlier under the 'Referrals' section of this report.

Clause 102 states the following:-

“102 Impact of road noise or vibration on non-road development

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:
 - (a) a building for residential use,*
 - (b) a place of public worship,*
 - (c) a hospital,*
 - (d) an educational establishment or child care centre.**
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.**
- (4) In this clause, **freeway, tollway and transitway** have the same meanings as they have in the [Roads Act 1993](#).”*

Planner's Comment

An acoustic report has been submitted that makes recommendations to meet the required noise reduction levels as required by Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007. These measures could be incorporated into the development if it were approved.

STATE ENVIRONMENTAL PLANNING POLICY (URBAN RENEWAL) 2010

The site is not identified as being within a precinct currently identified as being a candidate for renewal and revitalisation. Given this the provisions of the SEPP do not apply.

STATE ENVIRONMENTAL PLANNING POLICY 65 - Design Quality of Residential Flat Development 2002

State Environmental Planning Policy No. 65 aims to promote quality design of Residential Flat Buildings. The proposal is subject to the Policy as it involves development of a residential flat building being 3 storeys and more in height. The application also has been considered by Council's Design Excellence Advisory Panel where it was found that the proposal was unsatisfactory (the Panel's comments have been discussed in detail above).

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The statement addresses each of the 10 principles and an assessment of this is made below. Council's assessing officer's comments in relation to the submission is outlined below. Some of these comments reflect the DEAP advice.

Context

This DA meets the requirements of the LEP in terms the development being a permissible land use. However the design of the proposed development is not considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The context of the proposed mixed use development is not appropriate for its location in the form that it is proposed on an 'L' shaped allotment.

Scale

The development complies with the FSR applicable to the site. Despite compliance with the FSR control, the land-locked nature of site the and inability to amalgamate with the adjoining corner site results in the development lacking in amenity due to the number of units proposed. The sites lack of street frontage and address to open space means that the amenity of many of the proposed units is poor and substantially compromised.

In order to achieve greater amenity and for units and improved open space areas, the scale of the development may need to be reduced.

The land-locked nature of this L-shaped site limits the capacity for the allowable density to be achieved whilst also providing an acceptable standard of environmental amenity and Code compliance. For this to be possible, it is likely that the corner site would have to be acquired in order to provide sufficient frontage for reasonable access to natural light and ventilation.

The proposed building height exceeds the allowable 12m maximum. This has been discussed later in the PLEP 2011 section of this report.

Built form

The design of the development is poor. The development lacks deep soil and landscaped areas, the proposed communal open space areas including the outdoor gym, children's playground and basketball court receive poor solar access and are away from public view. There is no evidence of a way-finding strategy, the entry points through standard door-sets suggest that public access is not allowed, and the Wellington Road entry appears to be dark, single-storey internalised passage leading to a dead-end. Similarly, the Clyde Street presentation does not promote positive interaction with the public and pedestrian traffic as it is located almost an entire floor below street level.

Further, the location and visibility of the proposed retail uses are poorly resolved is anticipated to generate long term issues for their viability.

Density

The land-locked nature of this L-shaped site limits the capacity for the allowable density to be achieved whilst also providing an acceptable standard of environmental amenity and Code compliance. For this to be possible, it is likely that the corner site would have to be acquired in order to provide sufficient frontage for reasonable access to natural light and ventilation.

Resource, energy and water efficiency

A BASIX Certificate has been submitted with the application and the required design measures have been incorporated into the design of the building.

Landscape

Due to the large scale of the development it is considered that significant landscape and deep soil area in the public areas of the site should be incorporated in the proposal. Currently this is lacking in the design of the development.

Amenity

In many areas the proposal does not achieve the design intent of SEPP 65's Design Quality principles or the RFDC recommendations for amenity.

The development lacks useable and functional deep soil and landscaped areas. The proposed basketball court and outdoor gymnasium are poorly located with respect to solar access and public safety.

It appears that the proposal does not comply with the solar access provisions of SEPP 65.

There are also many units facing east directly to a blank concrete boundary wall of substantial height on the boundary of the subject site and No. 46 Wellington Road.

The street level lobbies provided access to the residential units are not separated from the public access into the development, and common circulation corridors on the residential floors are too narrow and long.

The design and legibility of public access to and within the site is poor. There is no evidence of a way-finding strategy for both future residents and the public.

The quality of public open space and proposed restaurant outdoor seating areas appear to be dark, over-shadowed and with poor outlook and amenity.

Safety and security

The Wellington Road entry to the development appears to be mean and comprises of a single-storey internalised passage leading to a dead-end. Similarly the Clyde Street entry gives little indication that the public are welcome, as the courtyard beyond is almost a full level below the street.

The proposed community gym, children's playground and basketball court are located such that they do not assist in the promotion of passive surveillance and activation of the street frontage.

The applicant has not designed the development to suitably address safety through application of CPTED principles.

Social dimensions

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements, providing additional housing choice within the area in close proximity to public transport and potential employment opportunities. However the poor design of the retail entry and through access is likely to have negative impacts on the attractiveness and success of the retail offering.

Aesthetics

The proposed development is considered to be appropriate in terms of textures, materials and colours and reflect the use, internal design and structure of the resultant building.

