



## **SYDNEY CENTRAL CITY PLANNING PANEL**

### **COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2018SWC005
<b>DA Number</b>	DA/1042/2017
<b>LGA</b>	City of Parramatta Council
<b>Proposed Development</b>	Construction of 2 x 7-10 storey residential flat buildings containing 156 residential apartments, 3 basement levels providing 179 car parking spaces, earthworks, landscaping, public domain works including new roads, strata subdivision and Torrens title subdivision. The proposal constitutes stage 3 of concept plan approval DA/1157/2016.
<b>Street Address</b>	657 - 659 Wharf Road, MELROSE PARK (Lots 2 & 3 DP588575 and Lot 11 DP128907)
<b>Applicant</b>	M Projects Pty Ltd (on behalf of PAYCE)
<b>Owner</b>	Tyriel Developments Pty Ltd
<b>Date of DA lodgement</b>	21 December 2017
<b>Number of Submissions</b>	None
<b>Recommendation</b>	Deferred Commencement Consent
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (at the time of lodgement), the development has a capital investment value of more than \$20 million.
<b>List of all relevant 4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• SEPP (Infrastructure) 2007</li><li>• SEPP No. 55 – Remediation of Land</li><li>• SEPP (Building Sustainability Index: BASIX)</li><li>• SEPP No. 65 – Design Quality of Residential Apartment Development &amp; Apartment Design Guide</li><li>• SEPP (Sydney Harbour Catchment) 2005</li><li>• SEPP (Vegetation in Non-Rural Areas) 2017</li><li>• Parramatta Local Environmental Plan 2011</li><li>• Parramatta Development Control Plan 2011</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 – Architectural Plans Attachment 2 – Landscape Plans Attachment 3 – Summary Civil Plans Attachment 4 – Subdivision Plan Attachment 5 – DA/1157/2016/A Determination Notice (draft) Attachment 6 – DA/1157/2016/A Concept Plan (as modified) Attachment 7 – DA/1157/2016 Clause 4.6 Variation Request
<b>Report prepared by</b>	Alex McDougall Executive Planner, City Significant Development
<b>Report date</b>	31 August 2018

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

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### 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**

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### 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? **N/A**

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)? **No**

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### Conditions

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

## 1. Executive Summary

The proposal provides for construction of 2 x 7 - 10 storey residential flat buildings comprising 157 residential units above a shared 3 storey basement.

The proposed buildings generally follow the form for the site envisaged by the approved Concept Plan, Parramatta LEP 2011 and Parramatta DCP 2011 and is generally consistent with the requirements of the relevant State Planning Policies and Apartment Design Guide and as such is considered to provide a high standard of accommodation for future occupants.

The site constraints include Aboriginal heritage, contamination and overland flow flooding. However, it is considered that sufficient evidence has been provided that these risks can be managed appropriately.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the high-density character envisaged for the area. It is considered that the proposed increase in traffic would not compromise the efficient function of the local road network.

The proposed upgrades to the public domain are considered to be appropriate given the scale of the development (subject to conditions).

Deferred commencement conditions are included requiring further details of overland flow stormwater strategy and requiring that operational consent be obtained for a road which the subject development relies on.

The application has been assessed relative to section 4.15 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 objectives and controls of the applicable planning framework. Accordingly, deferred commencement consent is recommended.

## 2. Key Issues

### *Apartment Design Guide*

- **3D Communal and Public Open Space** – Insufficient resident amenity. A condition is included requiring a play space at ground level communal open space.
- **3G Pedestrian Access and Entries** – Lift lobbies do not have direct access to street. Entry pavilions at street frontage considered to be acceptable but not ideal.
- **4H Acoustic Privacy** – Units AA2:005 and AA2:006 open directly into ground floor lift lobbies. A condition is included to resolve this problem for one of the units.
- **4M Facades** – DEAP would like more articulation of southern elevation of southern building.

### *Parramatta Local Environmental Plan 2011*

- **6.2 Earthworks** – A large amount of fill is proposed. The applicant has provided sufficient evidence that the amount of fill has been minimised and is appropriate.
- **6.3 Flood Planning** – The site is subject to overland flow flooding. The proposal contributes to additional overland flow flooding. A stormwater basin is proposed on the site to the south as part of a separate application. Council's engineers consider this basin would appropriately manage overland flows. As such a deferred commencement condition is included requiring the neighbouring application be approved prior to operational consent.

- **2.4.6 Sloping Land** – The large amount of fill proposed necessitates significant retaining wall structures along the southern boundary.
- **3.4.5 Dwelling Mix** – Deficiency in 3-bed units.
- **3.6.2 Parking** – Under-provision of car parking. The lack of car parking is considered to be acceptable given access to public transport.
- **Public Domain** – Whilst the road reservation width has been agreed, detailed design of NSR-2 is not resolved. Appropriate to resolve via condition as it would allow for the road to be designed in keeping with the further master planning currently underway for the wider precinct.

### 3. Site Description, Location and Context

#### 3.1 Site

The site is located on Victoria Road within the western portion of the wider concept plan site. The total site area is approximately 11,900m<sup>2</sup>. The site slopes down significantly, a total of approximately 14m, from a high of 44m AHD to the north and a low of 30m AHD to the south.



**Figure 1.** Locality Map (concept site in blue, subject site in red)

#### 3.2 Site Improvements & Constraints

The site is mostly vacant. The south west corner is occupied by part of a car park currently utilised by the adjoining church to the west. The wider concept plan site, which adjoins the site to the east, contains a single storey exhibition home building. The adjoining sites to the south-east contain industrial buildings and associated offices. The adjoining site to the south-west contains a church.

