



SYDNEY CENTRAL CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC094
DA Number	DA/1018/2016/A
LGA	City of Parramatta (formerly the Hills Shire Council)
Proposed Development	96(2) modification to the approved residential flat building comprising of a portion of in-fill Affordable Rental Housing under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposed modifications include an additional two apartments on Level No.3.
Street Address	28-34 Donald Street, CARLINGFORD NSW 2118 (Lot 11,12,13 and 14, DP 25590.
Applicant	TNJ Property Developments Pty Ltd.
Owner	TNJ Property Developments Pty Ltd.
Date of DA lodgement	18 July 2017
Number of Submissions	3 Submissions
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 6 of Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> , the community facilities development that has a capital investment value of more than \$5 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none">• SEPP (Building Sustainability Index: BASIX) (BASIX SEPP) 2004.• SEPP (Affordable Rental Housing) (2009).• SEPP (Infrastructure) (ISEPP) 2007.• SEPP (State and Regional Development) (SEPP SRD) 2011.• SEPP No. 55 (Remediation) (SEPP 55).• SEPP No. 65 (Design Quality of Residential Apartment Development) (SEPP 65) & Apartment Design Guide (ADG).• The Hills Local Environmental Plan (HLEP) 2012.• The Hills Development Control Plan (PDCP) 2012.• The Hills Section 94 Contributions Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• Architectural Drawings• Landscape Plans• Copy of the submissions received.
Report prepared by	Deepa Randhawa, Senior Development Assessment Planner

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 summarised, 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 has been received, has it been attached to the assessment report ?	N/A
---	-----

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?	Yes
--	-----

Conditions

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

1. EXECUTIVE SUMMARY

This proposal seeks modifications to an approved part 4 and part 5 storey residential flat building made under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, and approved by the Joint Regional Planning Panel on 19 October 2016.

The proposed modifications include, but are not limited to, the following:

- Addition of two new apartments on Level 3 (fifth storey) resulting in a reduced communal open space on Level 3;
- Increase in gross floor area (GFA) by 139.95m²;
- Increase in the number of car spaces from 50 to 51.

The application was placed on public notification from 2 August and 16 August 2017. During this time, three submissions were received. Matters raised in these submissions are addressed in the report.

On 12 September 2017, the Sydney West Central Planning Panel (now Sydney Central City Planning Panel) was briefed on the application. The panel provided the following comments: --

- Amended proposal exceeds floor space ratio standard, which is not acceptable;
- Bonus has been already given in the original consent. Additional breach not justified;
- Additional unit that does not result in breach to the floor space standard is acceptable;
- Opportunity to contribute to additional communal open space; and
- One additional car parking space is acceptable.

The applicant has submitted amended plans to address the above concerns raised by the Sydney Central West Planning Panel. The proposed modifications result in an additional GFA of 139.95m², which complies with the Floor Space Ratio standard pursuant to the Hills Local Environmental Plan and the State Environmental Planning Policy (Affordable Rental Housing) 2009.

The modified development is substantially the same development as that previously considered and approved by the Joint Regional Planning Panel on 19 October 2016.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues or concerns. The application is satisfactory when evaluated against section 79C and 96(2) of the Environmental Planning and Assessment Act 1979 and is recommended for approval.

2. SITE DESCRIPTION, LOCATION AND CONTEXT

The subject site is situated within the Northern Precinct of the Carlingford Precinct. It is located within 600m walking distance from Carlingford Station and is 540m from Pennant Hills Road (a classified road under the control of the Roads and Maritime Services) that provides bus service to Hornsby and Epping.

The combined land area of the site is 2,836.1m². The site is regular in shape with a frontage to Donald Street and Tanderra Avenue. The approved residential flat building is currently under construction.

The adjoining properties comprise a mix of low density residential dwellings and medium density multi-unit dwellings to the north, east and west of the subject site. Low density residential dwellings, as well as approved sites for residential flat buildings exist to the south of the site. Construction of a number of residential flat buildings is evident within the vicinity of the site.

