



SYDNEY WEST CENTRAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC047
DA Number	DA/210/2017
LGA	City of Parramatta
Proposed Development	Demolition of five (5) existing dwellings, tree removal and construction of a part 3 and part 4 storey Residential Flat Building comprising 55 units with basement car parking.
Street Address	63-67 Pine Street and 44-46 Wattle Street, Rydalmere 2116
Applicant	Architex Pty Ltd
Owner	Wattle Pine Developments Pty Ltd
Date of DA lodgement	16 March 2017
Number of Submissions	17 Submissions – Contaminated land, traffic generation and parking 110 Petition signatures
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 6 (b) of Schedule 4A of the Environmental Planning and Assessment Act 1979, community facilities with a capital investment value of more than \$5 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulations 2000• Water Management Act 2000• SEPP (Affordable Rental Housing) 2009• SEPP (Building Sustainability Index: BASIX) 2004• SEPP (Infrastructure) 2007• SEPP (State and Regional Development) 2011• SEPP (Sydney Harbour Catchment) 2005• SEPP No. 55 (Remediation)• SEPP No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• Statement of Environmental Effects• Clause 4.6 Variation• SEPP 65 Verification Statement• Waste Management Plan• Finishes Schedule• Arborist Report• Traffic Management Report• Architectural Drawings• Landscape Plans

	<ul style="list-style-type: none"> • Stormwater Drawings • Correspondence from applicant addressing submissions
Report prepared by	Anthony Blood Senior Planner, Development Services
Report date	16 October 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

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? **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)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

**City of Parramatta Council**

File No: DA/210/2017

**SECTION 79C ASSESSMENT REPORT – RESIDENTIAL FLAT BUILDING –
PARRAMATTA LEP
Environmental Planning & Assessment Act 1979**

SUMMARY

DA No:	DA/210/2017
Property:	Lot 12 Sec 5 DP 977669, Lot 11 Sec 5 DP 977669, Lot 10 Sec 5 DP 977669, LOT 8 SEC 5 DP 977669, Lot 9 Sec 5 DP 977669, 63-67 Pine Street and 44-46 Wattle Street, RYDALMERE NSW 2116
Proposal:	Demolition of 5 existing dwelling houses and construction of 55 residential units including 18 affordable housing units with a basement car park and associated external works and landscaping with strata subdivision. The application is to be determined by the Sydney Central City Planning Panel.
Date of receipt:	16 March 2017
Applicant:	WATTLE PINE DEVELOPMENTS PTY LTD
Owner:	Wattle Pine Developments Pty Ltd
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
Submissions received:	17 submissions and petition with 110 signatures
Recommendation:	Approval
Assessment Officer:	Anthony Blood

Legislative requirements

Environmental Planning Instruments	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, Water Management Act 2000, SEPP (Affordable Rental Housing) 2009, SEPP (Building Sustainability Index: BASIX) 2004, SEPP (Infrastructure) 2007, SEPP (State and Regional Development) 2011, SEPP (Sydney Harbour Catchment) 2005, SEPP No. 55 (Remediation), SEPP No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide, Parramatta Local Environmental Plan 2011, Parramatta Development Control Plan 2011.
Zoning	R4 – High Density Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Integrated development	No
Clause 4.6 variation	Yes – Height of Buildings
Delegation	Sydney Central City Planning Panel

SITE DESCRIPTION AND CONDITIONS

The subject site is known as 63-67 Pine Street and 44-46 Wattle Street, Rydalmere. The current property description is Lot 12 Sec 5 DP 977669, Lot 11 Sec 5 DP 977669, Lot 10 Sec 5 DP 977669, LOT 8 SEC 5 DP 977669, Lot 9 Sec 5 DP 977669. The site is an irregular allotment and has a moderate slope from the south west to the north east of approximately 4.1 metres over a distance of 95 metres.

The subject site has the following area and dimensions:

Area – 3856 square metres
 Frontage – 33.9 metres to Wattle Street
 Frontage – 50.3 metres to Pine Street
 East – 91.5 metres
 West – 91.5 metres
 North – 16.45 metres

The site is zoned R4 High Density Residential. The surrounding properties are also zoned R4 High Density Residential and IN1 General Industrial.

The subject site currently accommodates 5 dwelling houses on separate Torrens title lots. It is located within an established residential area characterised by single and double storey residential dwellings as well as dual occupancy developments. Adjoining the subject site to the west is an existing industrial use, east is a school and to the south is a church. are single storey residential dwellings.

The site was inspected on 4 October 2017.

SECTION 79C EVALUATION

EXECUTIVE SUMMARY

The proposal seeks approval for the demolition of five (5) existing dwellings, tree removal and construction of a part 3 and part 4 storey Residential Flat Building comprising 55 units above basement car parking.

The subject site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed development is permissible as residential accommodation.

The application is made under State Environmental Planning Policy (Affordable Rental Housing) 2009 and has a capital investment value in excess of \$5 million and as such, the Sydney Central City Planning Panel has the function of determining the application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

The proposed development was advertised in the local newspaper and notified to the owners and occupiers of adjoining and nearby properties for a period of 21 days between 29 March 2017 and 19 April 2017.

Seventeen (17) submissions and petition with one hundred and ten (110) signatures were received in relation to the proposal regarding land contamination issues, additional traffic being generated and on street car parking.

The proposed development is in accordance with the relevant provisions of the environmental planning instruments pertaining to the land. An assessment of the proposed development under the Environmental Planning and Assessment Act 1979 has been undertaken and the proposal has been found to be satisfactory.

A variation of 2.9m is sought with respect to the height of the building, which on balance is considered acceptable. The proposed development is unlikely to have a negative impact on the surrounding environment. The site is suitable for the proposed development and the proposal is in the public interest.

It is noted that the subject site has a current approval (DA/303/2014) for 2 x 3 storey residential flat building comprising 41 units above basement car parking for 60 vehicles.

The proposal is therefore worthy of support. This report recommends that the application be approved subject to recommended conditions of consent.

PERMISSIBILITY

Parramatta Local Environmental Plan 2011

The site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed works include the construction of a part 3 and part 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 within an accessible area given it is approximately 120m walking distance from bus stops located on Victoria Road. Bus services include routes 520, 521, 523, 525 and M52.

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.

BACKGROUND

The subject site has a current approval (DA/303/2014) for the construction of a 2 x 3 storey Residential Flat Building comprising 41 units above basement car parking for 60 vehicles. The "Notice of Determination" was subject to "Deferred Commencement". The applicant has since provided the required information and correspondence was sent 14 June 2017 confirming the deferred commencement condition has been satisfied (Trim No. D05100645).