The site is contaminated due to its previous use as a Council rubbish tip. A remediation action plan was approved as part of the Concept Approval. The land is likely to contain Class 5 acid sulphate soils and is of high Aboriginal heritage sensitivity.

The preferred route of Parramatta Light Rail – Stage 2, at the time of writing, is along Hope Street, 600m to the south of the site.

### 3.3 Site History

The site's first non-agricultural use was as a Council owned and operated waste disposal facility. The most recent uses of the site were as a public park known as Bartlett Park.

### 3.4 Statutory Context

#### Melrose Park North

The wider Melrose Park precinct is subject to a Planning Proposal (PP) which would see the area transition from its current industrial character to high density residential and mixed use. The PP (Council Ref: RZ/1/2016), known as Melrose Park North, relates to land immediately south of the concept plan site / subject Stage 2 site. The road network proposed as part of the subject application would connect in to the PP land. The latest proposed layout is shown below:

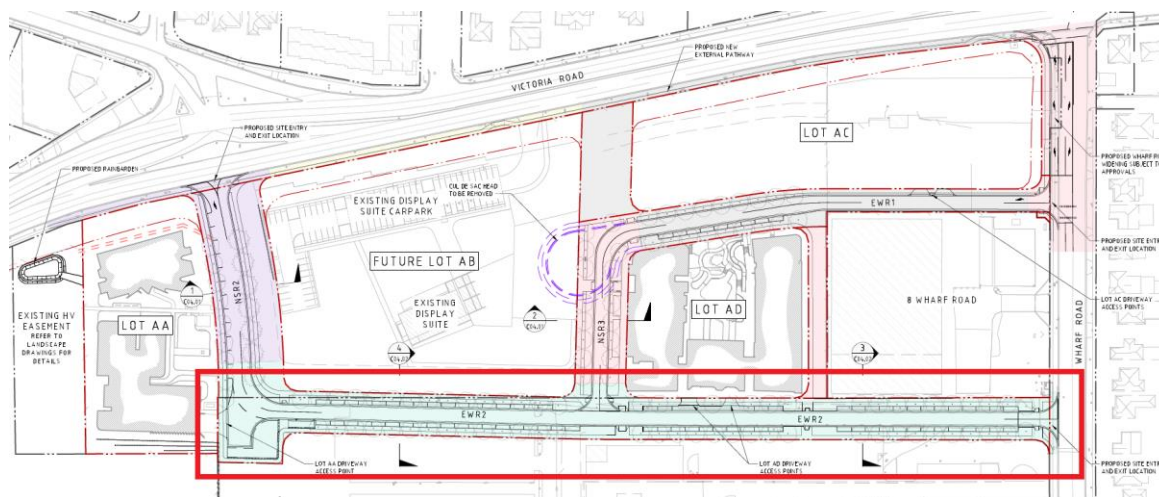


**Figure 2.** Envelopes on adjoining site to the south as currently envisaged by Melrose Park North Planning Proposal.



The PP was endorsed by Council's Independent Hearing and Assessment Panel (IHAP) on 20 June 2017, Council on 10 July 2017 and was subsequently granted gateway determination by the Department of Planning and Environment on 27 September 2017. Exhibition is expected to occur in 2018. Final densities will not be determined until additional traffic capacity analysis has been undertaken.

### East West Road 2 (DA/337/2018)



**Figure 3.** Proposed 'East West Road 2' (EWR-2) to south of site.

East West Road 2 (EWR-2), Council DA Ref: DA/337/2018, was granted deferred commencement consent by the Parramatta Local Planning Panel on 21 August 2018. The road provides vehicular access and drainage to the subject development. The subject application relies on EWR-2 for vehicular access and drainage. As such a deferred commencement condition is included for the subject application requiring operational consent for the road prior to the subject development becoming operational. A further condition is also included requiring this road be completed prior to occupation of the proposed buildings.

### DA/384/2018

DA/384/2018 seeks consent for demolition of existing office buildings on the lot to the south of the site, 38-42 Wharf Road. Also included in this application is a stormwater basin which seeks to temporarily manage overland flow from the subject site until such time as the Melrose Park North PP is realised. DA/384/2018 has been forwarded to the Parramatta Local Planning Panel with a recommendation for approval and is due to be determined at their meeting on 18 September 2018.