An assessment is now provided against the numerical requirements within the Residential Flat Design code referenced in SEPP 65

RESIDENTIAL FLAT DESIGN CODE

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	Building A – 36m (max) Building B – 48m (max) Building C – 24.8m (max)	No
Separation	12m between habitable rooms (up to 4 storeys)	<u>Levels 1-3</u> Building A and Building B = 10m to 30m Building B and Building C - 12m – 58m The adjoining development to the east, west and south do not comprise residential units.	No – non-compliance is acceptable as it occurs for a small part of one unit (B1-07). All other units comply with minimum separation distance requirement.
Storage	In addition to kitchen	Storage areas other	No

	<p>cupboards and bedroom wardrobes storage should be provided as follows:</p> <p>1 bedroom 6m³ 2 bedroom 8m³ 3 bedroom 10m³</p>	<p>than kitchen cupboards and bedroom wardrobes have not been provided.</p>	
Balconies	<p>Provide primary balconies for all apartments with a minimum depth of 2m.</p> <p>If 3br or more apartment is a 2.4m deep primary balcony provided that can accommodate a table and 4 chairs.</p>	<p>All 2 bedroom apartments have primary balconies with a minimum depth of 2m.</p> <p>11 x 3 bedroom apartment shave balconies with depths less than 2.5m.</p>	<p>Yes</p> <p>No</p>
Residential Ceiling heights	Minimum 2.7m	Levels 1 to 3 - 2.7m	Yes
Min. Apartment size	<p>1 bedroom 50m² 2 bedroom 70m² 3 bedroom 95m²</p>	<p>2 bedroom - 74m² - 84m² 3 bedroom – 95m² – 136m²</p>	<p>Yes.</p> <p>Note: There are no 1 bedroom units.</p>
Open Space	The area of communal open space should be between 25-30% of the site area	<p>The site has an area of 7253.1m².</p> <p>Given this a minimum common open space area of 1813.28m² - should be provided.</p> <p>The development provides communal open space areas on Level 3 of Buildings A, B and C, and on Levels 1 and the ground floor of the development.</p> <p>The total area of communal open space area of 3510m².</p>	Yes

Deep Soil	A minimum of 25% of the open space area should be a deep soil zone.	<p>The site has a communal open space provision of 3510m².</p> <p>None of the communal open space is deep soil zone.</p>	<p>Yes</p> <p>No</p>
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	<p><u>Building A</u> A maximum of 10 apartments are accessed per core.</p> <p><u>Building B</u> A maximum of 11 apartments are accessed per core.</p> <p><u>Building C</u> A maximum of 10 apartments are accessed per core.</p>	No
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	It appears that less than 70% of apartments will receive 3 hours direct solar access in the winter solstice. However this cannot be ascertained as a solar access plan/analysis has not been submitted, as such compliance with this requirement cannot be ascertained.	Solar access plan/analysis is required to be submitted.
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	7 (8.8%) units with sole aspect to the south (Units A1-06, A1-07, A1-1, A2-03, A3-03, A3-04 and A3-05).	Yes
Natural ventilation	60% of units should be naturally cross ventilated	>60% of the units can be cross ventilated.	Yes

Natural ventilation	At least 25% of kitchens should have access to natural ventilation	27 of the 80 units have direct access to natural ventilation. This equates to 34%.	Yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window	All units are provided with windows within 8 metres of a kitchen.	Yes
<p><u>Planning Comment</u></p> <p>Many areas of the proposal do not achieve the design intent of SEPP 65's Design Quality principles or the RFDC recommendations for amenity.</p> <p>This is exacerbated due to the land-locked nature of this L-shaped site and the density of units and retail proposed for the site.</p> <p>The development should provide greater amenity for units with respect to solar access, layout of units, provision of deep soil areas, provision of storage areas, and reduction in the length and width of common circulation corridors.</p>			

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

COMPLIANCE TABLE		
Development standard	Yes/No	Compliance
Land Use Table – B1 Neighbourhood Zone	Yes	Mixed Use developments are permissible in the B1 Neighbourhood Zone.
<p>4.3 Height of Buildings</p> <p>Does the building exceed the maximum building height shown for the land on the Height of Buildings Map?</p>	No	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 12m above existing natural ground level.</p> <p>The development has a maximum height of 14m.</p>

<p>4.4 Floor Space Ratio</p> <p>Does the development exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map? ie 1.5:1</p>	Yes	<p>Site Area =7253.1m² Permissible=10, 879.65m² Proposed= 10, 888.95m² FSR= 1.5:1 (considered to comply)</p>
<p>4.6 Exceptions to development standards.</p>	Yes	<p>The application seeks approval to vary clause 4.3 relating to height of buildings. Refer to the discussion at the end of this table for detailed assessment.</p>
<p>5.1 and 5.1A Development on land intended to be acquired for public purposes</p> <p>Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?</p>	N/A	<p>The site is not identified on this map.</p>
<p>5.6 Architectural roof features</p> <p>Does an architectural roof feature result in a building exceeding the maximum building height for the site outlined in clause 4.3?</p> <p>If yes does the roof feature satisfy clause 5.6.3?</p>	N/A	<p>The development does not contain an architectural roof feature.</p>
<p>5.7 Development below mean high water mark.</p> <p>Is any portion of the development proposed to be carried out below the mean high water mark?</p>	N/A	<p>The proposal is not for the development of land that is covered by tidal waters.</p>
<p>5.9 Preservation of trees.</p>	Yes	<p>See previous discussion on tree removal in the referral section of this report.</p>

