

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYW088
DA Number	DA/210/2016
LGA	Parramatta
Proposed Development	Demolition, tree removal and construction of a four storey Residential Flat Building comprising a total of 24 units (including 11 affordable units) and associated basement car parking pursuant to the Affordable Rental Housing SEPP 2009. The proposal is defined as Nominated Integrated Development as approval is required under the Water Management Act 2000. The proposal will be determined by SWCPP.
Street Address	2-4 Rangihou Crescent, PARRAMATTA NSW 2150
Applicant Owner	HILLSTREET DEVELOPMENTS Pty. Ltd. Mrs J C Crawford
Date of DA lodgement	4 April 2016
Number of Submissions	Three
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Schedule 4A – Clause 6 – Private Infrastructure and community facilities over \$5 million.
List of all relevant s79C(1)(a) matters	ARHSEPP, BASIX SEPP, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65 and Apartment Design Guidelines
List all documents submitted with this report for the Panel's consideration	Statement of Environmental Effects Clause 4.6 Variation SEPP 65 Verification Statement Waste Management Plan Access Report Finishes Schedule BASIX Certificate No. 715909M Arborist Report Traffic Management Report Social Impact Assessment
Report prepared by	Deepa Randhawa
Report date	25 January 2017

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes



Parramatta City Council

File No: DA/210/2016

S79C ASSESSMENT REPORT
Environmental Planning & Assessment Act 1979

SUMMARY

DA No: DA/210/2016

Property: LOT 9 DP 27317, LOT 10 DP 27317, 2-4 Rangihou Crescent, PARRAMATTA NSW 2150

Proposal: Demolition, tree removal and construction of a four storey Residential Flat Building comprising a total of 24 units (including 11 affordable units) and associated basement car parking pursuant to the Affordable Rental Housing SEPP 2009. The proposal is defined as Nominated Integrated Development as approval is required under the Water Management Act 2000. The proposal will be determined by SWCPP.

Date of receipt: 4 April 2016

Applicant: HILLSTREET DEVELOPMENTS Pty. Ltd.

Owner: Mrs J C Crawford

Is the property known to be owned by a Council employee or Councillor? No

Political donations/gifts disclosed: None disclosed on the application form

Submissions received: 3 submissions

Recommendation: APPROVAL

Report author: Deepa Randhawa

Legislative requirements

Zoning:	R4 High Density Residential under PLEP 2011
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Additional Legislation	Water Management Act 2000
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Other relevant Environmental Planning Instruments (EPIs)	ARHSEPP, BASIX SEPP, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65 and Apartment Design Guidelines
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PCC Planning Controls & Section 94A Contributions Plan, Parramatta Development

Policy	Control Plan 2011, Policy for the handling of unclear, insufficient and amended development applications
Heritage item?	No
Heritage Conservation Area?	No
Nearby item or Cons. area?	Yes- Heritage Item at No. 5,7,& 9 Rangihou Crescent
Archaeological heritage?	No
Integrated development	Yes – Water Management Act 2000
Delegation	Sydney West Central Planning Panel.
Relevant Site history	<p>On 27th February 2015, a development application, DA/97/2015, was lodged for the construction of a 4 storey Residential Flat Building containing 22 apartments over basement car parking pursuant to the Affordable Rental Housing SEPP 2009.</p> <p>The application was not supported due to a number of non-compliances with development standards and Council's controls. The main issues raised included:-</p> <ul style="list-style-type: none"> • Location of the driveway access to a proposed future road; • No lift access provided; • The proposed finished floor levels were 1.5m above the natural ground level; and • Non-compliance with the floor space ratio and deep soil area controls. <p>Amended plans were received by Council, however the proposal as amended, did not adequately address the outstanding matters raised and the application was later withdrawn on 1 October 2015 by the applicant in order to revise the design through a formal pre-lodgement process.</p> <p>It is noted that no pre-lodgement meetings were held for the development of the site.</p> <p>The application under consideration has addressed the matters raised during the assessment of the previous application by way of:-</p> <ul style="list-style-type: none"> • Relocating the driveway access from the site to Rangihou Crescent; • Providing lift access to service all floors; • The finished floor levels of the ground floor have been reduced to a maximum of 1m above the natural ground level; and • The development is now compliant with the applicable standards and controls for floor space ratio and deep soil requirements.

ASSESSMENT

WATER MANAGEMENT ACT 2000

The proposed development is identified as Nominated Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979, as General Terms of Approval are required from the NSW Office of Water (NOW), under the provisions of the Water Management Act 2000.

The extent of excavation proposed to accommodate the on-site car parking for the development will intersect groundwater, and as such, requires an aquifer interference activity approval. The information requirements for such an authorisation are explicitly detailed in the *NSW Aquifer Interference Policy* – including the need to provide a thorough hydrogeological assessment of the predicted impacts of the proposed development and calculations of the volumes likely to be extracted.

The Office of Water (NOW) has issued General Terms of Approval for the proposal, which have been incorporated within the conditions of the development consent.

PERMISSIBILITY

Parramatta Local Environmental Plan 2011

The site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are for the construction of a 4 storey residential flat building.

The definition of a 'residential flat building' is as follows:

Residential flat building means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The subject site is located in an accessible area given it is approximately 290m and 350m walking distance from bus stops located on Macarthur Street which provide regular bus services to Burwood, West Ryde, Ryde and Parramatta. The site is also 750m walking distance from Parramatta Ferry Wharf which is also serviced by Sydney Ferries.

In this regard, the proposal complies with Clause 10 of the SEPP (ARH) 2009 as the building type proposed is permitted within the zone, and the property is located within an accessible area.

The proposal is permissible under SEPP (Affordable Rental Housing) 2009, and satisfies the locational requirements for such development under that SEPP. The development also meets the definition of residential flat building, and is permissible with consent in the R4 zone under PLEP 2011.

PROPOSAL IN DETAIL

The application is made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal is for in-fill affordable housing which comprises of the following:

- Demolition of 2 detached dwellings, ancillary structures and concrete paths.
- Removal of 17 trees.
- The construction of a 4 storey residential flat buildings comprising of 24 apartments with the following dwelling mix:
 - 8 x 1 bedroom units,
 - 13 x 2 bedroom units, and
 - 3 x 3 bedroom units.
 - 11 apartments are nominated for purposes of affordable housing
- Twenty four (24) car parking spaces are provided within two basement levels.
- It is noted that Strata Subdivision is not proposed under the subject application.

SITE & SURROUNDS

The site is an irregular shaped east-west oriented block with a combined frontage of 39.68m to Rangihou Crescent and a site area of 1,154.1m². The site has a natural ground level fall from the north-west to south-east corners by approximately 3.75m.

Currently on the site are 2 x single storey dwelling houses and ancillary structures.