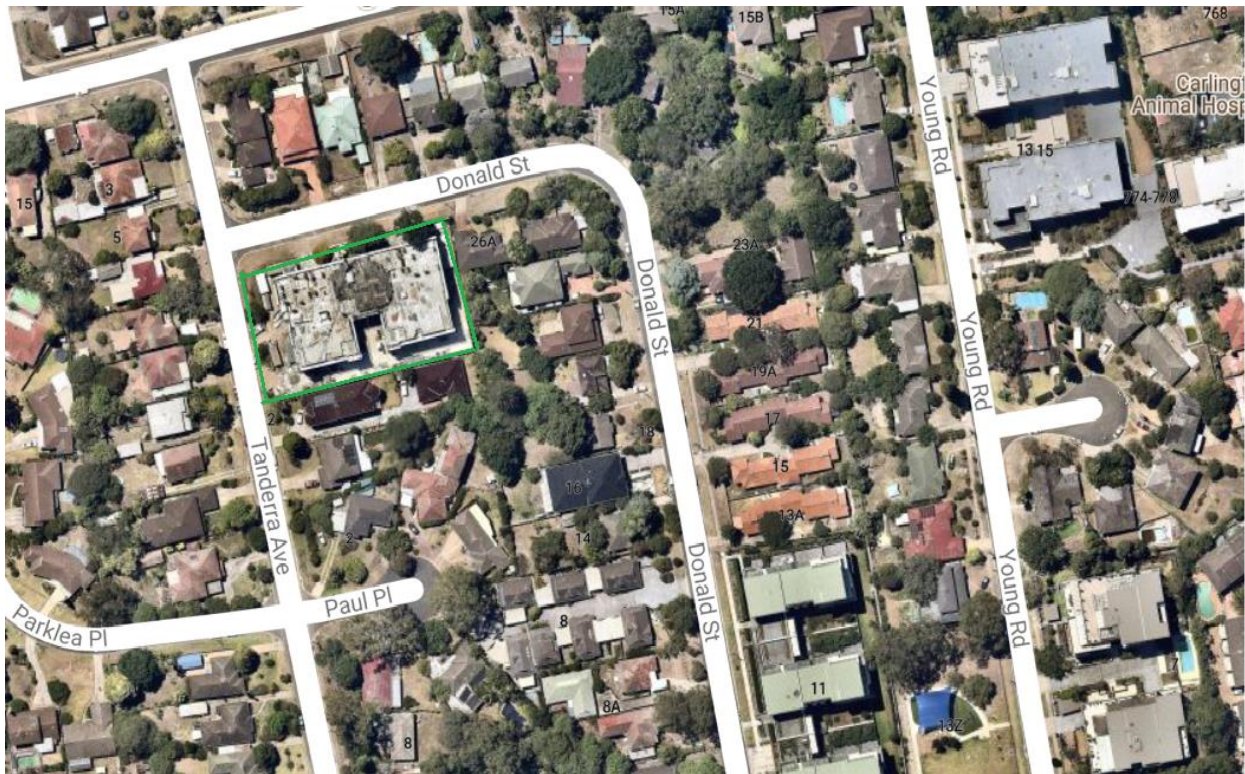


Figure 1: Locality plan

3. THE PROPOSAL

Consent is sought to modify the approved as follows:

Original approval

The original development application was approved for demolition of existing structures, consolidation of four lots and construction of 48 residential apartments including 23 in-fill affordable rental housing apartments under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The development comprised of 6 x 1-bedroom, 34 x 2-bedroom and 8 x 3 bedroom apartments with associated basement car parking containing 50 car parking spaces.

Proposed Modification

The proposed development will result in two (2) additional apartments on Level 3. The RFB will now contain a total of 50 apartments comprising of 26 affordable rental housing apartments. The modified development comprises of 7x 1-bedroom, 35 x 2-bedroom and 8 x 3 bedroom apartments with associated basement car parking containing 51 car parking spaces.

Details of the proposed modifications are:

Basement

One additional car space, bringing the total amount of car spaces from 50 to 51. The additional car space is located within the approved building footprint.

Lower Ground

The private open space area of apartment LG01 has been reduced from 69.65m² to 52.82m² to allow for a larger setback to Tanderra Avenue, Carlingford.

Level 3 (Fifth Storey)

Two new apartments are proposed, i.e. No 307 and No.308 which are located at Level 3, resulting in reduction in the communal open space. Details of the amendments to the communal open space is provided in further detail below.

Roof Plan

The top slab on the roof has been modified and enlarged to allow for the addition of the two new apartments.