<p>5.10 Heritage Conservation</p> <p>Does the site contain or is it near a heritage item?</p> <p>If yes does the development satisfy clause 5.10.4 (effect of proposed development on heritage significance)?</p>	Yes	<p>According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.</p> <p>The site is located within the vicinity of No 7-11 Ferndale Street (The Acrow Building). Significant views of the heritage listed item will not be impacted by the development given the separation between sites.</p>
5.10.8 Aboriginal Places of Heritage significance	Yes	<p>The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an aboriginal place of heritage significance.</p>
<p>6.1 Acid sulfate soils</p> <p>What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?</p> <p>Is an Acid Sulfate Soils Management Plan Required?</p>	Yes	<p>The site is identified as containing class low Acid Sulfate Soil. In accordance with the LEP table an Acid Sulfate Soils Management plan is not required to be prepared.</p>
<p>6.2 Earthworks</p> <p>Are the earthworks associated with the development appropriate?</p>	Yes	<p>Council's Development engineer has reviewed the application and considers that the proposed earthworks are satisfactory.</p>
<p>6.3 Flood planning</p> <p>Is the site floodprone?</p>	N/A	<p>The site is not identified by council as being floodprone.</p>
<p>6.4 Biodiversity protection</p> <p>Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?</p>	N/A	<p>The site is not identified on this map.</p>
<p>6.5 Water protection</p> <p>Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?</p>	N/A	<p>The site is not identified on this map.</p>
<p>6.6 Development on landslide risk land</p> <p>Is the site identified as being landslide risk land on the 'Landslide Risk Map'?</p>	N/A	<p>The site is not identified on this map.</p>
6.7 Affected by a Foreshore Building Line	No	<p>The site is not located in the foreshore area.</p>

4.6 Exceptions to development standards within LEP 2011

1. The objectives of this clause are as follows:
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
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.
3. Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
4. Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.

A request for exception under clause 4.6 was lodged as the proposed development exceeds the maximum height limit for the site by 2m (14%). This exception is not considered to warrant Council's support and is discussed in further detail within this report.

The applicant has provided the following justification for the non-compliance with the development standard:

- *The existing commercial buildings at No 46 Wellington Road already present to the street with considerable bulk and to a height equivalent to at least a three storey mixed use building. In that context, the proposed building will*

present as a fairly modest transition upwards in scale and use toward the commercial centre at the corner of Clyde Street and Wellington Road. It is that transition upward to the corner site that has informed the PLEP 2011 height and FSR controls and zoning.

- Furthermore, the proposed buildings will be setback by 6m from the neighbouring properties to the east (46 Wellington Road) and the south (3 Ferndell Street). These setbacks will create additional transition to those neighbouring properties.*
- Greater transition to the property to the south at 3 Ferndell Street will be created by the deep soil landscaping and open space on the southern boundary of the Site. That deep soil landscaping will feature a row of Ficus Micro Carpa Hillii which will attain a mature height of 10m each.*
- The large Site area means that the great majority of the building height non-compliance will not be visible to or affect either nearby properties or the streetscape in any way.*
- The proposed Levels 1, 2 and 3 will be setback from the frontages to both Clyde Street and Wellington Road by 2m-3m. The non-compliance (which is restricted to Level 3) will therefore be visually recessive when viewed from the relevant streets.*
- Commercial uses on the Ground Floor Level will create street activation and articulation of the building form as viewed from the street.*
- The buildings will incorporate design features which will create further articulation, including decorative louvres on the First Floor Level, coloured fins, variation in the rhythm of fenestration and other use of coloured masonry. This additional articulation will create "fine-grain~ effect which will significantly reduce visual bulk as experienced in the street.*
- Due to the flat terrain in the locality and the absence of prominent visual features, that non-compliance will not cause disruption to significant views.*
- The location of the Site in the B1 zone, with neighbouring lots zoned B1 Neighbourhood Centre to the west, IN1 General Industrial zone to the south and east and roads to the north and west, means that the Site has no immediate residential neighbours. The units facing Wellington Road to the north will be located approximately 27m from the nearest residential dwellings on the opposite side of Wellington Road. Similarly, the units facing Clyde Street to the west will be located approximately 22m from the nearest residential dwellings on the opposite side of Clyde Street. The building height non-compliance will therefore have no significant, adverse impacts on the privacy of neighbours.*
- Further to the last point, the location of the Site means that the non-compliance will have no significant, adverse impact on neighbours in terms of visual massing.*

- *Further to the previous points, the location of the Site means that the non-compliance will have no significant, adverse impact on neighbours in terms of overshadowing.*
- *The nearest heritage site is the Acrow Building at 7-11 Ferndell Street which is over 100m from the Site. Two large industrial blocks lie between the Site and that heritage item. The non-compliance will therefore have no significant adverse impact on that heritage item.*
- *The distance of the Site from the R2 Low Density Residential Zone (27m from the nearest residential dwellings on the opposite side of Wellington Road and approximately 22m from the nearest residential dwellings on the opposite side of Clyde Street) ensures that the non-compliance will not affect the low density nature and scale of that area.*
- *The height non-compliance facilitates the inclusion of Level 3. The provision of additional residential units on this level will assist Council to meet its target of an additional 32,430 residents by 2031 (as referred to in Council's Population Growth fact sheet) without causing adverse impacts on nearby residents. In this respect, the Site presents Council with an unusual opportunity for additional development.*
- *The fact that the proposal complies with internal building separation distances and complies with the PLEP 2011 FSR standard indicates that the proposal is not an overdevelopment of the site.*

Assessment of the exception under clause 4.6:

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 4.3 (maximum permissible building height) is a development standard.