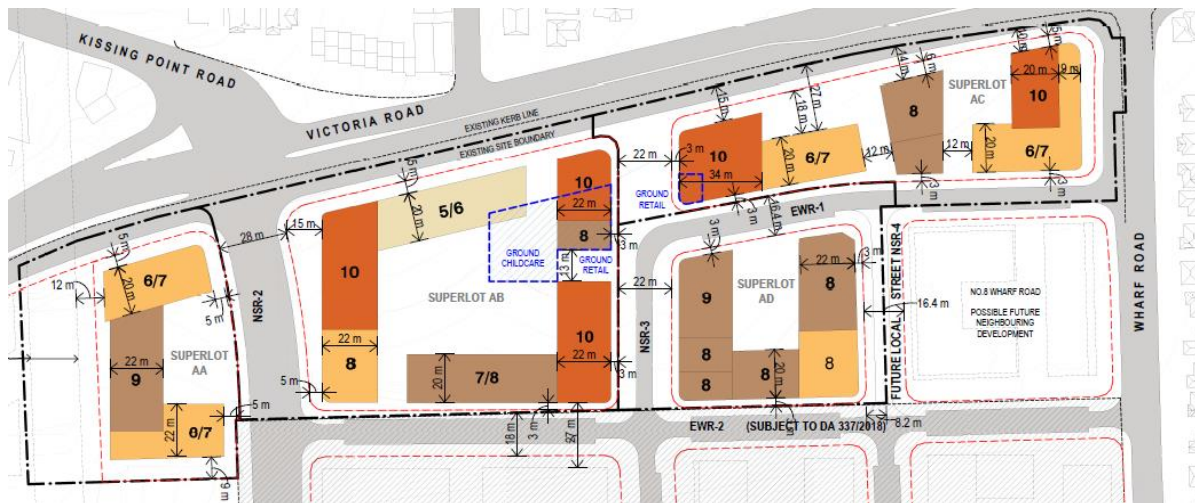
## **4. Approved Concept Plan**

The Sydney Central City Planning Panel (SCCPP) granted deferred commencement consent to Concept Plan DA/1157/2016 on 7 November 2017. The deferred commencement conditions, which required a revised Site Audit Statement, were satisfied and the consent was made operational on 11 January 2018.

The Concept Proposal envisaged a 4 staged development comprising a total of 1,077 dwellings, 767sqm commercial floor space, a new street network, open space and subdivision into 4 super lots.

A concurrent modification application to the concept has been submitted to take account of the approved revised alignment of EWR-2 and to account for the new levels which were found to be necessary in further development of the overland flow strategy for the site. The

application is listed for determination prior to this application. The concept plan as proposed to be modified is outlined below:

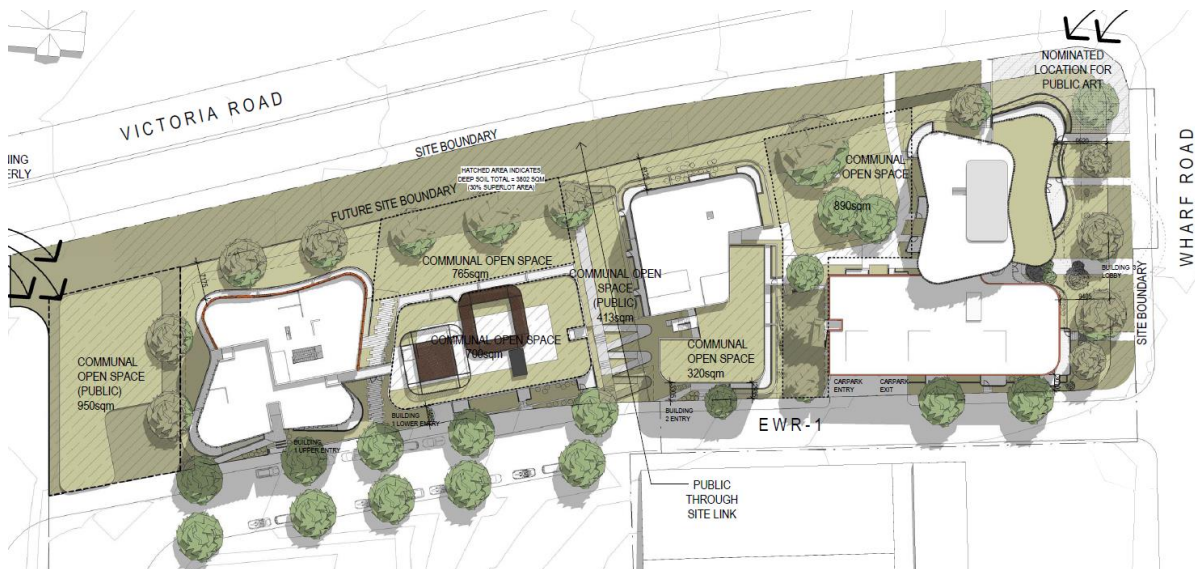


**Figure 4.** Concept Plan DA/1157/2016 (as proposed to be modified).

The Concept approval includes 4 stages of development as follows:

- Stage 1 – Superlot AC (detailed design approved as part of DA/1157/2016)
- Stage 2 – Superlot AD (concurrent application)
- Stage 3 – Superlot AA (subject application)
- Stage 4 – Superlot AB (future application)

Stage 1 (corner Victoria Road and Wharf Road) comprised, earthworks and tree removal, site remediation, excavation of 3 basement levels providing 318 car parking spaces, construction of 3 x 6-10 storey residential flat buildings providing 277 residential apartments, public open space, landscaping, and new internal roads. Stage 1 is outlined below:



**Figure 5.** Stage 1 Approved Site Plan.

## 5. The Proposal

The proposal involves the following:

- Torrens Title subdivision into 4 lots:
  - Development Lot (5,485m<sup>2</sup>)
  - New Road NSR-2 (2,413m<sup>2</sup>)
  - Lot 34, Council owned site (2,932m<sup>2</sup>)
  - Road widening Victoria Road (521m<sup>2</sup>)
- Excavation of 3 basements levels comprising:
  - 180 below ground car parking spaces;
    - 156 residential occupant (inc. of 16 accessible)
    - 20 residential visitor (inc. of 1 accessible)
    - 4 car share
  - 83 bicycle parking spaces; and
  - Storage.
- Construction of 2 x 7 - 10 storey residential flat buildings (3 lift cores) comprising:
  - 156 residential units;
    - 14 x studio;
    - 41 x 1-bed;
    - 88 x 2-bed;
    - 13 x 3-bed;
    - (inclusive of 16 adaptable units and 33 'liveable' units)
- Removal of 17 trees;
- Communal open space and landscaping (ground level);
- Public domain comprising:
  - New road infrastructure (part NSR-2, connecting to Victoria Road);
  - Associated footpaths and planted verges both sides; and
  - 12 on-street parking spaces
- Strata Subdivision



**Figure 6.** Proposed ground floor plan (overlaid with blue lines defining 3 lift cores and the units they access).





**Figure 7.** Photomontage of proposal as viewed from NSR-2 looking west.

## 5.1 Summary of Amended Proposal

In response to concern's raised by Council officers and the Design Excellence Advisory Panel (DEAP) the applicant submitted additional information and revised drawings which included the following changes:

- Revised dwelling mix
  - Original: 14 x studio, 35 x 1-bed, 105 x 2-bed, and 3 x 3-bed (157);
  - Revised: 14 x studio, 41 x 1-bed, 88 x 2-bed, and 13 x 3-bed (156);
- Addition of 'Community/Multipurpose Room'
- Additional screening to protect privacy between units.
- Introduction of a separate 'entry' pavilion for the southern building to aid in wayfinding.
- Revised design of NSR-2 (extended footpath and tree planting to southern boundary).