Communal Open Space

The overall communal open space is reduced from 973.01m² (34%) to 860.96m² (30%) to allow for the additional two apartments on Level 3.

GFA Calculations

The GFA calculations have increased from 4,112.71m² to 4,252.66m², or in terms of the FSR, from 1.45:1 to 1.49:1.

Affordable Rental Housing Allocation

The percentage of the apartments and GFA for the affordable housing has been recalculated due to the addition on the two new apartments. The area now allocated to the affordable rental housing has consequently increased from 45% to 49% 0.49:1, which is 26 apartments allocated to affordable rental housing.

Storage

Residential storage facilities are located within the basement, as well as internally within each apartment. The locations and dimensions are shown on the architectural plans, Issue B, prepared by Ghazi Al Ali Architect Pty Ltd, dated 16 November 2017.

4. REFERRALS

Internal referrals

Development Engineer	No objections – No additional conditions
Traffic Engineer	No objections – No additional conditions
Tree management & Landscape	No objections – No additional conditions

5. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1 SECTION 96(2): OTHER MODIFICATIONS

The considerations in Section 96(2) require Council to consider the following:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),*

The development consent granted approval for the demolition of existing structures, consolidation of four lots and the construction of a residential flat building containing forty-eight (48) units and basement car parking containing 50 car parking spaces pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP (ARH) 2009).

The modification include the addition of two apartments and other minor amendments within the approved building footprint. The proposal remains substantially the same development to that which for consent was originally granted. Accordingly, the modifications are considered acceptable in respect of Section 96(2) of the Act.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent,*

The application does not require any consultation with a Minister, public authority or other approval body.

- (c) it has notified the application in accordance with:
(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In accordance with The Hills Shire's Advertising and Notification procedures the adjoining and nearby property owners and occupiers were notified of the proposed modification and were invited to comment. There submissions were received and are addressed in the body of the report.

5.2 SECTION 79C: EVALUATION

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

(a) STATE AND REGIONAL DEVELOPMENT 2011

Clause 20 of SEPP (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act, 1979 requires development for Private Infrastructure and Community Facilities that has a capital investment value of more than \$5 million and modification applications under section 96(2) of the EP&A Act to be referred to the Sydney Central City Planning Panel (previously Joint Regional Planning Panel (JRPP)).

The original application was for a development containing 45% of units for as in-fill affordable rental housing with a total capital investment value of \$11,629,415 and accordingly the application was determined by the JRPP.

Subsequently, the Section 96 (2) application for modification to the approved development is referred to the Sydney Central City Planning Panel for determination.

(b) STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 - Remediation of Land, states:

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The likelihood of encountering contaminated soils on the subject site is low given the site has been historically used for residential purposes. Potential land contaminated activities, such as

those listed in Table 1 and Appendix A of the Contaminated Land Planning Guidelines of SEPP 55, are unlikely to have been carried out on the site or adjoining properties. The site is not identified in Council's records as being contaminated land or land that must be subject to site audit statement and is not subject to legal notice for a matter listed under Section 59(2) of the Contaminated Land Management Act 1997.

Given the above factors, no further investigation of land contamination is warranted in this case and therefore the site is suitable in its present state for the continued use of residential purposes.

(c) STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A standard condition is recommended ensuring such commitments are fulfilled during the construction of the development.

(d) 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 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 Donald Street and Tanderra Avenue is less than 40,000 vehicles.

(e) STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) (2009)

The application involves modification to the approved in-fill affordable housing in the form of a residential flat building, pursuant to Part 2, Division 1 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP 2009).

Clause 10 – Development to which Division Applies

The original application was assessed against the provisions of the ARH SEPP 2009 and was considered acceptable as the subject site is located in an accessible area of within 600m walking distance from Carlingford Station.

Clause 13 – Floor Space Ratio

Clause 13 of the ARH SEPP 2009 is applicable to the development as the percentage of the proposed gross floor area to be used for the purposes of affordable housing is 49 %.

In accordance with Clause 13(2), the maximum floor space ratio for the development is

$$\text{FSR: } 1:1+0.49:1 = 1.49:1$$

The proposal has been assessed against the relevant controls prescribed by the SEPP for in-fill housing and the following table shows the development's performance against the relevant controls of the Policy.