2. What is the underlying object or purpose of the standard?

The purpose of Clause 4.3 is to ensure that the bulk and scale of the development is suitable with regard to the area of the site and the type of development proposed. The stated objectives of Clause 4.3 are as follows:-

- (a) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

(c) to require the height of future buildings to have regard to heritage sites and their settings,

(d) to ensure the preservation of historic views,

(e) to reinforce and respect the existing character and scale of low density residential areas.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

It is considered that it would not be unreasonable or unnecessary to comply with the building height development standard for the following reasons:-

- Non-compliance with the development standard does not improve the outcomes for the development itself and those that live in, work in or enjoy the development. A compliant development would still meet the aims and objectives of the PLEP 2011 and the B1 Neighbourhood Centre Zone.
- The increase in building height is not considered necessary in achieving a functional, viable development that is permissible in the B1 zone and complies with the objectives of the B1 zone.
- The development which exceeds the maximum height for the site by 2m results in a development that is not in keeping with the general locality which comprises single, 2 and 3 storey residential, industrial mixed use buildings.
- The proposed development would create a precedent which will allow other development within the B1-Neighbourhood Centre zone to exceed the 12m height limit.

4. Is the exception well founded?

The proposal has not adequately addressed the consistency of the proposed development with the underlying and stated purposes of the standard and the local planning objectives for the locality and objectives of the Act. The variation under Clause 4.6 provided does not appropriately justify that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

The strict adherence to the numerical standard will allow the best economic use of the site and the delivery of a suitably scaled in-fill development in an established neighbourhood.

Zone Objectives

The relevant objective of the B1 Neighbourhood Centre zone is as follows: -

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

The proposed development provides a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. However the design and land-locked nature of the site make the development unsuitable in its current form.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Development Control	Proposal	Compliance
Site Considerations		
2.4.1 Views and Vistas Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas. Refer also to Views and Vistas in the Harris Park Heritage Conservation Area in Part 4.	The site is not identified as having views and vistas identified as being significant by either Appendix 2 nor is located in the Harris Park Conservation Area.	Yes
2.4.2.1 Flooding Is the site flood affected by local or mainstream flooding? If yes refer to section 2.4.2 of DCP 2011 for detailed controls.	The site is not identified in Council database as being flood prone.	Yes
2.4.2.2 Protection of Waterways Does the site adjoin a waterway? If yes does the proposed landscaping comprise of local indigenous species?	The site does not adjoin a waterway.	Yes
2.4.2.3 Protection of Groundwater Is a basement carpark proposed?	The development incorporates 2 levels of basement carpark.	Yes

<p>If yes does the site require dewatering to facilitate this?</p>	<p>In the event the application is approved a condition of consent requiring the submission of a geotechnical report before the issue of a Construction Certificate would be required to ensure the development will not impact on groundwater.</p>	
<p>2.4.3.1 Soil Management</p> <p>Are there adequate erosion control measures?</p>	<p>An erosion and sedimentation plan has been submitted with the application and conditions may be imposed in the event the application is approved, to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.</p>	<p>Yes</p>
<p>2.4.3.2 Acid sulphate soils</p>	<p>Refer to LEP table above</p>	<p>Yes</p>
<p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p>	<p>Information provided by the NSW Department of Environment and Heritage (DEH) indicates that the site is subject to high salinity potential.</p> <p>The application has not been accompanied by a salinity assessment undertaken by a suitably qualified professional, which provides recommendations in relation to the type of construction techniques that are to be employed to prevent structural damage to the development as a result of salinity, and the</p>	<p>No</p>

	protection methods that can be employed to mitigate the impact of the development on soil salinity.	
2.4.4 Land Contamination Is the site identified as or likely to be contaminated?	Refer to previous discussion under the SEPP 55 assessment earlier in this report.	Potentially-DSI required
2.4.5 Air Quality Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?	Standard conditions may be imposed to ensure that the potential for increased air pollution has been minimised, in the event the application is approved.	Yes
2.4.6 Development on Sloping Land Does the design of the development appropriately respond to the slope of the site?	The design of the development appropriately responds to the slope of the site.	Yes
2.4.7 Biodiversity Is vegetation removal appropriate? Does the landscape plan incorporate indigenous planting listed in Appendix 3? If the site contains or adjoins bushland is a Statement of Flora/Fauna Impact Required?	Council's landscape officer has reviewed the application and advises that vegetation removal is appropriate, the landscape plan is appropriate and that a Statement of Flora/Fauna Impact is not required.	Yes
2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone Does the site adjoin land zoned E2 or W1? If yes, does the development satisfy the design principles?	The site does not adjoin land zoned E2 or W1.	N/A
2.4.8 Public Domain Does the building appropriately address the public domain?	The development provides for activation of	No