The site adjoins single dwellings to the north, a Residential Flat Building development under construction to the east (1A Morton Street which was recently approved for six residential flat buildings containing 355 apartments), multi-unit dwellings and single dwelling houses across the road to the west and Rangihou Reserve to the south. Rangihou Reserve is classified as 'community land' in accordance with the Local Government Act 1993 and is zoned RE1 (Public Recreation) under Parramatta Local Environmental Plan 2011.



Figure 1: Aerial view of the site and surroundings

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.

The Preliminary Site Investigation report No. 16/0853 has been reviewed by the Environment Health Officer. This review indicates that the report sufficiently addresses contamination concerns in relation to the proposed development and therefore the Council's Environmental Health Officer has no objections to the proposal subject to recommended conditions.

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. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

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 not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Rangihou Crescent is less than 40,000 vehicles.

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

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

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 within the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The development application has been made under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, which applies to all land in the City of Parramatta and aims to facilitate the provision of affordable housing within New South Wales and particularly within the Sydney region.

The following provisions of the SEPP are relevant to this proposal:

***Note:** Affordable Rental Housing is shortened to ARH in the below table.

Requirement	Proposed	Compliance
Clause 10 – Land to which Division applies Proposed building ‘type’ must be permissible in the zone. Land must be within an accessible area (ie. within 400m walking distance of a regularly serviced bus stop or within 800m of a ferry wharf or train station).	The proposed Residential Flat Building is permissible in the R4 zone applying to the site. The subject site is located in an accessible area given it is approximately 290m and 350m walking distance from bus stops located on Macarthur Street which provide regular bus services to Burwood, West Ryde, Ryde and Parramatta. The site is also 750m walking distance from Parramatta Ferry Wharf which is also serviced by Sydney Ferries.	Complies Complies
Clause 13 – Floor Space Ratio The maximum floor space ratio is 1.1:1 Permitted= 1269.51m² For sites with a floor space ratio of less than 2.5:1, the bonus is calculated using the formula below: Bonus = ARH/100 1.1:1 Plus Based upon ARH bonus = 1.1:1 + 0.45:1 = 1.55:1 Permitted= 1788.35m²	Total FSR = 1788.35m ²	Complies
Clause 14 – Standards that cannot be used to refuse consent.		
1.Site and solar access requirements (b) Site Area: Min 450m ²	1154.1m ²	Complies
(c) Landscaped area: 30% (346.2m ²) of the site area	27% (310m ²) of landscaping provided	

(d) Deep soil zones: 15% (173m ²) of the site area with min dimensions of 3m	26% (300m ²) of deep soil zones.	Complies
(e) Solar Access: 70% of dwellings receive min 3 hours direct sunlight in mid-winter. 70% of dwellings = 16.80units (round up to 17 dwellings)	Four single south facing dwellings are proposed. 17out of 24 dwellings (70.83%) receive a min. of 3 hours direct sunlight.	Complies Complies
2. General (a) Car Parking: 1 bedroom – 0.5 space (= 4 spaces) 2 bedroom – 1 space (= 13 spaces) 3 bedroom – 1.5 spaces (= 4.5 spaces) TOTAL spaces required = 22 spaces	24 resident car parking spaces proposed	Complies
(b) Dwelling Size: 50m ² for 1 bedroom 70m ² for 2 bedroom 95m ² for 3 bedroom	Studio N/A 1 bedroom 51.3m ² (min) 2 bedroom 72m ² (min) 3 bedroom 97.1m ² (min)	Complies
Clause 16 – States that SEPP 65 applies to affordable housing RFB's.	SEPP 65 assessment is contained later in this report.	Complies
Clause 16A – Character of Local Area.	This clause requires Council to take into consideration whether the design of the development is compatible with the character of the local area. An assessment of the compatibility of the proposal with the locality is located at the end of this table.	Complies
Clause 17 – Must be used for affordable housing for 10 years Consent cannot be granted unless conditions are imposed that will require the development to be used for 10 years from issue of Occupation Certificate.	A condition will be imposed on any consent issued requiring that the development be held as affordable rental housing for a period of 10 years from the issue date of the Occupation Certificate.	Condition

The proposal therefore satisfies the standards contained in SEPP 2009. The assessment of the proposal against the character of the local area as required by Clause 16A is contained below:

Clause 16A - Character of local area:

The below is a consideration of character within the terms defined in the Land and Environment Court planning principle established in consideration in the matter *Project Venture Developments Pty. Ltd. v Pittwater Council* [2005] NSW LEC 191.

As defined in the planning principle, merit assessment of character of the local area should consider the following 3 steps:

- Step 1 – Identify the local area.
- Step 2 – Determine the character (present and future) of the local area.
- Step 3 – Determine if the development is compatible with the character of the local area.

As assessment against each step is provided below:

Step 1 - Identify the local area

This assessment identifies the local area as primarily the visual catchment of the site which is shown in the figure below:

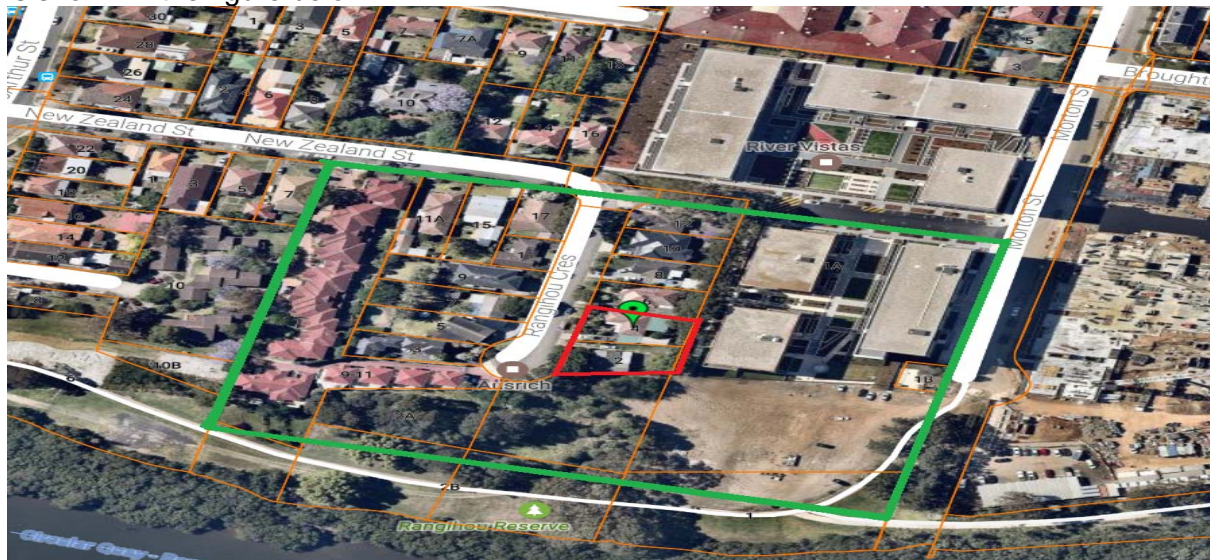


Figure 2: Local Area being the approximate visual catchment from the site. Note: Green border denotes area. Red border denotes subject site.