State Environmental Planning Policy (Affordable Rental Housing) 2009			
Subject	Control	Proposal	Compliance
Site Area	450m ²	2836.1m ²	Complies
Floor Space Ratio	<p>1:1 + 0.49 = 1.49:1 =4254.15</p> <p>Based upon 49% ARH (26 Units, being 2098.74m² which is 49%)</p>	<p>Total 4,252.66m² = 1.49:1</p> <p>The affordable housing units are: <u>Lower Ground Level</u> LG01, LG02, LG03, LG04, LG05 & LG06.</p> <p><u>Ground level</u> G01, G02, G03, G04, G06, G07, G09 & G12.</p> <p><u>Level 1</u> 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111 & 112.</p>	Complies 49% Affordable Housing (26 of 50 units).
Landscaped Area	30% (850.83m ²) of the site area	<p>16% under landscaping.</p> <p>The proposed modification does not impact the landscape area requirement.</p>	Non-Compliance as previously approved.
Deep Soil Zones	15% (118.56m ²) of the site area with min dimensions of 3m and preferably two-thirds (78.2m ²) located at the rear of the site.	16% (180m ²) of deep soil zones.	Complies
Solar Access	70% of dwellings and private open space to have 3 hours of direct solar access between 9am and 3pm in mid-winter.	<p>The additional two units receive 3 hours of solar access during mid-winter and no single south aspect living areas or private open space proposed.</p> <p>The proposed units will not impact upon the solar access of the previously approved units.</p>	Complies
Parking	<p><u>1 bedroom – 0.5 space</u> (7x.5=3.5 spaces)</p> <p><u>2 bedrooms – 1 space</u> (35x1= 35 spaces)</p> <p><u>3 bedrooms – 1.5 space</u> (8x1.5= 12 spaces)</p>	51 resident car parking spaces proposed.	Complies

	TOTAL required = 51 spaces		
Dwelling Size	Studio 35m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	Studio N/A Unit 308-1 bedroom 51m ² (min.) Unit 307- 2 bedroom 75m ² (min.) 3 bedroom N/A	Complies

The proposal therefore satisfies the controls contained in SEPP ARH 2009.

(f) SEPP NO. 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT) (SEPP 65) & APARTMENT DESIGN GUIDE (ADG)

The original proposal has been assessed against the relevant Design Principles prescribed under SEPP 65 and it is considered that additional two units as amended uphold the design principles as previously approved.

The proposed modifications are assessed against the relevant controls prescribed under Apartment Design Guide (ADG) as follows: -

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 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.			
Separation/ Visual Privacy	Up to 5 storeys (approximately 18m): <ul style="list-style-type: none"> • 18m between habitable rooms/ balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	No changes to the approved setbacks except for the two new units at 5 th storey. <u>5th Storey</u> East <ul style="list-style-type: none"> • Building = 9.17mm • Balcony = 6.16m West (Street) <ul style="list-style-type: none"> • Building = 10.06m (same as approved). • Balcony=8.45m 	Yes

		South Unit 307=16m Unit 308=18.5m	
	At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.	N/A. The area is zoned R4 High Density Residential.	N/A.
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 709.025m ²	A total of 860.94m ² (30%) of communal open space has been provided. Refer to discussion below.	YES.
	<u>Location of Communal Open Space</u> The proposed units are located on Level 3 which takes up part of the previously approved communal open space on the roof top of the development. The additional two units will result a reduction in the total area under communal open space from 975m ² to 860.94m ² (30%), however this remains compliant with State Environmental Planning Policy No. 65 - Design Quality for Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).		
	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).	The communal open space on the rooftop will receive the required minimum 2 hours solar access.	YES.

Deep Soil	7% (198.5m ²), 6m in width	16% of site area is proposed for deep soil landscaping.	YES.
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.	51 car spaces provided which complies with minimum requirements under ARH SEPP 2009.	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.	The modified proposal includes 38 (76%) units that would receive a minimum of 2 hours direct sunlight between 9am and 3pm mid-winter.	YES.
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	The new units provide a dual aspect layout. The overall development results in less than 15% of apartments (no apartments) will receive no direct sunlight.	YES.
Natural ventilation	At least 60% of apartments are naturally cross ventilated in the first	The modified proposal includes 36 (72%) units that are naturally cross ventilated.	YES.

	nine storeys of the building.		
Ceiling Heights	Habitable rooms 2.7m	3m floor to ceiling heights are provided throughout the development.	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	Studio 35m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	N/A Unit 308 = 51m ² Unit 307=71m ² N/A All other units comply as approved.	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.	Complies	YES.
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)	Complies	YES.
	Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 3 = 7.5m	<7.5m	YES.
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	<8m	YES.
	Master bedrooms have a minimum area of	Complies	YES.