<p>Does the development provide appropriate passive surveillance opportunities?</p>	<p>the street and passive surveillance from ground floor commercial tenancies and the residential flat units have balconies facing the street which would provide additional passive surveillance.</p> <p>The development also comprises public domain areas within the site.</p> <p>The design and legibility of public access to and within the site is considered to be difficult for users of the site. There is no evidence of a way-finding strategy, the entry points through standard door sets suggest that public access is not allowed, and the Wellington Road entry appears to be dark, single-storey internalised passage leading to a dead-end. Similarly the Clyde Street entry gives little indication that the public are welcome, as the courtyard beyond is almost a full level below the street.</p> <p>Legibility of pathways and where they lead to as well entries into lifts to residential units are difficult to identify. In this regard the street level lobbies providing access to the residential components of the scheme are not separate and secure</p>	
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<p>Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?</p>	<p>from the public access routes within the site and sufficient circulation space has not been allocated for these areas.</p> <p>The proposed community gym, children's playground and basketball court are poorly located and as they are away from public view.</p> <p>An Alignments Plan showing existing and proposed conditions in accordance with the PCC Public Domain Guidelines for has not been submitted.</p>	
<p>3. Preliminary Building Envelope</p>		
<p>Frontage</p> <p>Minimum 18m if the development is more than 10 metres in height.</p>	<p>The site has a street frontage of 41.21m to Clyde Street and 49.99m to Wellington Road</p>	<p>Yes</p>
<p>Height</p> <p>Does the proposal exceed the Maximum height as shown on the Parramatta LEP 2011 Height of Buildings Map? –</p> <p>Does the proposal exceed the number of storeys outlined in the DCP height table?</p>	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 12m above existing natural ground level.</p> <p>The development has a maximum height of 14m.</p> <p>There are no numerical controls with respect to the number of storeys.</p>	<p>No - A clause 4.6 variation request has been provided and is discussed earlier in this report.</p>

Front Setback Nil	Ground floor – nil Levels 1, 2 and 3 – Min 2m from both Wellington Road and Clyde Street frontages.	Yes
Side Setback To comply with the building separation controls of the Residential Flat Design Code	See Residential Flat Design Code assessment earlier in this report.	Yes for the most part
Rear Setback To comply with the building separation controls of the Residential Flat Design Code	See Residential Flat Design Code assessment earlier in this report.	Yes for the most part
Deep Soil zone and Landscaped Area Merit	See Residential Flat Design Code assessment earlier in this report.	No
3.2. Building Elements		
3.2.1 Building Form and Massing Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?	The density and height of the development are considered excessive, and this has been discussed earlier in this report under the RFDC and Clause 4.6 variation discussion.	No
3.2.2 Building Façade and Articulation Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture? Does the building exceed the building envelope? If yes, by more than: <ul style="list-style-type: none"> • 800mm for balconies and eaves: • 600mm for Juliet balconies and bay windows Are Multiple stair lift/cores provided to encourage multiple street entries?	It is considered that the development is suitability articulated by stepping of the upper floors, by the use of balconies and by the use of differing external finishes and materials. It is considered that there is insufficient lifts/cores provided for	Yes No

	the number of units proposed, resulting in long and narrow internal residential corridors.	
<p>3.2.3 Roof Design</p> <p>Does that roof form minimise the bulk and scale of the building?</p> <p>Does the roof form respond to the local context, in particular scale and pitch?</p>	<p>The development proposes buildings with flat roofs which is consistent with the local context and minimises the bulk and scale of the building</p>	Yes
<p>3.2.5 Streetscape</p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?</p> <p>Do Garages and parking structures dominate the building façade and front setback?</p> <p>If the development adjoins an existing or desired pedestrian or vehicular laneway does the development provide opportunities to activate the space?</p> <p>Are the mail boxes visually integrated within the built form?</p> <p>Are mail boxes located for convenient access by residents and</p>	<p>The development exceeds the maximum height for the site by 2m which is not in keeping with the general locality. This is discussed earlier under the Clause 4.6 variation discussion of this report.</p> <p>Basement car parking is provided to minimise the impact of parking structures on the building façade and the front setback.</p> <p>The development does not adjoin an existing or desired pedestrian/vehicular laneway.</p> <p>A letter box area has been provided on the Wellington Road frontage and integrated within the design of the development.</p> <p>The mail boxes are located close to Building</p>	<p>No</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>No</p>

deliverers?	C but are a long distance away from Buildings A and B and therefore not readily accessible to future occupants of Buildings A and B.	
3.2.6 Fences Is the front fence a maximum height of 1.2metres?	The development does not propose any front fences.	N/A
3.3 Environmental Amenity		
3.3.1 Landscaping Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and incorporated into the design of the development?	The development results in the removal of 4 trees on the site and has pockets of landscaping around the site. Council's Tree/Landscape Management officer has no objections to the proposed tree removal or the landscape plan.	Yes
3.3.2 Private Open Space Is a minimum of 10m ² of private open space with minimum dimensions of 2.5m?	All residential units have terraces of at least 10m ² , although not all terraces have a minimum dimension of 2.5m ² .	Partly
3.3.2 Common Open Space Is a minimum of 10m ² of COS provided per dwelling?	800m ² - required 3510m ² - provided	Yes
Swimming Pools Is a swimming pool proposed?	There is no swimming pool proposed.	N/A
3.3.3 Visual Privacy Do balconies face the street or another element of the public domain such as a park?	Many residents within the development have balconies that face the street or adjoining property boundaries The balconies facing adjoining properties are adequately setback from the boundaries to	Partly