Step 2 – Determine the character (present and future) of the local area

Present Character of the area

The site adjoins single dwellings to the north, an RFB development under construction to the east (1A Morton Street which was recently approved for six residential flat buildings containing 355 apartments), multi-unit dwellings and single dwelling houses across the road to the west.

The visual catchment is predominantly zoned R4 High Density Residential with part R3 Medium Density and part R2 Low Density residential zones to the west of Rangihou Crescent. The sites on the southern side are zoned RE1 (Public Recreation) with the area to the east of Rangihou and the surrounding area is all zoned R4 High Density Residential and undergoing redevelopment.

The subject site is in close proximity to bus services Macarthur Street and approximately 850m to the Parramatta Ferry Wharf to the south of Parramatta River.

As such, it is noted that the surrounding area is zoned R4 High Density Residential pursuant to PLEP 2011 and undergoing redevelopment.

Future Character of the area

The future character of an area is best determined by consideration of the planning framework that applies to the site under the relevant Environmental Planning Instruments and Development Control Plans that are presently in force. In this area, the relevant controls are PLEP 2011 and PDCP 2011. In terms of building envelope, PLEP 2011 defines the permitted building types, permitted uses, building heights, and maximum floor space ratio, while PDCP 2011 defines building setbacks and desired site design.

In terms of assessing the desired future character of an area, zoning, maximum height, floor space and setbacks are the most deterministic controls with respect to likely planning outcomes. Zoning defines the likely building typology, whereas height, floor space, and setbacks define the size and setting of buildings.

Part 2 of PLEP 2011 defines the zoning that applies to the site. As shown in the figures below, the zoning of sites around the subject property is R4 High Density Residential under PLEP 2011. This extends to the properties on the north and eastern side of Rangihou Crescent.

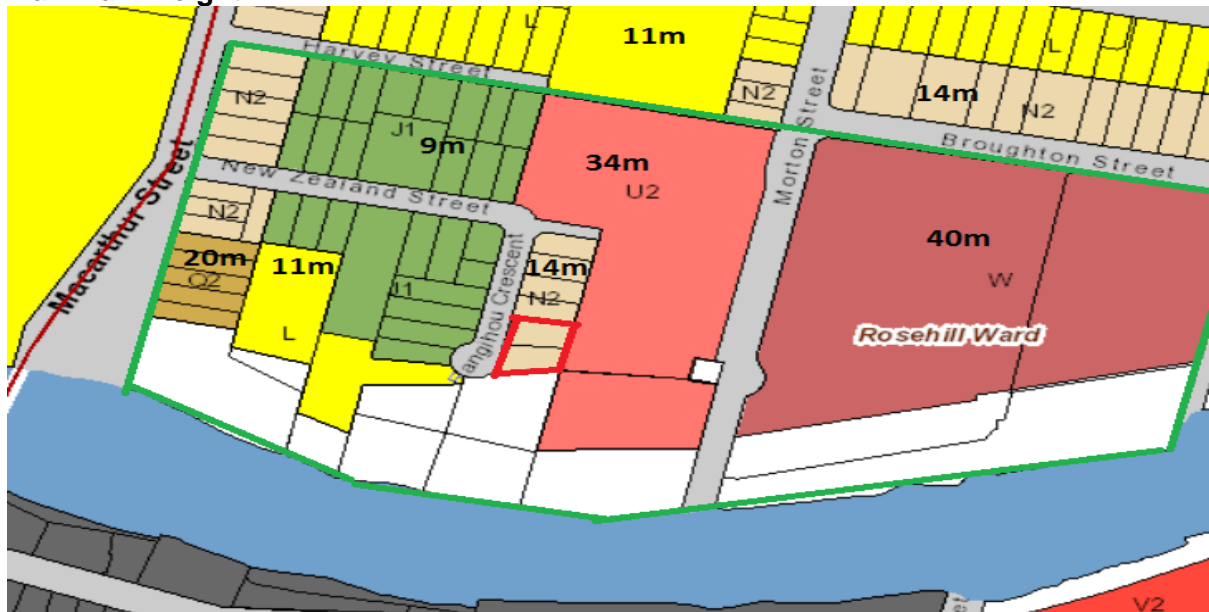
Zoning



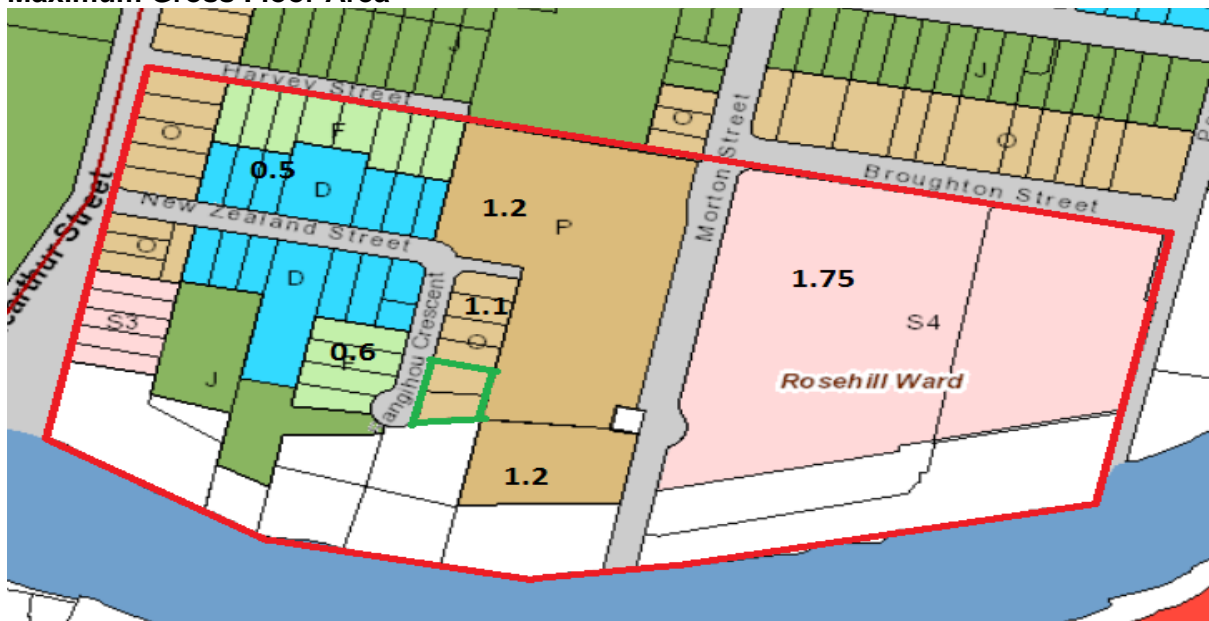
Figure 3: Zoning map extract of the site and surrounds. The red coloured zone is R4 High Density Residential. The purple is B4- Mixed Use, the green is RE1 Public Recreation, the lighter pink is R2 Low density Residential and the darker pink is R3 Medium density residential.