PROPOSAL

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 5 existing dwellings on individual Torrens titles;
- Construction of part 3 and part 4 storey Residential Flat Building;
- Unit mix of 6 x 1 bedroom units and 49 x 2 bedroom units;
- Block A has frontage to Wattle Street and includes a total of 18 units;
- Block B has frontage to Pine Street and includes a total of 37 residential units;
- A total of 59 car parking spaces within two basement levels;
- Landscaping 1241sqm (32.2%)
- Deep Soil Area 588sqm (15.3%)
- Communal Open Space 1106sqm (28.7%)

SITE & SURROUNDS

The site is located approximately 50m West of the intersection of Myrtle Street and Pine Street, Rydalmere. The site is a large irregular L-shaped parcel with a total site area of 3856sqm and frontage of approximately 50.315m to Pine Street and 33.96m to Wattle Street. The site contains 5 separate allotments of land, each containing a dwelling house and ancillary structures. The property has a fall from the south (Pine Street) to the north (Wattle Street) of approximately 4m over a length of 91.5m. The adjoining sites include;

- West – Mitsubishi Electric Australia – zoned IN1 General Industry
- East – Dwelling houses and School – zoned R4 High Density Residential
- North – Dwelling houses – zoned R3 Medium Density Residential
- South – Dwelling houses and Church – zoned R4 High Density Residential

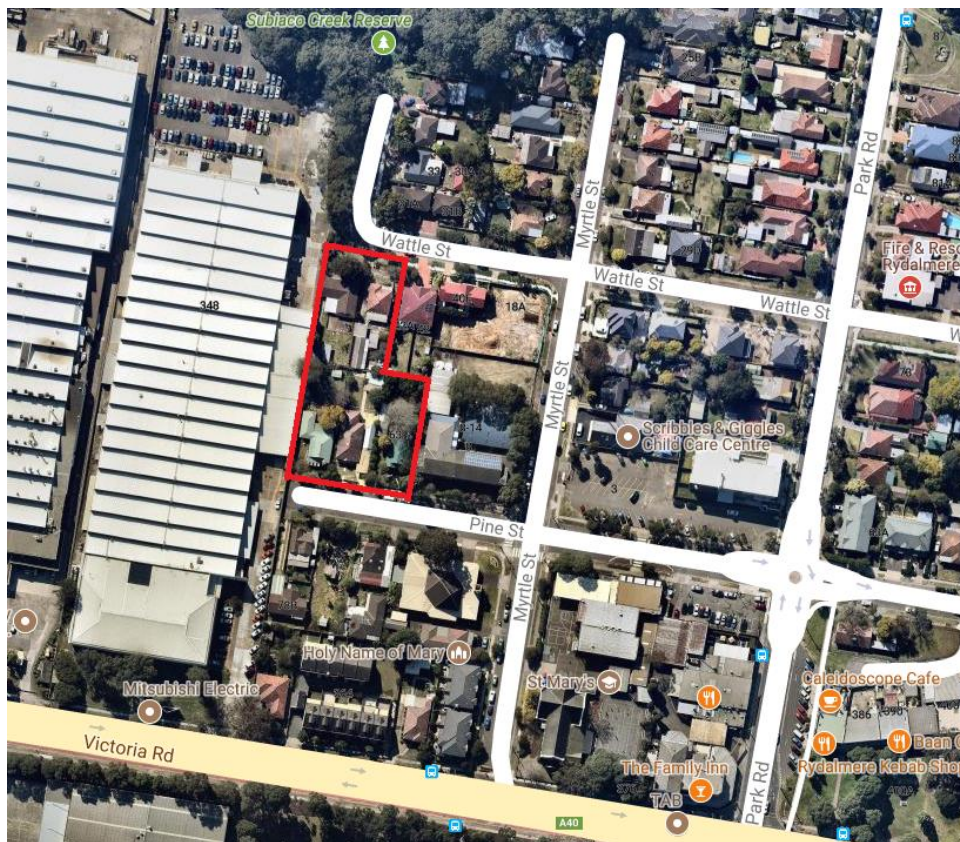


Figure 1 – Subject Site

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The subject site is identified as being contaminated land. Council has previously considered land contamination issues as part of DA/303/2014, which was approved 23 June 2016 subject to Deferred Commencement to provide a Detailed Remedial Action Plan.

Council has received the Section B Site Audit Statement and Detailed Remedial Action Plan prepared by Trace Environmental Pty Ltd dated 9 February 2017 to confirm that the site is suitable for residential development. A confirmation letter was sent by Council to the applicant 14 June 2017, confirming that compliance with the deferred commencement condition of the previous DA/303/2014, has now been achieved. As a result, the proposed development demonstrates compliance with the requirements of SEPP 55 Remediation of Land.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

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.

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 (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 Pine Street and Wattle Street is less than 40,000 vehicles.

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. It is however noted that this development will assist in renewing and revitalising the immediate precinct.

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 proposal is located in an accessible area given it is approximately 120m walking distance from bus stops located on the northern side of Victoria Road.	Complies Complies
Clause 13 – Floor Space Ratio This clause provides an FSR bonus for ARH developments that provide more than 20% GFA as affordable rental housing 47% of the proposed GFA is provided as ARH. A floor space bonus applies to infill ARH. The maximum floor space ratio applying to the site under LEP 2011 is 0.8:1 For sites with a floor space ratio of less than 2.5:1, the	35% or 1552m ² is proposed as ARH Based upon ARH bonus = 0.8:1 + 0.35:1 = 1.15:1 Maximum FSR Proposed FSR = 4,352.6m ² = 1.13:1	Complies

<p>bonus is calculated using the formula below:</p> <p>Bonus = ARH/1 00</p> <p>With ARH being the percentage GFA given over to ARH.</p>		
<p>Clause 14 – Standards that cannot be used to refuse consent.</p> <p>1.Site and solar access requirements</p> <p>(b) Site Area: Min 550m²</p> <p>(c) Landscaped area: min 30% landscaped.</p> <p>(d) Deep soil zones: Min 15% site area (367.72m²), 3m min dimension.</p> <p>(e) Solar Access: 70% of dwellings receive min 3 hours direct sunlight in mid-winter.</p> <p>70% of dwellings = 25 dwellings)</p> <p>2. Parking SEPP (Affordable Rental Housing) 2009 – 14-2-(a)</p> <ul style="list-style-type: none"> ➤ 0.5 spaces per 1 bedroom unit x 6 unit = 3 spaces ➤ 1 space per 2 bedroom unit x 49 unit = 49 spaces ➤ 1.5 spaces per 3 bedroom unit x 0 units = 0 spaces <p>Total Residential = 52 = 56 spaces provided</p> <p><i>(a*The required car parking rate is calculated to the proposed development in its</i></p>	<p>3856m²</p> <p>Total = 1241m²</p> <p>Total: 588m² with specified dimensions.</p> <p>A total of 47 units (85.5%) achieve the required 3 hours of direct sunlight.</p> <p>52 Car parking spaces required.</p> <p>The development provides 56 spaces in total.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>

entirety. (b) Dwelling Size: 50m ² for 1 bedroom 70m ² for 2 bedroom 95m ² for 3 bedroom	1 bedroom 62m ² (min.) 2 bedroom 75m ² (min.) 3 bedroom 0m 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 (Affordable Rental Housing) 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 assessment below is a consideration of character within the terms defined in the Land and Environment Court planning principle established in consideration of the following 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 (as viewed from within the site and directly adjacent to the site on the street) which is shown in the figure below:

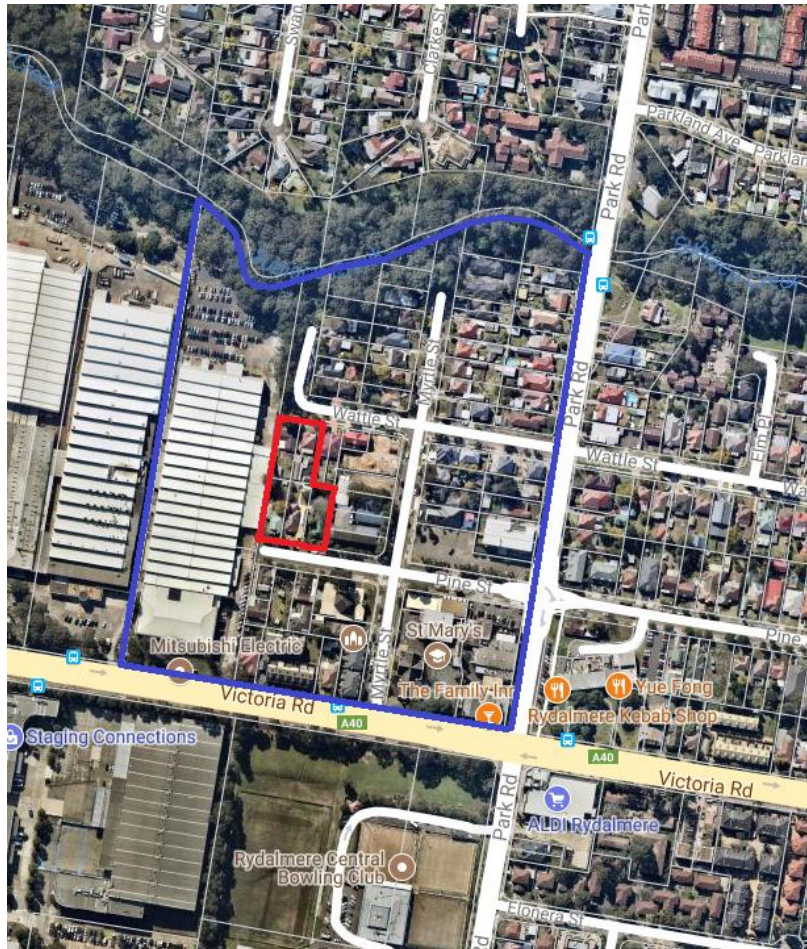


Figure 2: Local Area being the approximate visual catchment from the site.
NB: Red border denotes subject site.

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

Present Character of the area

Pine Street and the surrounding area is currently undergoing a transition from low density to high density residential. 74 Pine Street has a proposed 3 storey residential flat building for 9 units under assessment. 66-68 Park Road has approval for a Residential Flat Building containing 22 units above basement car parking determined by Land and Environment Court 9 December.

The visual catchment is predominantly zoned R4 High Density Residential. The site to the west is zoned IN1 General Industrial. Further to the east of the subject site is zoned B2 Local Centre, B4 Mixed Use and B1 Neighbourhood Centre.

The surrounding character consists of a variety of different land uses. These include;

- Holy Name of Mary Church;
- St Mary's Catholic School;
- Scribbles & Giggles Child Care Centre;
- Family Inn Restaurant and Bar;
- Mamma Maria's Kitchen;
- Mitsubishi Electric's industrial site;
- Detached dwellings;
- Residential Flat Building's

From the list above, it is clear that the surrounding character is diverse. The proposed Residential Flat Building contributes to this diversity by providing a desired type of residential accommodation within close proximity to essential services and employment opportunities.

The subject site is within easy walking distance to the shops and community uses located within the B4 Mixed Use, B2 Local Centre and B1 Neighbourhood Centre zones. In addition, the site is conveniently located to public transport, being approximately 120m from multiple bus services running along Victoria Road.

The combination of these factors support the strategic intent to provide high density residential around key service locations. The introduction of high density residential will not adversely impact upon the surrounding community/industrial uses and will complement the existing commercial uses by providing a more viable customer base within close proximity to these existing businesses.

It is acknowledged that the subject site has interface issues with the adjoining IN1 land to the west, however appropriate side setbacks and landscaping has been incorporated into the proposal to mitigate any potential amenity issues and will not hinder the continued operation of Mitsubishi Electric's. Furthermore, Acouras consultancy provided a response 9 October 2017 addressing concerns raised by Mitsubishi Electric's with regards to acoustic impacts on the adjoining land as featured below;

Based on the noise monitoring and survey results, the environmental noise level of the surrounding area would be considered a relatively low noise environment. Also from our visits to the site, the operation of the nearby industrial site is indistinguishable from the surrounding ambient noise which is influenced by distant traffic noise from Victoria Road. It is our opinion we do not expect any adverse impact from the industrial site to future residents and therefore no further requirement for increased noise attenuation measures have been proposed.

As a result, the proposed development is deemed to be an appropriate fit within the context of the locality and will complement the existing character.

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. 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 the buildings.

Zoning

Part 2 of PLEP 2011 defines the zoning that applies. As shown in the figures below, the zoning of sites around the subject property is R4 High Density Residential under PLEP 2011. The site to the west is zoned IN1 General Industrial and to the east in B2 Local Centre and B4 Mixed Use.