<p>Is a minimum building separation of 12m provided between habitable rooms/ balconies?</p>	<p>minimise loss of amenity through overlooking. It is also noted that the site is not adjoined by residential uses as this stage.</p> <p>There are balconies located on the eastern elevation of Buildings B and C which although complying with the RFDC separation distance requirement may have the potential for overlooking of other buildings within the development. These privacy concerns may be addressed by the introduction of building devices which reduce overlooking opportunities.</p> <p>It is also noted that Buildings A and C are located on the boundary with Nos 359 and 54-58 Wellington Road. The nil setbacks proposed may result in visual and acoustic amenity impacts to any future development on this allotment.</p> <p>A minimum building separation of 12m provided between habitable rooms/ balconies has been provided for the majority of the development – see RFDC discussion earlier in this report.</p>	
<p>3.3.4 Acoustic Amenity Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail</p>	<p>Part of the site is located on Wellington Road which is a</p>	<p>Yes</p>

<p>corridors?</p> <p>If yes have habitable rooms of dwellings affected by high levels of external noise been designed to achieve internal noise levels of no greater than 50dBA.?</p>	<p>classified road. An acoustic report has been submitted that makes recommendations to meet the required noise reduction levels as required by Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007. These measures could be incorporated into the development if it were approved.</p>	
<p>3.3.5 Solar Access</p> <p>Do all dwellings receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p> <p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?</p>	<p>The number of units that receive solar access cannot be ascertained as a solar plan/analysis has not been submitted.</p> <p>There are no residential uses adjoining the site.</p>	<p>No</p> <p>N/A</p>
<p>Cross Ventilation</p> <p>Is the minimum floor to ceiling height 2.7m?</p> <p>Are 80% of dwellings naturally cross ventilated?</p> <p>Does the building have a maximum depth of 18m?</p>	<p>Levels 1 to 3 - 2.7m</p> <p>At least 80% of units are naturally cross ventilated.</p> <p>Building A – 36m (max)</p> <p>Building B – 48m (max)</p> <p>Building C – 24.8m (max)</p>	<p>Yes</p> <p>Yes</p> <p>No</p>
<p>3.3.6 Water Sensitive Urban Design</p> <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and</p>	<p>Council's Development Engineer has advised that the concept OSD plan is not satisfactory. See discussion under</p>	

to provide safe passage for less frequent floods?	'Referrals' section of this report.	
<p>3.3.7 Waste Management</p> <p>Is the waste management plan satisfactory?</p>	<p>The Waste Management Plan is not satisfactory as it does not adequately detail the types and amounts of waste that will be generated by the development during the demolition and construction stages.</p> <p>Furthermore insufficient information has been provided regarding how waste will be removed from the site, i.e. can garbage trucks access and egress the site, the methods of removal and disposal, the amount and type of bins proposed for both residential and commercial components of the development and whether the proposed that garbage will be collected by Council or by a private contractor.</p>	No
3.4 Social Amenity		
<p>3.4.1 Public Art</p> <p>Is an arts plan required?</p>	<p>An arts plan is required as the site is over 5000m².</p> <p>An arts plan has not been submitted.</p>	No
<p>3.4.4 Safety and Security</p> <p>Has the development been designed in accordance with crime prevention principles?</p>	<p>The Wellington Road entry to the development appears to be dark, single-storey internalised passage</p>	No

	<p>leading to a dead-end. Similarly the Clyde Street entry gives little indication that the public are welcome, as the courtyard beyond is almost a full level below the street.</p> <p>The proposed community gym, children's playground and basketball court are poorly located and they are away from public view.</p>	
<p>3.4.5 Housing Diversity and Choice</p> <p>Is the unit mix in accordance with the following:</p> <p>The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments:</p> <ul style="list-style-type: none"> • 3 bedroom 10% - 20% • 2 bedroom 60% - 75% • 1 bedroom 10% - 20% <p>Have adaptable dwellings been provided in accordance with the following ratio:</p> <p>Total no. of dwellings in development /No. of adaptable dwellings required:-</p> <ul style="list-style-type: none"> • Less than 10 =1 • 10-20 = 2 • more than 20 = 10% 	<p>53 x 3 bedroom units proposed (66%)</p> <p>27 x 2 bedroom units proposed (34%)</p> <p>There are no 1 bedroom units proposed.</p> <p>9 adaptable units proposed (11%).</p>	<p>No</p> <p>Yes</p>
3.5 Heritage & Part 4 Special Precincts		