The key controls defining the permitted size of a building are the floor space ratio and gross floor area controls contained in Clauses 4.3 and 4.4 of PLEP 2011. The sites in this part of the R4 zoned area have a maximum building height of 14m (which equates to 4 storeys in the high density residential context and limited by PDCP 2011).

Maximum Height



Maximum Gross Floor Area



Step 3 - Determine if the development is compatible with the character of the local area.

In accordance with the Land and Environment Court's 'Planning Principle' and recent case law compatibility is best defined as 'capable of existing together in harmony'. In order to test compatibility two questions are to be considered. These questions as well as a response to each are provided below:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

The above question is relatively objective. Physical impacts generally include privacy, overshadowing, visual bulk and compatibility in the streetscape.

As advised in this assessment report, the proposal, subject to the imposition of appropriate conditions, will not have undue impacts – that is – beyond the level anticipated by PDCP 2011 - on the privacy or solar access achieved for surrounding residential allotments.

The proposal is consistent in bulk and street presence to development that would be expected under that control.

As discussed in the PLEP 2011 section of this report, the development will not unduly constrain development on any adjoining site, and the site and proposal are considered appropriate.

- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The above question is relatively subjective. To be compatible, a development should contain or at least respond to the essential elements that make up the character of the surrounding area. As previously indicated, the precinct in question has an established mix of low to high residential built form, and as such, the proposed development is considered to be consistent and conforms with the existing streetscape character of the immediate area surrounding the subject site.

In terms of future development, the proposal has setbacks and a footprint generally compatible with the likely future form of development in the locality.

In conclusion, the proposal manages to keep in harmony with the general streetscape notwithstanding its bonus floor space and is suitably in character with the locality.

STATE ENVIRONMENTAL PLANNING POLICY 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

SEPP 65 applies to the development as the building is more than 3 storeys in height and contains a residential component.

DESIGN EXCELLENCE ADVISORY PANEL (DEAP)

The development application was considered by the Panel, who provided the following advice.

Panel's Comments	Applicants Response
<ul style="list-style-type: none">• The floor to floor height is considered to be inadequate and needs to be increased to 3050 mm minimum.	<ul style="list-style-type: none">• Floor to floor height has been increased to 3085mm as per brick size.
<ul style="list-style-type: none">• Some reconfiguration of the internal layout is required to ensure that services line up through all the levels in order to avoid wet areas directly above habitable rooms and entry areas.	<ul style="list-style-type: none">• The proposed Communal Open Space at ground level-rear has been nominated as private open space for Unit 03 and 04 as recommended by Panel
<ul style="list-style-type: none">• The landscape plan is generally considered to be adequate. The proposed common open space areas would be best	<ul style="list-style-type: none">• The terrace of Unit 04 at the rear has been dropped to minimise the height difference between the NGL of the

<p>reallocated as private open space as this would potentially enable areas that would otherwise be unused to be better utilised and maintained.</p>	<p>rear private open space.</p>
<ul style="list-style-type: none"> It is unclear whether the darker wall of the upper-most level is set back from the face brickwork below. As it is considered important that there be a horizontal separation and this needs to be carefully detailed. Consideration could be given to the use of lightweight cladding on the upper-most level, rather than brickwork. Generally, the colour of the brickwork mortar should match the colour of the bricks on all levels. 	<ul style="list-style-type: none"> The colour of brick mortar has been matched to the brick's colour (Refer to the material schedule and updated photomontage).
<ul style="list-style-type: none"> Other specific changes are required to the individual units including:- <ul style="list-style-type: none"> The dining tables to the 1-bedroom units appear to be small and need to be increased in size to a minimum of 1 m diameter if round. The current configuration of the entry lobby entry door directly adjacent to Unit 6 entry needs to be reconfigured, as it is too close and provides poor amenity. 	<ul style="list-style-type: none"> Dining table size has been updated and the door position of Unit 06 has been moved away from the entry lobby door.
<ul style="list-style-type: none"> Unit 6 needs to be re-planned in order to avoid having a kitchen with no access to light and poor ventilation. Further, there needs to be better utilisation of the bedroom layout to take advantage of the outlook. 	<ul style="list-style-type: none"> Unit 06 has been replanned, kitchen has been relocated, and the bedroom window that previously faced the driveway has been relocated to face the street
<ul style="list-style-type: none"> Walls of kitchens adjacent to bedrooms in units 3, 4, 9, 12, 15, 16, 13, 18, 21, 22, need to have acoustic treatment to avoid amenity impacts. Preferably, there would be wardrobe separation between bedrooms and kitchens. If not then Council should condition appropriate acoustic treatment. 	<ul style="list-style-type: none"> Most of bedroom walls adjacent to the kitchen have the wardrobe separation (Unit 01,03,07,09, 10, 13, 15, 16, 19, 21, and 22). Only 4 units (Unit 04, 12, 18 and 24) are without the separator, and this will be treated with the use of acoustic wall 110mm thickness from Sound-screens.
<ul style="list-style-type: none"> Some of the u-shaped kitchen areas need to be increased in size in order to achieve a minimum 1100mm separation between opposing cupboards to ensure adequate circulation space. 	<ul style="list-style-type: none"> The middle area at U-shaped kitchens is 1000mm and changing to 1100 would unnecessarily cause area next to kitchen to be cramped.
<ul style="list-style-type: none"> Generally, front entry doors facing one another in foyers should be offset to improve amenity. 	<ul style="list-style-type: none"> Front entry doors facing each other of Unit 05, 11, 17 and 23 been offset.
<ul style="list-style-type: none"> Further adjustment to levels should be considered to reduce the height between the rear unit FFL and the proposed rear garden level. This is particularly necessary when considering utilizing this space as POS. 	<ul style="list-style-type: none"> GF unit 01 & 06 are confirmed to be accessible from the street. The locations are as indicated on plans, although they're not exactly direct from street, they're perpendicular to the front boundary, this is due to the extreme levels of existing footpath. By doing so,

	it's more accessible compared to direct from street.
<ul style="list-style-type: none"> The solar control needs to be reconsidered and effective devices for the specific elevations need to be shown on the drawings. 	<ul style="list-style-type: none"> Solar control have been reconsidered and updated on drawings.
<ul style="list-style-type: none"> Confirmation needs to be provided that the proposal meets the solar access requirements and ADG room sizes. 	<ul style="list-style-type: none"> Confirmation of the solar access requirements and ADG room size – dimension of living room width and bedroom are provided on plans, solar access table is provided on Drawing No 22-24.
<ul style="list-style-type: none"> The ground floor units 1 and 6 should be directly accessible from the street. 	<ul style="list-style-type: none"> The GF Unit 01 & 06 are confirmed to be accessible from the street. The locations are as indicated on plans, although they're not exactly direct from street, they're perpendicular to the front boundary, this is due to the extreme levels of existing footpath. By doing so, it's more accessible compared to direct from street.
<ul style="list-style-type: none"> A pergola should be placed on the highest point of the driveway in order to soften the appearance of the entry. 	<ul style="list-style-type: none"> Pergola/awning is now placed above driveway
<ul style="list-style-type: none"> 1:20 design intent sections are required to be shown through the front façade and balconies. This is to provide information on how the upper floor element is detailed relative to the lower levels as mentioned and to provide information on balcony, balustrade and drainage resolution. 	<ul style="list-style-type: none"> 1:20 design intent to the facades are provided on Drawing No 13A.