	10m ² and other bedrooms 9m ² (excluding wardrobe space).		
	Bedrooms have a minimum dimension of 3m.	Complies	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.	Complies	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	Unit 308=9m ²	YES.
	2 Bedroom = 10m ² X 2m	Unit 307 =21m ² All other units as approved.	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: • Studio 4m ³ • 1 bedroom 6m ³ • 2 bedroom 8m ³ • 3 bedroom 10m ³	Unit 308=7.34m ³ Unit 307 =8.70m ³	YES
Common circulation and spaces	The maximum number of apartments off a circulation core on a single level is eight.	Five units serviced at Level 3	YES.

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

The relevant matters to be considered under The Hills Local Environmental Plan 2012 for the proposed development are outlined below.

Development Standard	Proposal	Compliance
4.1A Allotment size Lot Size Map shows that the minimum size for RFB developments for the subject site is 4000m ² .	2836.1m ²	YES
4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is 16metres.	15.8m	YES
4.4 Floor Space Ratio Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 1.1:1.	The proposed FSR is 1.49:1 which is permissible when the ARH SEPP Bonus provision of 0.49:1 is considered.	YES.

THE HILLS DEVELOPMENT CONTROL PLAN 2012

THE HILLS DEVELOPMENT CONTROL PLAN 2011

The proposed modifications have been assessed against the DCP's Precinct-Wide Built Form Controls and achieves compliance with the exception of building height (maximum number of storeys) and car parking

Control	Proposal	Complies				
Building Height						
(a) The height of proposed development within the Precinct must not exceed the maximum height specified for that development site in the Building Height Map in The Hills LEP 2012.	The proposed building height is 15.8m, which complies with the maximum height of 16m permissible under the HELP 2012.The development however is non-compliant with the number of stories stipulated in the HDCP 2012.	No, however acceptable.				
(b) For the purpose of this part of The Hills DCP, building heights as specified in the Building Height Map in The Hills LEP 2012 equal to number of storeys depicted in the following table:	The original application is approved as a part 4 and part 5 storey development with a height of 15.8m. The proposed units are located on Level 3 (fifth floor) which is within the approved building height and building footprint.					
<table><tr><th>Building Height</th><th>Equivalent Storeys</th></tr><tr><td>16m</td><td>4 storeys</td></tr></table>	Building Height	Equivalent Storeys	16m	4 storeys		
Building Height	Equivalent Storeys					
16m	4 storeys					

	The development is similar in scale to the development approved. A variation to this control is acceptable in this instance as the development is consistent with the type of development envisaged for the Carlingford North Precinct.	
Car Parking Provision		
<p>All car parking required by Council shall be provided on-site in accordance with the requirements of Part C Section 1 – Parking of this DCP.</p> <p>1BR unit - 1 space</p> <p>2BR unit - 2 spaces</p> <p>3BR unit - 2 spaces</p> <p>7x1 BR = 7 spaces</p> <p>35x2BR = 70 spaces</p> <p>8x3BR = 16 spaces</p> <p>Sub-total = 90 spaces</p> <p>Visitors:</p> <p>For 50units @2</p> <p>spaces per 5 units -</p> <p>20 spaces</p> <p>Total required = 113 spaces</p>	<p>51 car parking spaces have been provided for the proposed development in accordance with SEPP ARH 2009, which prevails over the provisions of the HDCP.</p> <p>Car parking is proposed within the approved basement level of the development.</p>	NO, however acceptable.

6. SITE SUITABILITY

The site has not been identified as bushfire prone or flood prone land and in this regard is considered to be capable of accommodating the additional two apartments within the approved building footprint. The site is considered suitable for the proposed modified development.

7. PUBLIC CONSULTATION

On 12 May 2016, Local Government (City of Parramatta and Cumberland) Proclamation 2016 was gazetted; creating the City of Parramatta. In accordance with Clause 18 Local Government (City of Parramatta and Cumberland) Proclamation 2016, "anything done or omitted to be done by a former council and having any force or effect immediately before the amalgamation day continues to have effect as if it had been done or omitted to be done by the new council." Therefore, the notification policies and procedures of the former Council apply to this property.