<p>Development must comply with the objectives, principles and controls in Part 4 and any relevant objectives, principles and controls in Parts 2 and 3 of this DCP. Where there is any inconsistency Part 4 will prevail.</p> <p>Does the site contain ah heritage item?</p> <p>Is the site within a heritage conservation area?</p> <p>Is the development near a heritage item?</p> <p>If yes to any of the above is the impact of this development acceptable?</p>	<p>The site is not heritage listed or located within a Conservation area.</p> <p>The site is located within the vicinity of No 7-11 Ferndale Street (The Acrow Building). Significant views of the heritage listed item will not be impacted by the development given the separation between sites.</p>	<p>Yes</p>
<p>3.5.2 Archaeology</p> <p>If yes is the area within the study area of the Parramatta Historic Archaeological Landscape Management Study (PHALMS)?</p>	<p>The site is not within an Archaeological Management Unit.</p>	<p>N/A</p>
<p>3.6 Parking and Vehicular Access</p>		
<p>3.6.2 Vehicular and Bicycle Parking</p> <p>If the site is not within 400m walking distance of a railway station or a transitway bus stop with a service frequency of 10minutes or less between 7am and 9am weekdays is parking provided within a basement at the following minimum rate:</p> <ul style="list-style-type: none"> • 0.6 spaces per studio apartment • 1 space per 1 bedroom unit • 1.25 spaces per 2 bedroom unit • 1.5 spaces per 3 bedroom unit • 2 spaces per 4 bedroom unit • Plus 0.25 space per dwelling for visitor parking 	<p>90 parking spaces have been provided in an accessible public basement car park area, 146 single vehicle garages and 23 visitor parking spaces.</p> <p>The number of parking spaces provided is deficient of 36 retail spaces, there is an excess of 31 residential spaces and an excess of 3 visitor parking spaces.</p> <p><i>Note: Parking requirements for restaurants are different to the retail rate. The exact floor area</i></p>	<p>No, 34 residential parking spaces are to be redesigned and reallocated as retail parking spaces to comply with PDOP 2011. 2 additional spaces are to be provided and allocated as retail spaces.</p>

	<p><i>allocated to restaurants is not indicated in the plans or the traffic report.</i></p> <p>PDCP 2011, Section 3, C.30 states that: <i>“Business and retail premises may include any on-street unrestricted or time restricted parking on the frontage of the site in the parking calculations if supported by traffic and parking survey”.</i></p> <p>However, since Wellington Street has ‘No-Stopping’ restrictions adjacent to and further from the site, this cannot be applied.</p> <p>Thus, it is recommended that the 34 excess residential garages be redesigned and allocated for the retail tenancies to fulfil the requirements of PDCP 2011 and the roller shutter door be moved to accommodate and divide the spaces accordingly.</p>	
<p>Is 1 bicycle parking space provided per 2 units?</p> <p>1 space per 2 dwellings x 80 = 40 bicycle spaces</p> <p>Retail: 1 bicycle space per 200m² of floor space x 2503m² ≈ 13 bicycle spaces <i>Total = 53 bicycle spaces</i></p>	<p>78 bicycle spaces are provided on the basement levels.</p>	Yes
<p>3.6.2 Vehicular Access</p> <p>Are the location and design of</p>	Vehicular access and	No

<p>driveways used for movement of motor vehicles efficient, safe, convenient and integrated into the design of the development?</p>	<p>ingress into the site is proposed off Wellington Road into 2 levels of basement parking.</p> <p>RMS and Council's Traffic and Transport section have concerns with this arrangement recommending that the right turn movements into and out of the site are restricted to reduce the potential of adversely affecting traffic flows on Wellington Road and to decrease the risk of collisions and side swiping of vehicles. In this regard Council's Traffic section recommended that an additional driveway/vehicular entry be provided on the western side of the property off Clyde Street for easy entry into the site for vehicles entering the site from Clyde Street and Wellington Road– See 'Referrals' section of this report for further discussion.</p> <p>In addition egress out of the loading dock 4 cannot be undertaken in a single manoeuvre which is required to adequately comply with the vehicular access controls of the PDCP 2011.</p>	
<p>3.6.3 Accessibility and Connectivity</p> <p>If the development is a large site with a street pattern that limits pedestrian movements is it</p>	<p>The development comprises public through links within the</p>	

appropriate for pedestrian through link with a minimum width of 3m to be provided?	<p>site.</p> <p>The design and legibility of public access to and within the site is considered to be difficult for users of the site. This has been discussed earlier in this report.</p>	
3.7.2 Site consolidation and isolation		
Does the proposal result in adjoining sites being isolated e.g. adjoining sites would not meet the minimum frontage requirements etc	<p>The proposal does not result in the isolation of any adjoining properties.</p> <p>However the land-locked nature of the L-shaped site limits the capacity for the allowable density to be achieved whilst also providing an acceptable standard of environmental amenity and Code compliance.</p> <p>As such it is a preference that the corner site would have to be acquired in order to provide sufficient frontage for reasonable access to natural light and ventilation and an overall improved development.</p> <p>The applicant has advised that they have tried to acquire the corner site but with no success. No evidence of these discussions or negotiations has been provided to Council.</p> <p>The applicant has submitted legal advice from Gadens Lawyers</p>	Yes

	which advises that the adjoining site will not become isolated, in a planning sense, if it is not included in the proposed development of the subject site. This has been discussed further under the 'Referrals' section of this report. .	
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PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

With exemptions

As the cost of works exceeds \$100,000 a Section 94A development contribution of **1.0%** is required to be paid. . A Quantity Surveyor who is a member of the Australian Institute of Quantity Surveyors prepared a Quantity Surveyors Report that detailed **\$675,580** of exemptions. Accordingly, the Section 94A contributions will be calculated on the value of **\$26, 971, 972**.

A standard condition of consent can be imposed requiring the contribution to be paid prior to the issue of a Construction Certificate, in the event the application is approved.