During the course of assessment, the applicant proposed an east-west road to the south-east of the site connecting to Wharf Road. This road would provide access to the proposed basement. As such the original proposed works in 38-42 Wharf Road were not required as part of this application. The site description was subsequently amended to delete this site.

## 6. Referrals

The following referrals were undertaken during the assessment process:

### 6.1 Design Excellence Advisory Panel

The Design Excellence Advisory Panel are largely supportive of the proposal. It is considered that the applicant has adequately responded to their recommendations subject to conditions. See their recommendations in full in Appendix 1.

### 6.2 External

Authority	Comment
Roads and Maritime Services	No objection subject to conditions.
Endeavour Energy	No objection subject to conditions.
Office of Environment and Heritage	No objection subject to conditions requiring further archaeological considerations.
Sydney Water	No objection subject to conditions.
Transport for NSW	No response.

### 6.3 Internal

Authority	Comment
Development/Catchment Engineer	Acceptable subject to conditions.
Tree & Landscape Officer	Acceptable subject to conditions.
Traffic and Transport	Raised concern relating to deficiency in car parking. Otherwise acceptable subject to conditions.
Environmental Health – Acoustic	Acceptable subject to conditions.
Environmental Health – Contamination	Acceptable subject to conditions.
Environmental Health – Waste	Acceptable subject to conditions.
Public Domain	Raised concern relating to the layout of the proposed road reserves. Otherwise acceptable subject to conditions.
Urban Design	Raised concern relating to the amount of fill. Otherwise acceptable.
Open Space & Natural Areas	Acceptable subject to conditions. The recommended conditions, relating to landscaping of the open space on the western side of the site, are considered to be covered by the concept plan conditions.
Social Outcomes	Raised concern relating to the deficiency of 3-bed units and lack of 3-bed units with direct access to ground level open space. Otherwise acceptable.
Civil Assets	Acceptable subject to conditions.
Heritage	The proposal is adequately separated from the adjoining and nearby heritage items and as such are not considered likely to have an unacceptable impact on their curtilage or significance.
Environmental Outcomes	Acceptable subject to conditions.
Strategic Planning	Acceptable.

## 7. Environmental Planning and Assessment Act 1979

The sections of this Act which require consideration are addressed below:

### 7.1 Section 1.7: Application of Part 7 of Biodiversity Conservation Act 2016

The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

### 7.2 Section 2.15: Function of Sydney District and Regional Planning Panels

The Sydney Central City Planning Panel is the consent authority for this application as the proposal has a Capital Investment Value of more than \$20 million (criteria at time the application was lodged).

### 7.3 Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 8
Section 4.15(1)(a)(ii) - Draft environmental planning instruments	Refer to section 9
Section 4.15(1)(a)(iii) – Development control plans	Refer to section 10
Section 4.15(1)(a)(iiia) - Planning Agreement	Refer to section 11
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 12
Section 4.15(1)(a)(v) - Coastal zone management plan	Not applicable.

Section 4.15(1)(b) - Likely impacts	Refer to section 13
Section 4.15(1)(c) - Site suitability	Refer to section 14
Section 4.15(1)(d) – Submissions	Refer to section 15
Section 4.15(1)(e) - The public interest	Refer to section 16

#### 7.4 Section 4.24(2): Compliance with Concept Approval

Section 4.24(2) of the Act requires that,

*While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.*

The proposal constitutes Stage 3 of concept approval DA/1157/2016. As such the proposal must be consistent with the requirements of this consent.

The assessment below relates to the concept plan as proposed to be modified in concurrent application DA/1157/2016/A which is due for determination prior to the subject application.

An assessment of the proposal against the concept plan conditions of the consent is provided below:

Concept Plan Condition <sup>1</sup>	Assessment of Stage 3 Compliance			
1. Approved Concept Plan	The proposal is considered to be in keeping with the concept footprints, setbacks and envelopes set out in the approved concept plan drawings. See Figure 4 above.			
	Measurement	Concept	Proposed	Comply
	West Setback (from power lines)	12m	15.2m	Yes
	Northern Setback	5m	>5m	Yes
	Southern Setback	9m	>9m	Yes
	Eastern Setback	5m (by condition)	>5m	Yes
	NSR-2 Reserve Width	27m	28.2m	Yes
	Core 1 Height (Storeys)	6/7	7	No (minor)
	Core 1 Max RL	62.5	62.95	No (minor)
	Core 2 Height (Storeys)	10	9	Yes
	Core 2 Max RL	68.7	68.7	Yes
	Core 3 Height (Storeys)	6/7	7	Yes
Core 3 Max RL	58.8	58.4	Yes	
2. Development Sequence	This condition specifies that, “A Construction Certificate for Stage 3 is not to be issued unless development of Stage 2 is substantially commenced and, if required, remediation works are complete”. While Stage 2 is yet to commence, this does not limit the ability to approve the Stage 3 application. Remediation is resolved via separate condition.			
3. Design Modifications	The latest Master Plan for the adjoining PP relocated the proposed town centre significantly to the south. As such no such modifications are likely to be required.			
4. The Approved Building Envelopes	The application is assessed against SEPP 65 below and found to be acceptable. The proposed building is setback 5m from NSR-2.			
5. Road Widening	Does not relate to DA approval for Stage 3.			