All the above listed raised by Panel have been satisfactorily addressed and the amended plans were not referred to DEAP for review. DEAP also noted that amended plans to address their concerns did not require consequent review. In this regard, Council is satisfied that the requirements under SEPP 65 have been adequately addressed which also have the support of DEAP.

DESIGN QUALITY PRINCIPLES

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principles in the following way:

ADG design quality principle	Response
1. Context	The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta LEP 2011 and DCP 2011.
2. Built form and scale	The design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements.

3. Density	The proposal would result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable. The proposed density is considered to respond to the availability of infrastructure, public transport and community facilities while maintaining environmental quality.
4. Sustainability, resource, energy & water efficiency	A BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets.
5. Landscape	The landscaping solutions depicted in the architectural plans are considered to be of satisfactory quality.
6. Amenity	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.
7. Safety & security	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy.
8. Social dimensions/housing affordability	The unit mix of the proposal provides acceptable housing choice within the area.
9. Aesthetics	The development provides an appropriate choice of colours, materials and textures that will complement the streetscape and locality.

Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development. The development's compliance with the ADG is assessed below.

PARAMETER	DESIGN CRITERIA	PROPOSAL	COMPLIANCE			
Communal Open Space	Min 25% of the site area (288.5m²)	290m² (rooftop) plus 100m² (rear) = 34%	Yes			
	Min 50% of the communal open space is to receive 2 hours direct sunlight between 9.00am and 3.00pm on June 21	COS receives the required solar access	Yes			
Deep soil zone	3m minimum dimension	300m² or 26%	Yes			
	7% of the overall site area = 80.8m²)					
Building Separation (side setbacks)	<table><tr><td>Building Height</td><td>Habitable rooms and balconies</td><td>Non-habitable rooms</td></tr></table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	North 6 Rangihou Cres = 5m (terrace) - grd = 6m (building)	Yes, except the ground floor terraces, however given that these
Building Height	Habitable rooms and balconies	Non-habitable rooms				

	up to 12m (4.6m storeys) 3m	East 1A Morton Street 3m (terrace and balconies)	terraces are lower than the private open space of the adjoining property and the Yes as 12m separation is achieved between the buildings.
Solar Access	At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9.00a.m and 3.00p.m on June 21	17 out of 24 dwellings (70.83%) receive a min. of 3 hours direct sunlight	Yes
	A maximum of 15% of apartments are permitted to receive no direct sunlight between 9.00a.m and 3.00p.m midwinter.	4 units out of 24 units (16%) receive no direct sunlight between 9.00a.m and 3.00p.m midwinter	No, however acceptable as the overall development complies with the solar access requirement.
Cross Ventilation	At least 60% of apartments are to be naturally cross ventilated.	16 units (corner units) are cross ventilated = 66%	Yes
	Building depth is not to exceed 18m (cross-over or cross-through apartments)	Building depth is 22m	No, however complies with solar access and cross ventilation requirements.
Ceiling Heights	2.7m for habitable, 2.4m for non-habitable	3.085m floor to floor heights provided.	Yes
Apartment Size	Studio – 35m ² 1 bed – 50m ² 2 bed – 70m ² 3 bed – 90m ² (note: minimum internal size increases by 5m ² for additional bathrooms, 10m ² for 4 + bedroom)	All units comply, except Unit 6 (2 bed) has an additional WC and floor space of 72.76m ²	No, however acceptable as minor non-compliance with no adverse amenity impact.
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	All units comply.	Yes
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)	All units comply.	Yes
	Maximum depth (open plan) 8m from a window.	All units comply.	Yes
Bedroom size	Master bedrooms – 10m ²	All units comply.	Yes

	<p>Other bedrooms – 9m² Bedroom dimensions – 3m min.</p> <p>Living rooms have a width of:</p> <ul style="list-style-type: none"> - 3.6m for studio/1bed - 4m for 2 or 3 bed 	<p>Living rooms comply except for south facing 1 bed = 3.4m.</p>	In part
Balconies	<p>Studio – 4m² 1bd – 8m² / 2m 2bd - 10m²/2m 3bd – 12m²/2.4m</p>	All comply with the exception of U6 (2Bed) = 8m ²	Yes
	<p>Ground or podium apartments to have POS of 15m²/3m</p>	All ground floor units comply with the minimum of private open space of 15m ² , except Unit 5, which is 14.94m ²	No, however acceptable it is a non-compliance of 0.6m ² , with discernible amenity impact.
Circulation	<p>Maximum 8 apartments per level.</p>	Maximum 6 per level.	Yes
	<p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	N/A – 4 storeys only	N/A
Car parking	<p>Site is greater than 800m to railway station therefore DCP2011 rates apply.</p> <p>1 bedroom – 1 space (= 8 spaces) 2 bedroom – 1.25 space (= 16.25 spaces) 3 bedroom – 1.5 spaces (= 4.5 spaces) PLUS ¼ units for visitor (= 6 spaces) TOTAL spaces required = 35 spaces</p>	24 resident car parking spaces proposed	No (however complies with SEPP ARH)
Storage	<p>1bd – 6m³ 2bd – 8m³ 3bd – 10m³ At least 50% of the required storage is to be located within the apartment.</p>	All comply.	Yes

Design Verification Statement

A Design Verification Statement prepared by Andre Mulder, Registered Architect (Registration No. 6294) was submitted with the application. This statement verifies that Andre Mulder was responsible for the design of the proposal which has achieved the design quality principles of SEPP65.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is 14metres.	NO	Proposal – 16.79 metres The lift over run exceeds the maximum building height permitted. The applicant has lodged a written request to vary the standard pursuant to Clause 4.6.
4.4 Floor Space Ratio Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 1.1:1. Max permissible: 1269.51m ² (LEP)	NO	The application is made under the ARHSEPP. 1788.35m ² or 1.55:1 Yes an FSR of 1.55:1 is permitted under the bonus provisions of SEPP ARH) See FSR discussion under the ARHSEPP for assessment.
4.6 Exceptions to development standards	Yes	The application seeks approval to vary Clause 4.3 - Height. Refer to the discussion at the end of this table.
5.1 and 5.1A Development on land intended to be acquired for public purposes Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?	N/A	The site is not identified on this map.
5.6 Architectural roof features	N/A	An architectural roof feature is not proposed.
5.9 Preservation of trees	Yes	Tree removal is proposed. See 'Referrals' section for further discussion.
5.10 Heritage Conservation	Yes	According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area. The site is in the immediate vicinity of listed item