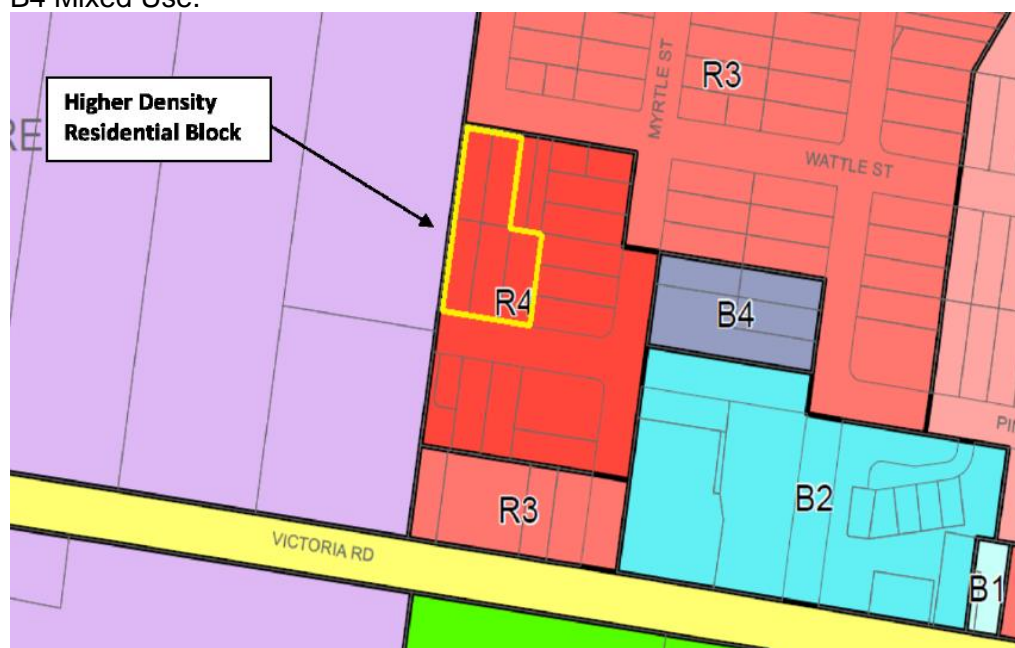


Figure 3: Zoning map extract of the site and surrounds.

Maximum Height and Maximum Gross Floor Area controls

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 within the R4 zoned areas have a maximum building height of 11m (which equates to 3 storeys depending on roof form).

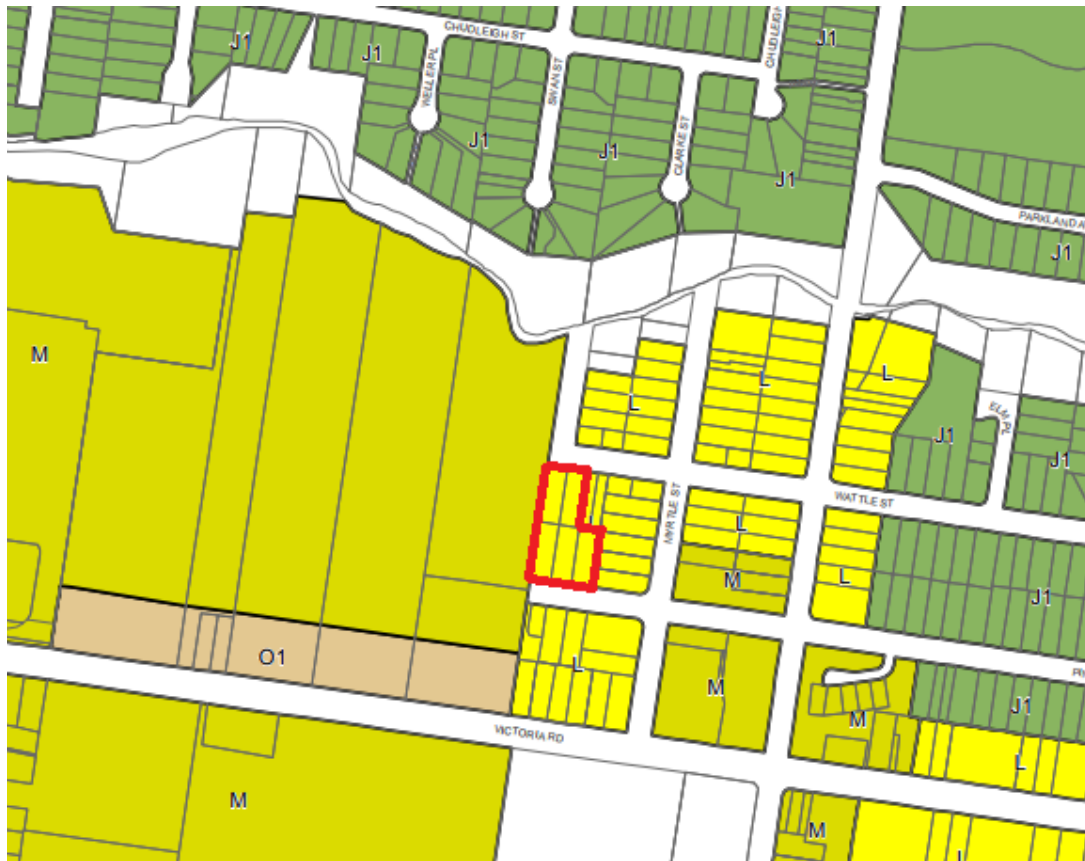


Figure 4: Height control map of the site. The green are the areas with a 9m height limit, and bright yellow an 11m height limit.

In terms of gross floor area, the sites in the R4 zone within which the site is situated have a maximum gross floor area of 0.8:1. Under these controls, it would be anticipated that a 3 storey building would be the typical form of future development in the precinct, within a landscape setting.



Figure 5: Maximum floor space ratio map of the site.

Setbacks and other building envelope controls

In terms of setbacks and the general building envelope controls applying to the site, these are defined principally by Clause 3.1.3 of DCP 2011. For the sites in the R4 zoned area, given that residential flat buildings would be the most likely development type in the future, the following controls would apply:

- a maximum height of 3 storeys;
- a front setback of 5-9 metres depending on the existing street;
- side setbacks of 6m;
- A rear setback equivalent to 30% of the site length.

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 pursuant to Parramatta DCP 2011 with regard to 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 Parramatta DCP 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 streetscape character of the immediate area surrounding the subject site.

In terms of future development, the proposal has setbacks and a footprint compatible with the likely future form of development within 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	Response
1. The Panel supports the overall concept of the proposed development being 2 separate buildings. Nevertheless, the Panel has concerns with aspects of Block B which would warrant a review of the layout.	Block B has been redesigned to create an inter-locking double L shaped form with a central open area to the sky, as recommended by the panel.
2. Block B has a central atrium configuration and the Panel considers	As stated above, Block B has been redesigned to create an inter-locking double

that this would result in acoustic and other amenity impacts. The Panel does not support this form of building. Instead, the Panel recommends that an interlocking double L-shape form be considered with the central area open to the sky. At the junctions, the gaps between the 2 buildings could be well-utilised for internal circulation and egress. This is intended to encourage more use of stairs in lieu of using the lift and an opportunity for more exercise and social engagement by residents as well as providing better internal amenity.	L shaped form with a central open area to the sky, as recommended by the panel.
3. As part of this reconfiguration of Block B the south facing units on ground floor should have their courtyards extended further to the street to provide better natural light into the units, and reduce the impact of sunken courtyards. Potential to achieve street access via stairs for these units should also be considered.	The southern courtyards and balconies have been extended to achieve greater solar access.
4. The south facing upper level balconies of building B should be lengthened on the south-east and the south-west corners in order to get better access to northern sun. The balconies of the adjacent south facing units should also be extended further south to make them more generous in size and capture a small amount of sunlight in summer.	As stated above the southern balconies have been extended to achieve greater solar access.
5. A public through-site link should be created adjacent to the western boundary. There is an opportunity for good surveillance and increasing landscape potential which will require relocation of the sub-station.	A pedestrian link has been proposed which provides a physical pathway from Wattle Street to Pine Street, with the pad mount sub-station being relocated.
6. Sun shading devices should be integrated in the building design particularly for the north and west elevations. These need to be shown on the drawings when the scheme is resubmitted, along with the location	Sun-shading devices have been integrated into the facades. The location of the downpipes and services, such as air-conditioning units have been illustrated.