<sup>1</sup> For full wording of conditions see Attachment 5.

<b>6. Lots to be Dedicated for Public Use</b>	Does not relate to DA approval for Stage 3.
<b>7. Site Floor Space</b>	The Concept Plan outlined a maximum of 13,671m <sup>2</sup> for Stage 3. The proposal includes 13,104m <sup>2</sup> GFA and as such complies with this requirement.
<b>8. Electromagnetic Radiation</b>	The application includes a report from an accredited Level 3 Designer (NSW Trade & Investment Resources & Energy Accreditation Number 3712) stating that the 30m easement within which the adjoining power lines are contained is sufficient separation from habitable floor space. The additional 5 - 6m setback provided on the development site thus provides an additional level of redundancy.
<b>9. Public Safety</b>	This condition is a construction stage requirement that will continue to apply.
<b>10. Maximum Height</b>	This condition sets the maximum RL of the 10 storey element at 68.70. The proposal complies with this requirement.
<b>11. Concept Drainage Plan</b>	This condition requires a Concept Drainage Plan be prepared for the entire site prior to release of construction certificate Stage 1. A drainage plan for the site was subsequently approved. The proposal is considered to be consistent with the drainage plan.
<b>12. Site Audit Statement Prior to any Building Works</b>	Council's Environmental Health officer is satisfied that the site can be made appropriate for the proposed use subject to conditions of consent.
<b>13. Site Investigation &amp; Site Audit Statement</b>	This condition is a construction stage requirement that will continue to apply.
<b>14. Hazardous/Intractable Waste Disposed Legislation</b>	This condition is a construction stage requirement that will continue to apply.
<b>15. Imported Fill</b>	This condition is a construction stage requirement that will continue to apply.
<b>16. Signage – Contamination</b>	This condition is a construction stage requirement that will continue to apply.
<b>17. Requirement to Notify About New Contamination Evidence</b>	This condition is a construction stage requirement that will continue to apply.
<b>18. Discharge of Contaminated Groundwater</b>	This condition is a construction stage requirement that will continue to apply.
<b>19. Contaminated Waste to Licensed EPA Landfill</b>	This condition is a construction stage requirement that will continue to apply.
<b>20. Wayfinding Signage Strategy</b>	Does not relate to DA approval for Stage 3.
<b>21. Road and Transport Design – General</b>	The Transport Management Access Plan (TMAP) for the adjoining Planning Proposal is yet to be adopted and as such this condition is not yet relevant.
<b>22. Environmental Performance</b>	The proposal meets the Environmental Performance targets outlined in the concept plan as it includes: <ul style="list-style-type: none"> <li>a) A BASIX energy score of 36;</li> <li>b) A BASIX water score of 48;</li> <li>c) Commitment to dual water piping;</li> <li>d) Provision of electric car share spaces; and</li> <li>e) Use of sustainable timber</li> </ul>
<b>23. Road Dedications</b>	Does not relate to DA approval for Stage 3.
<b>24. Drainage Easement</b>	Does not relate to DA approval for Stage 3.
<b>25. Overland Flow</b>	The applicant has submitted a 2D overland flow study which demonstrates that the proposal, without any abatement measures, would have an unacceptable impact on downstream properties. However, a stormwater retention basin proposed as part of DA/384/2018 on the adjoining site to the south, would appropriately resolve this issue. DA/384/2018 has been



	forwarded to the Parramatta Local Planning Panel with a recommendation for approval and is due to be determined at their meeting on 18 September 2018. As the overland flow solution is dependent on this application a deferred commencement condition is included requiring this application be approved prior to operational consent.
<b>26. Consistency with Concept Plan</b>	Subject of this table.
<b>27. Landscaping</b>	This requirement is triggered by the Occupation Certificate for Stage 3.
<b>28. Power Lines</b>	Does not relate to DA approval for Stage 3.
<b>29. Land Dedications</b>	Does not relate to DA approval for Stage 3.

#### **5.4 Section 91: Integrated Development**

The proposal includes a new road connection to a classified road and as such was referred to RMS under s138 of the Roads Act 1993. The RMS provided a response stating that the proposal is not considered to require integrated approval as Council is both the consent authority for the development and the approval authority for Victoria Road.

## **8. Environmental Planning Instruments**

### **8.1 Overview**

The instruments applicable to this application comprise:

- 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)
- SEPP (Vegetation in Non-Rural Areas) 2017
- Parramatta Local Environmental Plan 2011

Compliance with these instruments is addressed below.

### **8.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The application is accompanied by BASIX certificates that list sustainability commitments. The BASIX certificate achieved the increased standards imposed as part of the concept approval (i.e. Energy score of 36 and Water score of 48). The requirements outlined in the BASIX certificates have been satisfied in the design of the proposal. Council's sustainability consultant is of the view that the NatHERS certificates should be revised in keeping with the design. A condition is included to this effect. A condition would be imposed to ensure the BASIX commitments are fulfilled during the construction of the development.

### **8.3 State Environmental Planning Policy (Infrastructure) 2007**

The proposal is considered to constitute 'traffic generating development' as it is within 90m of connection to a classified road. The proposal was referred to Roads and Maritime Services (RMS), who did not raise any objection, subject to conditions of consent including RMS review of final road design, drainage details and a Construction Pedestrian Traffic Management Plan.