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
		<p>The Palms at No 5, 7 and 9 Rangihou Crescent.</p> <p>Council's Heritage Advisor has reviewed the application and raised no objections as a row of palms at Rangihou Crescent is of local significance and given the nature of this adjacent item (The Palms), this proposal is deemed to have no adverse impact on its values.</p>
<p>5.10.8 Aboriginal Places of Heritage Significance</p>	<p>Low</p>	<p>The site is located within Archaeological Management Unit 3219 which has a Moderate potential but it is of State significance as it comprises the area of a seminary for Maoris established prior to 1827.</p> <p>The application was referred to the Darug Tribal Aboriginal Corporation and Deerubbin Local Aboriginal Land Council. No comments have been received in response. In any case, given the sensitivity of grounds, a condition is recommended for the applicant to obtain an Excavation permit form NSW OEH.</p>
<p>6.1 Acid sulfate soils Is an Acid Sulfate Soils Management Plan Required?</p>	<p>Class 5</p>	<p>The site is identified as containing Class 2 and 5 Acid Sulfate Soil and an Acid Sulfate Soils assessment report was submitted by the applicant. According to the findings of the report an Acid Sulphate Management Plan is not required to be prepared.</p>
<p>6.2 Earthworks</p> <p>Are the earthworks associated with the development appropriate?</p>		<p>Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory subject to conditions.</p>
<p>6.3 Flood planning Is the site flood prone?</p>	<p>N/A</p>	<p>The proposed residential flat building is located within an area affected by PMF flooding. The proposed development consists of minor filling to achieve gravity fall to Rangihou Crescent. Given that the drainage network for Rangihou Crescent drains to the catchment downstream the stormwater drainage proposal is generally considered satisfactory.</p>
<p>6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?</p>	<p>N/A</p>	<p>The site is not identified on this map.</p>

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
6.5 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map?	N/A	The site is not identified on this map.
6.6 Development on landslide risk land Is the site identified as being landslide risk land on the 'Landslide Risk Map?	N/A	The site is not identified on this map.
6.7 Affected by a Foreshore Building Line	N/A	The site is not located in the foreshore area.

ZONE OBJECTIVES

The objectives of the zone include:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.*
- *To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*

The proposed development is consistent with the aim and objective of the R4 High Density Residential zoning applying to the land as the proposed works are suitably located, and are of a bulk and scale that maintains suitable amenity for adjoining sites.

EXCEPTIONS TO DEVELOPMENT STANDARDS WITHIN LEP 2011

Objectives of Clause 4.6 of the PLEP 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.*

A request for an exception under clause 4.6 was lodged with the application as the proposed development exceeds the maximum height for the site permitted by Clause 4.3 of PLEP 2011.

The variation sought is as follows:

Maximum height under PLEP 2011	Proposed	Degree of variation and merit
14m	14m (to roof) 16.79m (to lift overrun)	19.92% variation



Figure 11: Extent of variation sought.

A request for an exception under clause 4.6 was lodged with the application as the proposed development exceeds the maximum height for the site permitted by Clauses 4.3 - Height. The applicant has provided the following reasons for the variation.

- *The subject site is zoned R4 High Density Residential and is located beside a property to the east containing 7-9 storey tall buildings. The proposed additional building height is minor in the context of recent considerations by Council for other redevelopment nearby.*
- *The proposed building height and design initiatives are consistent with Council and State Government initiatives within well serviced localities.*
- *The subject site also offers the capacity to accommodate the additional building height given its location and frontage to the Parramatta foreshore.*
- *No residential amenity is affected by the proposed increase in building height in terms of overshadowing impacts or loss of privacy.*
- *The proposed building height enables the provision of a high amenity space on the rooftop to the benefit of future residents.*
- *The proposed building has been well modulated and articulated. A quality design has been achieved through the recent design amendments.*
- *The additional building height does not give rise to a breach of the floor space ratio.*

- *The proposed building height does however provide economic incentive to proceed to the construction stage and maximise the potential of an underutilised site.*
- *From a streetscape perspective, the additional building height is justified particularly as complying elements are presented to the street.*
- *No environmental or heritage issues arise with the variation sought.*
- *There is no state or regional issues arising should the building height variation be approved in this instance.*
- *No sites are isolated as a result of the development.*
- *The proposed development is consistent with the objectives of generating quality high density living in a R4 zone.*

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 - Height is a development standard.

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

The objectives of Clause 4.3 of PLEP 2011 is to nominate heights that will provide a transition in built form and land use intensity whilst minimising visual impact, disruption to views, loss of privacy and solar access to existing development.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the development standard would be inconsistent with EPA Act which aims to provide planning controls that will encourage a sustainable development, being development which satisfies the principles of ecological (environmental, economic and social) sustainability.

The development was informed by the topography of the site. Given this, enforcing compliance with the development standard on the site would restrict a reasonable development. The site is capable of being developed to the proposed intensity without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain compliance with the majority of controls within Parramatta Development Control Plan 2011 and SEPP 65.

The non-compliance to the standard is considered to be acceptable. The plans show that the variation does not in this case hinder compliance with solar access, views and privacy requirements of the Parramatta Development Control Plan.

The proposed development responds to the site despite the non-compliance and does so without compromising relationships with adjoining developments. Strict compliance with the development standards would render the application

inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act as the site will remain under-developed and would not promote the economic welfare of the community and a better environment.

The objection to the development standard will ensure that the site is able to be developed and result in better management of the site as well as the economic enhancement for the community.

4. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

It is considered that it would be unreasonable to require the development to comply with the maximum height in this instance as the proposal generally complies with the development requirements pertaining to Residential Flat Building developments and that it also benefits from a FSR bonus as the development incorporates affordable housing components. The departure to the standard will not in this instance result in adverse impacts to adjoining sites with regard to acoustic, overshadowing and privacy. The breach in the height mostly relates to the lift overrun required to access the roof top common space area and to increase its utility. The development in this regard maintains consistency with the objectives of the zone.

5. Is the exception well founded?

The Clause 4.6 exception to the development standard of Clause 4.3 – Height is considered to be well founded and worthy of support given that the proposed development:

- Is an appropriate response to the topography of the site.
- Does not contain any habitable areas beyond the height limit.
- Only provides a lift core to support the utility of the roof top common open space area beyond the height limit.
- Improves the amenity and design outcome of the development.
- The development has the support of DEAP.
- Responds to the site and does so without adversely compromising relationships with adjoining developments
- Does not unduly compromise other relevant controls with the proposed development encouraging ecologically sustainable development.

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The subject site is located within the **MORTON STREET PRECINCT (Area 2- Morton Street West)**. There are specific development controls for this site under Section 4.1.9 of DCP2011 which have been incorporated within the table below.