of downpipes and other services such as air-conditioning	
7. Balustrades that are glazed facing the street at ground floor and first floor should be either translucent or opaque.	Balustrades have been amended to be opaque where privacy is an issue.
8. The Panel noted that unit layouts had many instances of direct access to bedrooms from living areas, and these should be replanned to create better privacy and amenity.	Access to the bedrooms from the living areas has been reduced with minor internal adjustments of the unit layout.
9. The Panel commends the proposal for locating some communal open space on the roof. Inclusion of amenities such as BBQs, sinks, accessible unisex toilets, and fixed shade structure should be considered together with appropriate landscaping.	Amenities to the communal open spaces have been illustrated and include barbeque areas, outdoor dining areas, sinks, unisex toilets and fixed shade structures.
<p>10. The Panel also recommends that conditions are included in any development consent to ensure that:</p> <p>the architect is engaged to provide sufficient detailed documentation for the building facades and public areas so as to ensure that the approved design intent is met.</p> <p>any proposed change to external materials and/or details as specified in the approved documents is to be submitted to Council for approval.</p> <p>the architect is engaged to undertake regular site inspections and prepare Reports to verify that design intent is being met.</p>	Conditions will be imposed.

All the above listed issues raised by Panel have been satisfactorily addressed and the amended plans were not referred to DEAP for review. 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 is compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta LEP 2011 and PDCP 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.

APARTMENT DESIGN GUIDE

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
PART 2 Building envelopes			
Separation - Building separation is measured from the outer face of building envelopes which includes balconies			
Separation	Up to 4 storeys (approximately 12m):		
	• 12m between habitable rooms/balconies	On site 17m minimum	Yes
	• 9m between habitable and non-habitable rooms	Adjoining to 42A Wattle Street = 6m	Yes
	• 6m between non-habitable rooms		
PART 3 Siting the development			
Communal open space			
<ul style="list-style-type: none"> • COS should have a minimum dimension of 3m. • Where COS cannot be provided at ground level, it should be provided on a podium or roof. 			
Communal open space	Communal open space has a minimum area equal to 25% of the site or 612m ²	Provided – 1106m ² = 28.6%	Yes
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	Shadow diagrams demonstrates that 50% of COS receiving a min. 2 hours of direct sunlight	Yes
Deep Soil	>1,500m ² - minimum of 7%, 6m in width. Required -171.37m ²	Provided – 510m ² (13.26% of the site) is deep soil zone.	Yes
Visual privacy			
<ul style="list-style-type: none"> • Separation between windows and balconies is provided to ensure visual privacy is achieved. • Adjoining a different zone with a less density, add 3.0m. • Retail, office spaces and commercial balconies, use habitable room separation. • No separation is required between blank walls. 			
Visual	Up to 4 storeys	Between buildings - 12m.	Yes

privacy	(approximately 12m): <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	Adjoining to 42A Wattle Street = 6m	The proposal provides for complaint building separation to adjoining developments.
Parking and Bicycle storage Note: The car parking needs for a development must be provided off street.			
Parking and bicycle storage	For development in the following locations: On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	See comments under "Parking" of the ARHSEPP section.	Yes
PART 4 Designing the building			
Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.	47 units (85.5%) receive a min. of 2 hours direct sunlight.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Eight (14.5%) south facing single aspect apartments are proposed.	Yes
Natural ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	A total of 41 units (74.5%) are cross ventilated.	Yes

	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No unit exceeds 18m in overall depth when measured from glass line to glass line.	Yes
Ceiling Heights Note: Measured from finished floor level to finished ceiling level	Habitable rooms - 2.7m	Proposed – 2.7 metres	Yes
Apartment size and layout Note: The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.			
Apartment size and layout	1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	1 bedroom 55.5m ² (min.) 2 bedroom 77.6m ² (min.) 3 bedroom N/A (min.)	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Every habitable room has a window in an external wall with a minimum glass area of not less than 10% of the floor area of the room.	Yes
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)	Kitchens are not located as part of the main circulation space.	Yes
	Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 2.7 = 6.75m	The habitable room depths are considered to be adequate in this regard.	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	The maximum room depth does not exceed 8 metres.	Yes
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	The main bedrooms have a minimum area of 10m ² and other bedrooms 9m ² .	Yes
	Bedrooms have a minimum dimension of 3m.	All bedrooms are provided with a minimum dimension of 3 metres.	Yes

	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.	All minimum dimensions are provided.	Yes
Private open Space and balconies Note: Storage areas on balconies is additional to the minimum balcony size.			
Private open space and balconies	1 Bedroom = 8m ² X 2m 2 Bedroom = 10m ² X 2m 3 Bedroom = 12m ² X 2.4m	All units are provided with balconies with an area compliant with this requirement with the minimum dimension.	Yes
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	The units on the ground floor are all provided with a private courtyard of 15m ² with a minimum depth of 3m.	Yes
Storage Note: Storage is accessible from either circulation or living areas. Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.			
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: • 1 bedroom 6m ² • 2 bedroom 8m ² • 3 bedroom 10m ²	Storage areas are provided both within the units and the basement. All storage areas meet the requirements under the ADG's.	Yes
	At least 50% of the required storage is to be located within the apartment. Left over space such as under stairs is used for storage	At least 50% of the required storage is located within the units.	Yes
Common circulation and spaces	The maximum number of apartments off a circulation core on a single level is eight.	Block B has 10 units on levels 1 and 2.	No, however acceptable as two set of stairs serving these units.
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	The building is part 3 and part 4 storeys in height.	N/A

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 11 metres.	No	Proposal – 13.9 metres The lift core and overrun, stairwell and pergola structure associated with the roof top common open space area exceeds the maximum building height requirement. 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 0.8:1.	No	The application is made under the ARHSEPP and is compliant. 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.
5.10 Heritage Conservation	Yes	The subject site is not a heritage item or within a heritage conservation area.
5.10.8 Aboriginal Places of Heritage Significance	Low	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. The proposal is not considered to impact an aboriginal place of heritage significance.
6.1 Acid sulfate soils Is an Acid Sulfate Soils	Class 5	The site is identified as containing Class 5 Acid Sulfate Soil and does not require an Acid Sulfate

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
Management Plan Required?		Soils Management Plan.
6.2 Earthworks Are the earthworks associated with the development appropriate?	Yes	Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory subject to conditions.
6.3 Flood planning Is the site flood prone?	N/A	The site is not identified as being flood prone.
6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?	N/A	The site is not identified on this map.
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.