#### **8.4 State Environmental Planning Policy (State and Regional Development) 2011**

As this proposal has a Capital Investment Value of more than \$20 million, Part 4 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

#### **8.5 State Environmental Planning Policy (Sydney Harbour Catchment) 2005**

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during construction and operational phases.

#### **8.6 State Environmental Planning Policy No. 55 – Remediation of land**

Phase 1 and 2 site investigations, submitted with the concept plan application (DA/1157/2016), outlined that contamination was present on the site at levels which required remediation prior to the proposed use. A remedial action plan (RAP) was also submitted outlining a remediation strategy.

The concept approval included a deferred commencement condition requiring a revised RAP for the whole concept plan site (which included the subject site), and review of the suitability of the RAP by an accredited site auditor. This information was subsequently submitted to Council's Environmental Health team who found the remediation information sufficient to ensure the site could be made suitable for the proposed use of the site.

The site would need to be validated with a site audit statement at the completion of remediation works and prior to any building works commencing. A condition is included to this effect. As such the proposal is considered to satisfy the requirements of SEPP 55.

#### **8.7 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)**

SEPP 65 applies to the development as the proposal is for a new building, is more than 3 storeys in height and will have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

##### ***Design Quality Principles***

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be consistent with the design principles for the reasons outlined below:

<b>Requirement</b>	<b>Council Officer Comments</b>
<b>Principle 1: Context and Neighbourhood Character</b>	<p>The area is currently characterised by industrial and low density residential uses. The site is zoned B4 mixed use and its planning controls envisage high density mixed use development. The proposal is consistent with this desired future character of the area.</p> <p>As the proposal includes a building typology not common to the area, there is no established architectural theme to inform the design. The proposed</p>

Requirement	Council Officer Comments
	<p>buildings are modern flat buildings by a qualified and well regarded architecture firm. The buildings have been reviewed by Council's Design Excellence Advisory Panel, a trio of architectural and landscaping experts, and have been generally found to be acceptable. As such the proposal is considered to establish a good precedent for the future neighbourhood character.</p> <p>The proposal provides for high quality and well considered public domain and landscape treatments that would provide for an up-grade to the neighbourhood character.</p>
<b>Principle 2: Built Form and Scale</b>	The height and location of the proposed buildings are not inconsistent with the built form approved under the concept plan building envelopes (as proposed to be modified).
<b>Principle 3: Density</b>	The density of the proposal is not inconsistent with the floor space distribution approved under the concept plan (as proposed to be modified).
<b>Principle 4: Sustainability</b>	<p>Condition 22 of the concept plan approval sets out the environmental performance requirements for all stages of development. The requirements exceed the minimum requirements set out by the relevant legislation.</p> <p>The proposal includes a BASIX certificate which demonstrates that the proposal would satisfy the more stringent criteria defined by the concept plan (i.e. Energy score of 36 proposed versus 25 required and Water score of 48 proposed versus 40 required). The certificates require sustainable development features to be installed into the development inclusive of water efficient fixtures and energy saving devices. The proposal also includes photovoltaics at roof level.</p> <p>The proposal also groups A/C condensers on the roof space which would reduce the visual impact of individual condensers on balconies.</p> <p>The other requirements of the concept plan, including dual water piping, provision of electric car share and use of sustainable timber will continue to apply to this stage.</p>
<b>Principle 5: Landscape</b>	This development proposed is consistent with the objectives of the Parramatta DCP and provides appropriate on-structure planting and street planting to create an appropriate landscape setting.
<b>Principle 6: Amenity</b>	Generally, the proposal as amended 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.
<b>Principal 7: Safety</b>	<p>The proposal is considered to provide appropriate safety for occupants and the public for the following reasons:</p> <ul style="list-style-type: none"> <li>· The new public streets are overlooked by the new units providing passive surveillance.</li> <li>· Entry points into the building are clearly identifiable for ease of access with residents and visitors.</li> <li>· Conditions are included requiring appropriate lighting of public streets.</li> </ul>
<b>Principal 8: Housing Diversity and Social Interaction</b>	The proposal provides additional housing choice in close proximity to public transport. While the proposal proposes slightly deficient 3-bedroom dwellings, the extent of the breach, in the context of the overprovision proposed on other sites within the concept plan, will serve to offset this.

Requirement	Council Officer Comments
	<p>The communal open space and new public domain would provide for social interaction.</p> <p>No affordable housing is proposed within the development. The proposed development is compliant with the density (FSR) control under the LEP and there is no statutory or policy requirement to provide affordable housing as part of the development.</p>
<b>Principle 9: Aesthetics</b>	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.

### ***Design Review Panels***

The proposal was referral to Council's Design Excellence Advisory Panel. See Appendix 1 for their comments and the applicant's response.

### ***Apartment Design Guide***

The relevant provisions of the ADG are considered within the following assessment table:

Standard	Requirement	Proposal	Compliance
<b>Part 3</b>			
<b>3B: Orientation</b>	The buildings are laid out in a horseshoe shape with the northern building sufficiently set north of the open space to solar access to the southern building units and the central open space. Overshadowing of the adjoining land to the south is minimised by the building stepping down to the south.		
<b>3C: Public Domain Interface</b>	The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to residential foyers. The separation between the private and public domains is established by level changes, low walls/fences, planting and paving material.		
<b>3D: Communal &amp; Public Open Space</b>	Min. 25% of site area (1,371m <sup>2</sup> ) min dim. 3m	~1,600m <sup>2</sup> of communal open space at ground level	Yes
	Min. 50% direct sunlight to main communal open space for min. 2hrs 9am & 3pm, June 21 <sup>st</sup> (686m <sup>2</sup> )	~700m <sup>2</sup> of communal open space would receive the required solar access	Yes
	The proposal includes a central communal open space area which includes a planted area, an open lawn and a pergola containing BBQs and a picnic setting. A WC is available to users of this space within the ground floor of the northern building. It is considered that a small play area can be accommodated in this space which would improve its amenity to families with small children. As such a condition is included to this effect. This communal area is accessible from all lift cores. Overall, the proposal is considered to provide good amenity to residents and their visitors.		
<b>3E: Deep Soil</b>	Min. 7% with min. dimensions of 6m (384m <sup>2</sup> )	~1,300m <sup>2</sup> (23.7%)	Yes