The application was notified in accordance with the notification procedures contained within The Hills DCP 2012 – Part A: 2.1 Notifiable Development. In response three (3) submissions were received.

AMENDED PLANS SUBMITTED

YES

Summary of plan amendments:

- Proposed Unit No. 308 reduced from a two-bedroom apartment to a one-bedroom apartment.

AMENDED PLANS RENOTIFIED?

No

In accordance with The Hills DCP 2012 – Part A: 2.1 Notifiable Development notification procedures the application did not require re-notification as the amended application is substantially the same development and does not have the potential to alter the amenity of surrounding properties.

The issues raised within the submissions are addressed below. Issues have been grouped to avoid repetition.

Issue	Response
Devaluation of adjoining low density dwellings	This is not a matter for consideration under Section 79C of the Environmental Planning & Assessment Act, 1979.
Concern is raised with the proposed height, which would cause a loss of view for the dwellings located on the opposite sites.	The proposed development is compliant with the prescribed height under the Hills Local Environmental Plan 2012 and it is considered that the additional two units are not likely to result in any significant view loss.
Concern is raised with regard to likely privacy impacts to the dwelling to the east of the development.	The proposed Unit No. 307 is setback at 9.15m from the eastern boundary, however the balcony is setback 6m which may result in some privacy impacts therefore it is recommended to provide a 1.5m privacy screen along the eastern elevation of the balcony. A condition is included.

Concern is raised with regard to likely over shadowing impacts to the dwelling to the east of the development.	The proposed two units will result in minor additional over shadowing impacts, however the dwellings located on the adjoining properties to the east and receive more than the minimum 3 hours of solar access during mid-winter.
--	---

8. PUBLIC INTEREST

The proposal satisfactorily addresses relevant planning controls in a manner which is sensitive to its context and setting, providing for an orderly and economic use of the land.

9. DEVELOPMENT CONTRIBUTIONS PLAN – THE HILLS SHIRE CONTRIBUTIONS SCHEMES

On 12 May 2016, Local Government (City of Parramatta and Cumberland) Proclamation 2016 was gazetted; creating the City of Parramatta. In accordance with Clause 18 Local Government (City of Parramatta and Cumberland) Proclamation 2016, “anything done or omitted to be done by a former council and having any force or effect immediately before the amalgamation day continues to have effect as if it had been done or omitted to be done by the new council.” Therefore, the contributions plan of the former Council apply to this property.

Does The Shire Wide Section 94A Contribution Plan apply to the subject site?	No.
SECTION 94A SHIRE WIDE CONTRIBUTION REQUIREMENTS	
Has a “Cost Summary Report” been provided?	N/A.
Is the cost of work <\$100,000.00? (Note if the cost of works is less than \$100,000.00 then a Section 94A Contribution is not required)	N/A.
If the cost of works exceeds \$100,000.00, has a Section 94 Part File Referral been sent for a contribution calculation?	N/A.
What is the total Section 94 Contribution Required?	N/A.
OTHER SECTION 94 CONTRIBUTION PLAN REQUIREMENTS	
What Contribution Plan No. is applicable to the subject land?	CP No. 14 – Carlingford Precinct.
Is a Section 94 Contribution required to be paid for this development proposal?	Yes, for the 2 additional units.
If “yes”, has a Section 94 Part File Referral been sent for a contribution calculation?	No. Contributions have been determined using the contributions calculator in Pathways.
What is the total Section 94 Contribution Required?	(\$) 25,601.85

10. Summary and conclusion

The application has been assessed relative to section 79C and section 96 (2) of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the intention and objectives of the design principles and controls contained within the State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment. Development),

the State Environmental Planning Policy (Affordable Rental Housing) (2009) and the local planning controls. Accordingly, approval of the development application is recommended.

11. RECOMMENDATION

That the Sydney Central City Planning Panel as the determining authority grant approval to Development Application No. DA/1018/2016/A for the construction of a residential flat building comprising of 50 residential apartments including 26 in-fill affordable rental housing apartments under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, at 28-34 Donald Street, CARLINGFORD NSW 2118 (Lot 11,12,13 and 14, DP 25590.for a period of five (5) years from the original date on the Notice of Determination.