Objectives of Clause 4.6 of the PLEP 2011

- A request for an exception under clause 4.6(3) was lodged with the application as the proposed development exceeds the maximum height for the site permitted by Clause 4.3 of PLEP 2011.

Maximum height under PLEP 2011	Proposed	Degree of variation and merit
11 metres	13.9m	Building A 2.9m or 26.3% Building B 2.6m or 23.6%

[illegible]

DA No.: «Application_Number»

Clause 4.6(1) of the LEP - Objectives of clause 4.6

The objectives of this clause are:

- (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.*

Clause 4.6(2) of the LEP - Operation of clause 4.6

The operation of clause 4.6 is not limited by the terms of clause 4.6(8) of this LEP, or otherwise by any other instrument.

Clause 4.6 (3) - The applicant's written request

Clause 4.6 (3)(a) -Is strict compliance unreasonable or unnecessary in the circumstances of the case

The applicant contends that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding noncompliance with the standard.

In summary, the proponent contends:

- That the variation stems from the natural topography of the site. Furthermore, the provision of service lifts and structures associated with the rooftop communal open space of both buildings.
- The non-compliance to height control is a direct result of applying the Affordable Housing SEPP 2009 which permits greater FSR and in the process of accommodating additional floor space, the development marginally encroaches upon the prescribed height limit. However, considering that the majority of the building form is contained below the maximum permitted height control with the top level recessed from neighbouring property to the east to minimise potential privacy and overshadowing impacts (as evident on the submitted shadow diagram), the variation is considered appropriate.

Clause 4.6 (3)(b) - Sufficient environmental planning grounds

The applicant contentions are summarised below:

- The proposal incorporates an Affordable Housing component of 35% which provides for a discernible public benefit and this additional floor space needs to be accommodated within the same building envelope of the planning controls.
- The top level is pulled towards the street frontage to minimise overshadowing and potential privacy impacts to adjoining properties.

- The proposal presents a suitable scale of development relative to surrounding development and future development within the locality given the provisions of the Parramatta LEP 2011.
- The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site by providing a residential flat building that provides good address to Pine Street and Wattle Street whilst complying with key planning controls applying to the proposal.
- The development proposal has been designed to comply with key planning requirements, whilst providing an attractive building that addresses the context, streetscape whilst being consistent with the evolving high residential built form character in the surrounding area. The development provides a mix of dwellings that will contribute towards increasing housing choice, diversity and stock of the Parramatta LGA.

Clause 4.6 (4)(a)(i) of the LEP - Adequacy of submission

The applicant's written request is provided at Attachment C. It has adequately addressed the matters required to be demonstrated by sub clause (3).

Clause 4.6 (4)(a)(ii) of the LEP - The public interest

The variation to the building height standard is in the public interest because the resulting built form will be consistent with:

- The objectives for height standard as prescribed by clause 4.3(1) and noted above; and
- The zone objectives, as provided at section 2.5 above.

Clause 4.6 (4)(b) - Concurrence of the Secretary

Concurrence to vary the height standard is assumed pursuant to Planning Circular, PS 08–003 - Variations to development standards issued by the NSW Department of Planning.

Conclusion – Clause 4.6

The request for a variation of the height control is supported for the following reasons:

- The variation is considered minor in nature and is limited to 2.9m height exceedance;
- No adverse built form or amenity impacts have been identified due to the height exceedance;
- Is an appropriate response to the topography of the site;
- 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;
- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

In reaching this conclusion regard has been had to the relevant Judgements of the LEC,

including Zhang v City of Ryde Council (2016).

ZONE OBJECTIVES

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.

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
2.4.1 Views and Vistas		
Preserve significant features and areas of high visibility	N/A	The site is not identified as containing significant views.
2.4.2.1 Flood affectation	N/A	The site is not identified in Councils database as being flood prone.
2.4.2.2 Protection of Waterways Does the site adjoin a waterway?	N/A	The site does not adjoin a waterway.
2.4.2.3 Protection of Groundwater Is a basement car park proposed?	Yes	Basement car parking is proposed. It is unlikely that the level of basement will result in any impacts to ground water, particularly as the site does not adjoin a waterway nor is there evidence that there is groundwater within proximity to the site.
2.4.3.1 Soil Management Are there adequate erosion control measures?	Yes	An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
		development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.
2.4.3.2 Acid sulfate soils	Yes	Refer to LEP table above.
2.4.3.3 Salinity Moderate, high or known salinity potential?	Yes	The site is of low salinity potential and accordingly salinity is unlikely to impact on the development. The landscaping is appropriate for the salinity hazard and appropriate conditions have been included in the recommended conditions.
2.4.4 Land Contamination	Yes	Refer to assessment under SEPP 55.
2.4.5 Air Quality Will demolition and construction contribute to increased air pollution?	Yes	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimized during construction.
2.4.6 Development on Sloping Land. Does the design of the development appropriately respond to the slope of the site?	Yes	The site has a fall of approximately 4.1 metres from the south west to the north eastern corner. The development responds to the slope of the site by ensure an appropriate building platform.
2.4.7 Biodiversity Is vegetation removal appropriate?	Yes	Council's Landscape Officer has not raised concerns with regards to the Landscape Plan subject to conditions. The landscape plan submitted with the application does not include provision for species nominated in Appendix 3 of the PDCP 2011. The site does not adjoin bushland.
2.4.7.2 Does the land abutt the E2 Environmental Protection zone or W1 Natural Waterways zone	Yes	The site does not adjoin land zoned E2 or W1.
2.4.8 Public Domain Does the building address the public domain, provide appropriate passive surveillance opportunities, and have appropriate public domain enhancements?	Yes	The building has an appropriate address to Pine Street and Wattle Street with a distinguishable entry via a clear pedestrian pathway to ensure clear identification from the public domain.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
		<p>Balconies and windows of the units address the street frontage promoting natural surveillance from within the units to the front and public domain.</p> <p>The design ensures that the ground units are provided with courtyard facing the pedestrian footpath along the eastern boundary.</p> <p>Standard conditions incorporated in the consent requiring the payment of a bond to ensure that the nature strip on street frontage is maintained and in the event that it is damaged due to the works associated with the proposal that Council be reimbursed for the damages.</p>
3. Preliminary Building Envelope		
Frontage		
Minimum 24 metres	Yes	Pine Street 50.3m and Wattle Street 33.9m.
Height (refer also to LEP table)		
Does the proposal exceed the number of storeys outlined in the DCP height table?	No, however acceptable	The development breaches the maximum height for the site, however the applicant has provided a clause 4.6 variation which is deemed acceptable.
Front Setback		
Primary - 5m-9m Secondary – 3m	Yes	The site maintains a front setback of between 6m – 7.6m to the two frontages.
Side Setback		
4.5m	Yes	The site maintains a side setback of 6m - 12.7m
Deep Soil		
30% site area	No	See ADG and ARHSEPP assessment
Of which, at least 50% is to be located at the rear of the site, with minimum dimensions of 4m x 4m		