Standard	Requirement	Proposal	Compliance
<b>3F: Visual Privacy</b>	<u>Internal</u>  Core 1 (6/7 storeys) to Core 2 (9 storeys): 13.5m habitable to non-habitable	12.1m – 17.3m habitable to non-habitable	No (minor, improvement on concept)
	<u>External</u>  Cores 1 (6/7 storeys) to centreline NSR-2: 12m	20.4m	Yes
	Cores 2 & 3 (7-9 storeys) to centreline of NSR-2: 12m	18.2m	Yes
	Cores 3 (7 storeys) to southern boundary: 9m	>9m	Yes
	Cores 1,2,3 (7-9 storeys) to centre of transmission easement: 12m	>20m	Yes
	While the proposal does not provide a compliant setback between the two buildings the proposal is considered to be acceptable in this instance as the proposal represents an improvement on the approved concept plan envelopes and the extent of the breach is minor.		
<b>3G: Pedestrian Access and Entries</b>	<p>The lift cores do not have direct access to the street which is not ideal. However, entry pavilions have been provided which identify the entry points to the street, assisting in wayfinding.</p> <p>It is considered that suitable pedestrian access would be accommodated on site and would be in the form of grade ramps and stair lifts.</p> <p>Separate entries have been provided for pedestrian and vehicles.</p>		
<b>3H: Vehicle Access</b>	The proposal incorporates a driveway to the south of the site off of NSR-2 which services the underground parking spaces and the loading dock. The vehicular entry point is separated from the primary pedestrian entry points to improve pedestrian safety and comfort. Waste collection is made from the loading dock.		
<b>3J: Bicycle and car parking</b>	The site is not located within 800m of a railway station or light rail stop and is not within a nominated regional centre and as such local parking controls apply.		
<b>Part 4</b>			
<b>4A: Daylight / Solar Access</b>	Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-winter (>=110);	112 out of 156 (72%)	Yes
	Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (<=23)	11 out of 156 (8%)	Yes

Standard	Requirement	Proposal	Compliance
	<p>The proposal provides good levels of solar access for a development of its size.</p> <p>The applicant has provided a solar study which demonstrates that redevelopment of the adjoining blocks to the west and south can be achieved with compliant solar access.</p>		
<b>4B: Natural Ventilation</b>	Unit unobstructed window openings: >5%	>5%	Yes
	Min. 60% of apartments below 9 storeys naturally ventilated (>=94)	97 out of 156 apartments (62%)	Yes
	Building depth (glass line to glass line): <=18m	15m	Yes
	Condition is included requiring that the units which rely on a skylight to achieve cross ventilation have an operable roof light.		
<b>4C: Ceiling heights</b>	Min. 2.7m habitable	2.7m	Yes
	Min 2.4m non-habitable	2.7m	Yes
<b>4D: Apartment size &amp; layout</b>	0B – Min 35m <sup>2</sup>	0B - >36m <sup>2</sup>	Yes
	1B – Min 50m <sup>2</sup>	1B – >52m <sup>2</sup>	Yes
	2B – Min 75m <sup>2</sup> (2 baths)	2B – >75m <sup>2</sup>	Yes
	3B+ – Min 95m <sup>2</sup> (2 baths)	3B – >95m <sup>2</sup>	Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	All comply	Yes
	Habitable room depths max. 2.5 x ceiling height (6.75m)	<6.75m (other than bedroom corridors)	Yes
	Max. habitable room depth from window for open plan layouts: 8m.	Up to 8.2m	No (minor)
	Min. internal areas: Master Bed - 10m <sup>2</sup> Other Bed - 9m <sup>2</sup>	>10m <sup>2</sup> >9m <sup>2</sup>	Yes Yes
	Min. 3m dimension for bedrooms (excl. wardrobe space).	All bedrooms have a minimum dimension of 3m excluding wardrobes.	Yes
	Min. width living/dining: 0B – 3.6m 1B – 3.6m 2B – 4m 3B – 4m Cross-through: 4m	>4.3m >3.6m >4.0m >4.0m >4m	Yes Yes Yes Yes Yes
	The dimensional non-compliances relate only to a small percentage of units. The non-compliances are considered to be minor and not unacceptably compromise the amenity of future occupants.		
<b>4E: Private open space &amp; balconies</b>	Min. area/depth: 0B - 4m <sup>2</sup> 1B - 8m <sup>2</sup> /2m 2B - 10m <sup>2</sup> /2m 3B - 12m <sup>2</sup> /2.4m Ground Floor - 15m <sup>2</sup> /3m	>6.5m <sup>2</sup> >8m <sup>2</sup> /2m <b>&gt;8m<sup>2</sup>/2m (18 non-comply)</b> <b>&gt;9.4m<sup>2</sup>/2.5m (7 non-comply)</b> <b>&gt;12.3m<sup>2</sup>/3m (1 non-comply)</b>	Yes Yes <b>No</b> <b>No</b> <b>No</b>
	While the proposal is slightly non-compliant in the size and dimensions of some of the balconies, the proximity to the open space to the west of the site is		