Control	Design Criteria	Proposed	Complies with controls
Morton Street Precinct Controls DCP2011			
Building Envelope C.2 – 4.19 of DCP2011	To use building envelope of Fig 4.1.9.2 which involves amalgamation of lots	Does not comply – requires multi lot amalgamation. Alternative design is permissible under C.2.	Yes as an alternative design
Building	Building type D –	Proposal addresses the	Yes

Envelope C.3 – 4.19 of DCP2011	corner site/dual frontage required	street frontage.	
Building Form	Variety of building forms for casual surveillance, creation of streetscapes, modulation along foreshore	General compliance achieved	Yes
Frontage	24m	39.68m	Yes
Street setback	3m from property boundary	3m setback proposed	Yes
Street frontage height	14m for 6 storey	14m (max)	Yes
Upper level setback	2 nd & 3 rd storeys to be setback 4m	3m setback	No, however acceptable as the development is a 4 storey development designed to relate to the design and human scale of existing buildings.
Building Depth	16m-18m (max)	22m	No, however acceptable as the building provides for adequate solar access and cross ventilation.
Public Domain	Future local foreshore connection road along the southern boundary	Council has no design plans for the construction of the road. The proposal does not adversely impact upon this future road although has a minimum setback of 1.5m to this boundary.	N/A
General Controls DCP2011			
Rear setback	15% = 4.9m	4.5m	No, however complies with SEPP65 with regard to the building separation distances.
Side setback	4.5m (general DCP)	North <ul style="list-style-type: none"> - 5m (terrace) - 6.8m (building) South <ul style="list-style-type: none"> - 1.5m (balcony) - 3m (building) 	Yes No, however acceptable as adjoins a public park.
Deep Soil	30%, of which 50%	160m ² or 14%	No, complies with

Zone	is to be located at the rear, with minimum dimensions of 4m x 4m = 346.2m ² min		ADG requirements.
Landscaped Area	40% = 461m ²	= 310m ² or 27%	No, however acceptable as it is generally compliant with AGD.
Communal Open Space	10m ² /dwelling = 240m ² min	290m ² (rooftop) plus 100m ² (rear)	Yes
Private Open Space	10m ² /dwelling with minimum dimensions of 2m x 2m	10m ² /dwelling (min) and complies with minimum dimensions Noted that ground floor units also have courtyards	Yes – complies with ADG requirements
Unit mix	1 bed = 10% - 20% 2 bed = 60% - 75% 3 bed = 10% - 20%	1 bed (8) = 33% 2 bed (13) = 54% 3 bed (3) = 13%	No No Yes
Adaptable Units	>20 dwellings = 10% 3 dwellings required	3 dwellings provided (Units 8,14 & 20)	Yes
Resident Car parking	1 bedroom – 1 space (= 8 spaces) 2 bedroom – 1.25 space (= 16.25 spaces) 3 bedroom – 1.5 spaces (= 4.5 spaces) PLUS ¼ units for visitor (= 6 spaces) TOTAL spaces required = 35 spaces	24 spaces	No, however complies with SEPP ARH, which overrides this provision.
Bicycle Parking	1/2 dwellings = 12 required	12 spaces provided	Yes
Visual privacy	Do balconies face the street or another element of the public domain such as a park? Is a minimum building separation of 12m provided between habitable	The ADG generally requires a building separation of 12m between habitable rooms for residential flat buildings on adjoining sites to maintain visual privacy. Accordingly, all proposed developments are required to provide half of the building separation, as setbacks from	Yes

	rooms/ balconies?	<p>boundaries.</p> <p>Building separation requirements would not apply on the southern side as the site adjoins RE1 Public Recreation zone. The eastern side of the building will adjoin an approved six storey residential development in the future and the northern side adjoins at single storey at present, however once redeveloped the site will consist of a four storey development in the future. The compliance of the proposal with the building separation requirements is discussed below:</p> <p>Eastern Boundary (Rear)</p> <p>The development complies with the building separation requirements along the eastern boundary by proposing a minimum boundary setback of 3m for balconies and 4.5m for habitable areas up to the fourth level. The overall separation from the adjoining recently approved Residential Flat building is 12m.</p> <p>Northern Boundary (Side)</p> <p>The eastern façade will have 3 balconies and windows to the habitable rooms on each four levels facing the dwelling at No. 6 Rangihou Crescent.</p> <p>The proposed balconies and windows are setback at a minimum of 6m from the side boundaries, which complies with the ADG design guidelines under "Visual Privacy". In additions the ADG</p>	
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		<p>guidelines state that the windows should not directly face each other to avoid overlooking. Any future proposal on the northern side can achieve compliance by designing the windows in accordance with the above guidelines.</p> <p>It is also noted that the ground level courtyards for units 1, 2 and 3 will have a setback of 6m from the northern boundary and given that the finished floor levels of these terraces at RL's 9.725 is lower than the RL's of the private open spaces of the adjoining property at No 6 Rangihou Crescent (RL10) and the proposed 1.8m boundary fence along the northern elevation will alleviate overlooking opportunities. Given the proposed privacy measures, the proposal is acceptable in this regard.</p> <p>In addition a row of Lilly Pilly trees (4m high) and number of Blue Berry Ash trees which gain a height up to 8m to be planted along the northern boundary will provide dense screening vegetation along the length of the boundary. This will provide suitable visual and acoustic screening whilst minimising the visual impact when viewed from the adjoining property.</p>	
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REFERRALS

External Referrals

Office of Water

General Terms of Approvals received and form part of the consent.

Endeavour Energy

Endeavour Energy has raised no objections to the Development Application subject to recommendations conditions.

Sydney Water

Sydney Water has raised no objections to the Development Application subject to recommendations conditions.

Internal referrals

Environmental Health Officer

The proposal satisfies the requirements of Council's controls and can be supported, subject to standard conditions of consent.

Landscape Officer

A number of existing trees are required to be removed in order to facilitate this development proposal. There is no objection to tree removal. Tree numbered 24 located on the adjoining property has been approved for removal under TA/309/2015 and an advisory note will be included within Conditions as tree removal is beneficial for development within the subject site.

The following trees are approved to be removed to facilitate development;

Tree No.	Name	Common Name	Location
3	<i>Liquidamber styraciflua</i>	Liquidamber	Front setback
5-8	<i>Cinnomomum camphora</i>	Camphor Laurel	Front setback
10	<i>Cinnomomum camphora</i>	Camphor Laurel	Rear setback
11	<i>Cinnomomum camphora</i>	Camphor Laurel	Rear setback
21	<i>Howea forsteriana</i>	Kentia Palm	Rear setback
18	<i>Viburnum odoratissimum</i>	Sweet Viburnum	Rear setback

Traffic Engineer

Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Rangihou Crescent and the surrounding road network. The proposal can be supported on traffic and parking grounds provided that::

- Bicycle parking facilities are to provide a secure cage or room, protected from the weather and accessible by key, security card or other similar device in order to comply with C.5 3.6.2 of the PDCP 2011. The design of these spaces is to comply with AS2890.3-2015.
- Accessible parking space #19 does not comply with AS2890.6-2009, the dimensions of the shared area are either to be increased or disabled parking is to be relocated from space #19 to a different space. This will necessitate the loss of 1 space to accommodate the shared area.
- The length of the transition at the base of each ramp is to be increased to 2.45m to prevent scraping and comply with Appendix C of AS2890.1-2004.