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Landscaping 40% site area	No	See ARHSEPP assessment
3.2. Building Elements		
3.2.1 Building Form and Massing Height, scale and bulk consistent with existing or planned building patterns in the street?	Yes	<p>The bulk of the building is consistent with the existing and desired future character of Pine Street and Wattle Street.</p> <p>It is considered that the proposed development subject to conditions of consent will not adversely impact on the existing streetscape as plans indicate satisfactory setbacks, deep soil zones and articulation, thereby, reducing the bulk and scale of the development and as such, any adverse impacts on the amenity of the adjoining properties.</p>
3.2.2 Building Façade and Articulation Does the building exceed the building envelope by more than: <ul style="list-style-type: none"> •800mm for balconies and eaves: •600mm for Juliet balconies and bay windows Are the building facades modulated in plan and elevation to reduce building bulk? Are Multiple stair lift/cores provided to encourage multiple street entries?	Yes	<p>The proposal provides appropriate setbacks and building articulation resulting in a reduced perception of bulk and scale.</p> <p>The development is designed with multiple recesses to create articulation, improve solar access to the adjoining properties and to create some visual interest on the pedestrian level. Accordingly, there will be no unreasonable loss of amenity to adjacent properties.</p> <p>The application proposes balconies to the units which address the street frontage and the side boundaries and do not project more than 800mm beyond the building envelope.</p> <p>The proposal does not propose Juliet balconies or bay windows.</p> <p>The building are provided with 2 entry points This is considered to be sufficient.</p>
3.2.3 Roof Design Does that roof form minimise the bulk and scale of the building, and respond to the existing or planned form?	Yes	<p>The development incorporates a contemporary roof form that does not dominate the streetscape.</p>
3.2.5 Streetscape		

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Does the development respond to the existing or planned character of the street?	Yes	<p>The existing character and urban context of the immediate neighbourhood is residential of low to high density.</p> <p>As previously stated in this report, the development is of an appropriate bulk and scale with adequate setbacks and landscaping. As such, the development is considered to be consistent with the R4 High Density Residential and future streetscape character of the area.</p>
Are garages and parking structures dominant?	Yes	Basement carpark is provided to minimise the impact of parking structures on the building façade and the front setback.
Are pedestrian or vehicular laneways activated?	Yes	The site incorporates a pedestrian link along the Western boundary. Balconies and windows are provided facing the pedestrian link.
Are the mail boxes visually integrated within the built form and conveniently accessed?	Yes	Mail boxes are located on the Pine Street frontage.
3.2.6 Fences		
Front fence a maximum height of 1.2metres?	Yes	Fencing will be conditioned to be a maximum of 1.2m.
3.3 Environmental Amenity		
3.3.1 Landscaping		
Natural features retained and incorporated?	Yes	The proposed works have the endorsement of Council's Landscape and Tree Management Officer subject to conditions of consent.
Minimum soil depth of 1m provided above basement?		The basement provides adequate deep soil areas for Residential Flat Buildings pursuant to the ADG and the ARHSEPP.
3.3.2 Private Open Space		
Minimum of 10m² private open space with minimum dimensions of 2.5m per unit?	Yes	See ADG assessment.
3.3.2 Common Open Space		
Min. of 10m² of communal open space per dwelling is to be provided. Required - 360m²	Yes	Provided - 1106m ²

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Swimming Pool proposed?	N/A	A swimming pool is not proposed.
3.3.3 Visual Privacy Do balconies face the street or another element of the public domain such as a park?	Yes	The balconies and windows address the street, the pedestrian footpath and public domain to reduce overlooking opportunities to the adjoining sites.
Is a minimum building separation of 12m provided between habitable rooms/ balconies?	Yes	See ADG Assessment
3.3.4 Acoustic Amenity Does the dwelling adjoin a noise-generating land use?	Yes	The proposal will be partly affected by the adjoining industrial development, however the industrial operations are required to comply with EPA requirements in terms of noise generation received at the boundary. Most living spaces are directed away from the noise source.
3.3.5 Solar Access (refer also to ADG section) 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?	Yes	<p>See ARHSEPP assessment.</p> <p>Due to the north-south orientation of the site and setbacks, the adjoining sites to the east and west will receive a minimum of 3 hours of solar access during the winter solstice.</p>
Cross Ventilation Minimum floor to ceiling height ground (3.3 metres) and upper levels (2.7m) Are 80% of dwellings naturally cross ventilated? Are single aspect apartments limited in depth to 8m from a window? Does the building have a maximum depth of 18m?	Yes	<p>Ground Floor = 2.7 metres Upper levels = 2.7 metres</p> <p>See previous ADG assessment.</p>
3.3.6 Water Sensitive Urban Design On-site detention system	Yes	Council's Development Engineer has advised that the concept OSD plan is satisfactory and

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
appropriately designed?		appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.
3.3.7 Waste Management		
Is the waste management plan satisfactory?	Yes	The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.
Is the bin room appropriately sized for the number of bins required?		A garbage room is located within the basement.
Will a private contractor be required to minimise bins on the street for pickup?		<p>The applicant has confirmed that a representative of the Owners Corporation will move the bins to either kerb side via the driveway ramp. The representative of the Owners Corporation will also return the bins to the garbage rooms in the basement upon collection.</p> <p>Whilst the waste management plan indicates that the development will use Council collection to service the site, Council's Waste Officer has imposed a condition of consent requiring that the development to be serviced by a private waste contractor.</p>
3.4 Social Amenity		
3.4.1 Public Art – is an Arts Plan provided? (CIV of more than \$5,000,000.00, and located in CBD/town centre).	N/A	An arts plan is not required.
3.4.2 Access for People with disabilities. Does the development contain adequate access for people with a disability?	Yes	<p>The ground floor is provided with an accessible ramp to be accessed by people with disabilities. Access from the basement to the upper levels is via a lift.</p> <p>It is noted that 6 units within the development are nominated as adaptable units.</p>