PLANNING AGREEMENTS

The proposed development is not subject to a planning agreement entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

REGULATIONS

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection can be addressed by appropriate consent conditions, in the event the application is approved.

LIKELY IMPACTS

The likely impacts of the proposed development have been addressed within this report.

SUITABILITY OF THE SITE

The potential constraints of the site have been assessed and it is considered that the site is not suitable for the proposed development

SUBMISSIONS & PUBLIC INTEREST

No submissions were received in response to the notification of the application. Notwithstanding, the proposed development is not considered to be in the public interest.

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is not suitable for the site and is not in the public interest. Therefore, it is recommended that the application be refused.

Recommendation

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

REFUSAL

That Development Application No. DA/244/2015 for demolition of existing structures and construction of a four storey mixed use development complex comprising of shops and a supermarket on the ground floor and residential units on the upper levels in three separate buildings over two levels of basement car parking at 365 Clyde Street and 48-52 Wellington Road, South Granville be refused for the following reasons.

1. The proposed development does not satisfy Clause 7(2) of State Environmental Planning Policy 55 – Remediation of Land as it has not been demonstrated that the site is suitable for the proposed development.
2. Roads and Maritime Services (RMS) cannot grant concurrence to the development in accordance with Section 138 of the Roads Act, 1993 (*Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007*).
3. The proposed development is inconsistent with Parramatta Local Environmental Plan 2011 as follows:
 - Clause 4.6 *Exceptions to development standards* as the applicant has not adequately demonstrated why the Clause 4.3 *Height of buildings development standard* is unreasonable or unnecessary in the circumstances of the case and the exception is not well founded.
4. The proposed development is inconsistent with the Parramatta Development Control Plan 2011 as follows:-

- a. Section 2.4.8 *Site Considerations (Public Domain)* as the proposed design and legibility of public access to and within the site is considered to be difficult for users of the site, the public entry ways to the site are narrow and dark passages, legibility of way finding within the development is poor.
- b. Section 3.1.1 – *Height* and Section 3.1.3 *Preliminary Building Envelope (Height)* as the development has a maximum height of 14m which is 2m greater than the maximum height of 12m.
- c. Section 3.1.3 *Preliminary Building Envelope (Deep Soil Area)* as the development contains inadequate deep soil areas.
- d. Section 3.1.3 *Preliminary Building Envelope (side and rear setbacks)* as Buildings A and C within the development are located on the boundary with Nos 359 Clyde Street and 54-58 Wellington Road which may result in potential visual and acoustic privacy impacts to future development on these allotments.
- e. Section 3.2.1 *Building Elements (Building form and massing)* as the proposed development is located in a street and locality that is predominantly characterised by development ranging in height from 1 storey to 3 storeys.
- f. Section 3.2.2 *Building Elements (Building Façade and Articulation)* as there is insufficient lifts/cores provided for the number of units proposed, resulting in long and narrow internal residential corridors within the development.
- g. Section 3.3.2 *Environmental Amenity (Private Open Space)* as many of the courtyards/balconies/terraces at all levels of the building have dimension of less than 2.5m.
- h. Section 3.3.5 *Environmental Amenity (Cross Ventilation)* as the proposed development comprises buildings having depths greater than 18m resulting in poor cross flow ventilation.
- i. Section 3.3.6 *Environmental Amenity (Water Sensitive Urban Design)* as the concept OSD plan proposed for the development is not satisfactory and drainage from the site cannot be undertaken in a proper manner.
- j. Section 3.4.4 *Social Amenity (Safety and Security)* as public entries into the site are dark and narrow and the proposed community gym, children's playground and basketball court are poorly located as they are away from public view.
- k. Section 3.4.5 *Environmental Amenity (Housing Diversity and Choice)* as the proposed development does not provide any 1 bedroom units.

- l. Section 3.6.2 *Parking and Vehicular Access* as the development will result in increased chance of collision and traffic impacts due to the location of the egress and ingress points into the development being from Wellington Road.
 - m. Section 3.6.2 *Parking and Vehicular Access* as the development provides an insufficient number of retail car spaces.
5. The proposed development is inconsistent with the following numerical requirements within the Residential Flat Design code referenced in SEPP 65 as follows:-
- Building depth
 - Separation
 - Storage
 - Deep soil zones
 - Balconies
 - Internal Circulation
 - Daylight Access
6. Council has not received sufficient information to enable a detailed and accurate assessment of the application with respect to:
- An Alignments Plan.
 - An Arts Plan
 - A salinity assessment
 - A solar access plan/analysis
 - Waste Management Plan that addresses waste generation and disposal during demolition and construction stages
 - A detailed waste management plans and report which clearly states how waste will be stored and removed from the site during the on-going use of the development.
 - A Detailed Site Investigation
 - A satisfactory stormwater plan.

(Section 79C (1) (b) of the Environmental Planning and Assessment Act 1979 and Clause 54 of the Environmental Planning and Assessment Regulation 2000).

7. The development is considered to adversely impact on the built environment (Section 79C (1) (b) Environmental Planning and Assessment Act 1979).
8. The development is considered to be unsuitable for the site (Section 79C (1) (c) Environmental Planning and Assessment Act 1979).
9. The development is not being in the public interest (Section 79C (1) (e) Environmental Planning and Assessment Act 1979).