- The sight triangle is may be obstructed by the landscaping shown in architectural drawings, which are to be kept to less than 0.9m in height above the driveway surface to comply with Figure 3.3 of AS2890.1-2004.
- Where access to storage cages would be impeded by a parked car, said cages are to be allocated to the same unit that the parking space is allocated to in order to comply with the ADG.

The abovementioned requirements are reflected in the conditions of consent. Although the accessible parking will necessitate the loss of 1 space to accommodate the shared area, the proposal would nevertheless comply with the provisions of the ARHSEPP 2009 as the proposed development provide for 2 additional car spaces then the required numbers under the SEPP.

Social Outcomes

As the application proposes an affordable housing component, the application was referred to Council's Social Outcomes for review. The application was also accompanied by a Social Impact Assessment to assist with the assessment of the application. Upon review, it was considered that the provision of additional affordable housing in the area will support a diversity of residents and that the site is suitably located to transport, community services, infrastructure, education facilities and employment centres. As such, conditions are recommended for inclusion in the consent with regards to a covenant being registered on the title identifying the affordable rental housing component and that it must be used for such purposes to be managed by a registered community housing provider for a period of 10 years.

Development Engineer

The proposed residential flat building is located within an area affected by PMF flooding. The proposed development consists of minor filling to achieve gravity fall to Rangihou Crescent. Given that the drainage network for Rangihou Crescent drains to the catchment downstream the stormwater drainage proposal is generally considered satisfactory.

PUBLIC CONSULTATION

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011 owners and occupiers of surrounding properties were given notice of the application for a 21 day period between 20 April 2016 and 12 May 2016. Due to an error in notification, the proposal was re-exhibited between 18 May 2016 to 8 June 2016.

In response 3 submissions were received.
The issues raised in the submissions are as follows.

Issue	Comment
Increased traffic in the area	The application was reviewed by Council's Traffic Engineer whom also reviewed the submitted Parking and Traffic Report. Council's Traffic Engineer raised no objections to the proposal on the grounds of increased traffic within the locality.
Concern that the proposal is inconsistent with the character of area.	The current planning controls zone the site R4 High Density Residential which permits residential flat buildings. The proposed development is complaint with the FSR and

	marginally departs from the height control. A clause 4.6 variation was lodged explaining the departure, which is minor and due to the cross fall of the site and a lift over run. The proposal is consistent with the planned future character of the area.
Insufficient on-street parking	All the parking spaces provided for the development is to be located wholly within the basement. As such, the development should not result in an increase demand for on-street parking. Additionally the car parking complies with the requirements.
Loss of privacy	The development provides compliant building separation in accordance with the ADG's and PDGP 2011 requirements. The proposal is also of acceptable height and density to ensure that the privacy of adjoining properties is protected as discussed in the report.
Contamination of surrounding properties by asbestos during demolition	Standard conditions of consent are recommended requiring any demolition works to be undertaken by an appropriately licenced contractor and/or in accordance with Australian Standard AS 2601-2001 (Demolition of Structures), WorkCover standards, Occupational Health and Safety Regulations 2001 and Council standards. It is anticipated that these standards should minimise members of the community to the exposure of any hazardous materials including asbestos.
Disturbance during construction – dust, noise, hours of work	Noise and dust generation are unavoidable impacts of construction. Standard conditions of consent will be imposed regarding noise, dust and the hours of work. In the instance that these conditions are not complied with, it is suggested that you contact Council's Compliance Team so that the matter can be investigated.
Concerns have been raised that the proposal will be a burden on existing infrastructure	The application was referred to the relevant authorities such as Sydney Water and Endeavour Energy and these agencies have raised no objection to the proposed development.
Access to the river should be improved as part of this development	The proposed development is wholly within the private land which will not impact upon the access to the river from Rangihou Crescent. There is no nexus to improve access to the river as part of the current application. The proposed development does not propose to create a public walking track in this location.

PARRAMATTA s94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for the proposal exceeds \$200,000 a Section 94A development contribution **1.0%** is required to be paid. A Detailed Cost Estimate prepared by a Quantity Surveyor was provided which detailed a likely cost of works of **\$5,188,234.00**.

It is noted, however, in accordance with Clause 25J of the Environmental Planning and Assessment Regulation (which defines instances where Section 94A Contributions apply) that affordable housing units are expressly excluded from Section 94A.

As the submitted Detailed Cost Estimate does not provide a breakdown of the cost of construction of the affordable and non-affordable units and therefore provide a means of assessing the amount of S94A owing on the proposal, a condition is included in the

recommendation requiring that S94A contributions be paid in accordance with an amended report to be submitted to Council by a Quantity Surveyor that outlines the cost of works for the development in accordance with Clause 25J.

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

BONDS

In accordance with Council's 2016/2017 Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

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 have been addressed by appropriate consent conditions.

SUMMARY & CONCLUSION

Social & Economic Impact

It is considered that the proposed development will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

ESD & The Cumulative Impact

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

Waste Management

A bin storage area is provided in the basement; however the storage area is required to be larger to accommodate the recycle and general waste. The area for the bicycle storage area next to the waste area can accommodate the extra bin area required. An amended plan demonstrating that the waste bin storage area is able to accommodate the required number of bins is required to be submitted prior to the issue of the Construction Certificate. A motorized trolley is proposed to wheel the bins to the kerb from its location in the basement. The bins can be accommodated at the kerb in front of the site.

Suitability of the Site

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

Submissions & Public Interest

Three submissions were received in response to the advertisement/notification of the application. The issues raised within the submission are addressed elsewhere in this report.

The proposed development is not contrary to 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 suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

RECOMMENDATION A – APPROVAL SUBJECT TO CONDITIONS

- (a) Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 that the Sydney West Central Planning Panel (SWCPP) as the consent authority is of the opinion that the following variation under Clause 4.6 of Parramatta Local Environmental Plan 2011 are supportable:
 - (i) Maximum height under Clause 4.3 of Parramatta Local Environmental Plan 2011
- (b) That the Sydney West Central Planning Panel (SWCPP), as the consent authority, grants consent to Development Application DA/227/2016 for the demolition, tree removal and construction of a four storey Residential Flat Building comprising a total of 24 units (including 11 affordable units) and associated basement car parking pursuant to SEPP Affordable Rental Housing 2009 on land at 2-4 Rangihou Crescent, PARRAMATTA NSW 2150 as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions of consent.

Deepa Randhawa

Report prepared by
Senior Development Assessment Officer