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
3.4.4 Safety and Security Has the development been designed in accordance with crime prevention principles?	Yes	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The main entries face towards the street, promoting natural surveillance from within the units to the front setback and public domain. The ground floor units with address to the laneway have direct access to this area to activate the space and to increase surveillance.</p>
3.4.5 Housing Diversity and Choice Is the unit mix in accordance with the following: 3 bedroom 10% - 20% 2 bedroom 60% - 75% 1 bedroom 10% - 20% Adaptable dwelling provision Less than 10 units = 1 10-20 units =2 More than 20 units = 10%	<p>No, however acceptable</p>	<p>6 x 1 bedroom (25%) 49 x 2 bedroom (63.88%) 0 x 3 bedroom (0%)</p> <p>The unit mix in this regard is considered to be acceptable.</p> <p>Required – 5.5 units Provided – 6 units</p>
3.5 Heritage and Archaeology	Yes	<p>The site does not contain a heritage item.</p> <p>The site is not within a heritage conservation area.</p> <p>The site is not within proximity to heritage listed items.</p>
3.6.2 Sustainable Transport Is a publicly accessible car share parking space required and provided, with evidence of an offer to car share providers?	Yes	See ARHSEPP discussion.
3.6 Parking Provision As per ARHSEPP Is 1 bicycle parking space	Yes	See ARHSEPP discussion.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
provided per 2 units?		
Required – 27.5 bicycle spaces	Yes	Provided - 29 spaces
3.6.3 Accessibility and Connectivity Is a 3m wide pedestrian through link required and provided?	Yes	A pedestrian link is provided along the eastern boundary.
3.7.2 Site consolidation and isolation	Yes	The proposal does not result in the isolation of any adjoining properties.

REFERRALS

Internal Referrals	Comment
Development Engineer	No objection, subject to deferred commence conditions.
Landscape	No objection, subject to conditions
Traffic and Transport	No objections, subject to conditions
Urban Design	No objection, subject to condition relating to the lodgment of an alignment plan in accordance with public domain guidelines.
Building	No objections, subject to conditions
Social Outcomes	
Environmental Health	No objections, subject to conditions
External Referrals	Comments
Endeavour Energy	No objections.

PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures contained within Appendix 5 of DCP 2011. In response 17 submissions were received and a petition with 110 signatures. The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition.

Issue	Response
Contaminated land issues	<p>The subject site is identified as being contaminated land as a result of the adjoining Industrial Site. Council has previously considered land contamination issues as part of DA/303/2014, which was approved 23 June 2016 subject to Deferred Commencement to provide a Detailed Remedial Action Plan.</p> <p>Council has received the Section B Site Audit Statement and Detailed Remedial Action Plan prepared by Trace Environmental Pty Ltd to confirm that the site is suitable for residential development. A confirmation letter was sent by Council to the applicant 14 June 2017, confirming that compliance with the deferred commencement condition has now been achieved. As a result, the proposed development demonstrates compliance with the requirements of SEPP 55 Remediation of Land.</p>
Insufficient on-street parking	<p>Fifty-six (56) car parking spaces have been provided which is in excess of the required (52) parking spaces under the AHRSEPP. All the parking spaces provided for the development are to be located wholly within the basement. As such, the development should not result in an increase demand for on-street parking.</p>
Traffic circulation	<p>In accordance with Roads and Maritime Services (RMS) publication "Guide to Traffic Generating Developments 2002". The subject site is identified as a High Density Residential Flat Building. The applicable rates are as follows;</p>

	<p>Metropolitan Regional (CBD) Centres</p> <p>Peak Hour Vehicle Trips = 0.24 trips per unit.</p> <p>The proposed development is for 55 units x 0.24 trips per unit = 14 vehicles per hour during peak periods.</p> <p>The existing site contains 5 single dwellings. Based on the RMS guidelines, the existing site is identified as dwelling houses;</p> <p>Weekday peak hour vehicle trips = 0.85 per dwelling x 5 = 4.25 vehicles per hour during peak periods.</p> <p>The proposed development represents a net increase of 9.75 vehicle movements during weekday peak periods or (1 car per 6.15 minutes).</p> <p>An increase of 9.75 vehicle movements per hour is considered manageable in traffic activities and as such will not have any adverse impact on the local road network.</p>
Land use interface issues	<p>The proposal will be partly affected by the adjoining industrial development; however, the industrial operations are required to comply with EPA requirements in terms of noise generation received at the boundary. Most living spaces are directed away from the noise source. Deep soil landscaping will provide further noise attenuation along the eastern boundary.</p>
Noise, dust and asbestos during demolition and construction	<p>Conditions will be imposed to ensure the amenity of adjoining properties and the surrounding area will be protected during demolition and construction.</p>

AMENDED PLANS SUBMITTED

YES

Summary of plan amendments:

- Block B has been redesigned to create an inter-locking double L-shaped form with a central open area to the sky, as recommended by the design panel;

- Southern courtyards and balconies have been extended to achieve greater solar access;
- A pedestrian link has been proposed which provides a physical pathway from Wattle Street to Pine Street, with the pad mount sub-station relocated
- Sun-shading devices have been integrated into the facades;
- Location of the downpipes and services, such as air-conditioning units have been illustrated;
- Balustrades have been amended to be opaque where privacy is an issue;
- Access to bedrooms from living areas has been reduced with minor internal adjustments of the unit layouts;
- Amenities to the communal open spaces have been illustrated and include barbeque areas, outdoor dining areas, sinks, unisex toilets and fixed shade structures;
- The amended Landscaping Plan illustrates the landscape screening proposed with medium sized trees along the western side boundary for shade and screening from the adjoining industrial use;
- The amended Landscape Plan illustrates the medium to large tree plantings proposed in the central deep soil zone for shade and amenity as well as separation of the buildings;
- The electrical sub-station has been relocated to avoid any conflict with the proposed pedestrian access pathway;
- The basement car parking areas have been reduced to be confined below the ground floor footprint;
- Alignment plan submitted with 1.5 metre wide concrete footpath from Wattle to Pine Street, 100 litre size street trees, concrete driveway and crossover to Council's standards, removal of redundant driveways and layovers;

AMENDED PLANS RENOTIFIED?

No

In accordance with clause 5.5.9 of Council's notification procedures entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

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 **\$13,621,755**.

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 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

The waste bin storage area is able to accommodate the required number of bins for the development. The bins can be easily wheeled to the kerb from its location in the basement. The bins can be accommodated at the kerb in front of the site at the South Street frontage.

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

17 submissions and petition with 110 signatures were received in response to the advertisement/notification of the application. The issue 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

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 that the Sydney Central City Planning Panel as the consent authority is of the opinion that the following variations 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

That the Sydney Central City Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case as the proposal satisfies the objectives of the development standard and will not compromise the amenity of the locality.

AND

That the Sydney Central City Planning Panel (SWCPP), as the consent authority, being satisfied that the variation under Clause 4.6 of Parramatta Local Environmental Plan 2011 is supportable and that it grants consent to Development Application DA/210/2017 for the demolition of existing structures, tree removal and construction of a part 3 and part 4 storey Residential Flat Building with associated basement car parking and landscaping pursuant to SEPP Affordable Rental Housing 2009 at 63-67 Pine Street and 44-46 Wattle Street, RYDALMERE NSW 2116 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.