Standard	Requirement	Proposal	Compliance
	<p>considered to offset the minor non-compliances.</p> <p>Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms.</p> <p>The separation between the private and public domains is established by walls, fences and planters.</p>		
<b>4F: Common circulation &amp; spaces</b>	Max. apartments –off circulation core on single level: 8 - 12	<9	Yes
	Max. apartments sharing single lift: 40	Core 1 – 23.5 units/lift Core 2 – 24 units/lift Core 3 – 22 units/lift	Yes Yes Yes
	Corridors >12m length from lift core to be articulated, natural light	Corridors articulated, natural light	Yes
<b>4G: Storage</b>	0B – Min 4m <sup>3</sup> (x14) 56 1B – Min 6m <sup>3</sup> (x43) 258 2B – Min 8m <sup>3</sup> (x88) 704 3B+ – Min 10m <sup>3</sup> (x12) 120 Total – 1,138m <sup>3</sup>	~700m <sup>3</sup> (within units) ~1,100m <sup>3</sup> (within basement) ~1,800m <sup>3</sup> (total)	Yes
	Min. 50% required in Basement (569m <sup>3</sup> )	~1,100m <sup>3</sup>	Yes
<b>4H: Acoustic Privacy</b>	The proposal has generally designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible. Noisier areas such as kitchens and laundries are also located away from bedrooms when possible.		
<b>4J: Noise and pollution</b>	The application includes an acoustic report which recommends construction methods / materials / treatments to be used to meet the criteria for the site, given both internal and external noise sources such as traffic. A condition is included requiring that the recommendations in the report be implemented.		
<b>4K: Apartment Mix</b>	The proposed units vary in size, amenity, orientation and outlook to provide a mix for future home owners. A variety of apartments are provided across all levels of the apartment building. Further consideration of the residential mix is provided under Section 10.1 below.		
<b>4L: Ground Floor Apartments</b>	Direct street access from ground level units cannot be achieved due to the gradient of the surrounding roads and the setback of the buildings. The ground level private space areas are delineated by walls and fences. The landscape plan outlines screen planting in front of the walls to provide additional privacy for occupants.		
<b>4M: Facades</b>	The proposal includes two clearly distinct façade styles for the 2 building forms. Further, the facades are articulated and have deep reveals which will result in varying shadows, adding to visual interest. The proposed material pallet is diverse and includes steel cladding and brick of varying colours as well as off-form concrete, vertical planters and timber.		
<b>4N: Roof design</b>	The proposed buildings would have flat roofs with parapets which is considered to be appropriate given the horizontality of the design. Rooftop plant and lift overrun are to be suitably setback to ensure they are not visible from the street.		
<b>4O: Landscape Design</b>	The application includes a landscape plan which demonstrates that the proposed buildings will be adequately landscaped given its high density form. The proposal includes new street planting and well landscaped communal areas. The proposed landscaping will also adequately provide habitat for local wildlife; contributing to biodiversity.		
<b>4P: Planting on structures</b>	The drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting. Notwithstanding, a condition is included requiring minimum depths.		

Standard	Requirement	Proposal	Compliance
<b>4Q: Universal Design</b>	20% Liveable Housing Guidelines Silver Level design features (>31)	33	Yes
	The site is considered to be appropriately barrier free with level and lift access available from the street and lift access from the basement and to the upper residential floors of the development. Vehicular and pedestrian entries are well separated. It is considered that more than 20% of units as set out can achieve the Liveable Housing silver standards. A condition is included to this effect.		
<b>4T: Awnings and Signage</b>	No awnings or signage are proposed which is considered to be appropriate given the residential nature of the proposed building.		
<b>4U: Energy Efficiency</b>	The BASIX Certificates demonstrates the development surpasses the pass mark for energy efficiency in compliance with the concept plan requirements.		
<b>4V: Water management</b>	The BASIX Certificates demonstrates the development surpasses the pass mark for water conservation in compliance with the concept plan requirements.		
<b>4W: Waste management</b>	All units are provided with sufficient areas to store waste/recyclables internally before disposal. An easily accessible waste storage/chute room is located in each core on each floor. The basement provides 3 waste chute receiver rooms and a centrally located waste room. Waste removal would occur in the basement. A construction waste management plan would be required by condition.		
<b>4X: Building maintenance</b>	The proposed materials are considered to be sufficiently robust, eschewing the use of render and other easily stained materials.		

## 8.8 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application proposes the removal of 17 trees from the site identified in the Arborist Report submitted with the application as follows:

Tree No.	Name	Height	Significance
22	<i>Ficus rubiginosa</i>	8	Moderate
42-44	<i>Casuarina cunninghamiana</i>	16	Moderate
120, 122-125, 127, 129, 154, 159	<i>Eucalyptus saligna</i>	16-22	6 High 3 Moderate
126	<i>Eucalyptus sp</i>	8	Low
128	<i>Eucalyptus microcorys</i>	12	Moderate
131-132	<i>Corymbia maculata</i>	22	High

Council's Tree and Landscape Officer has reviewed the application and, while they raise no objection to removal of the other trees, they consider that trees numbered 42 to 44 do not require removal to facilitate the development and as such should be retained. As such a condition is included requiring retention and protection of these trees.

The landscape plan outlined the planting of 26 site trees, 18 street trees and significant shrubbery. As such the proposal is considered to result in a net increase in vegetation and thus satisfy the requirements of the SEPP.

## 8.9 Parramatta Local Environmental Plan 2011

The relevant objectives and requirements of the Parramatta Local Environmental Plan 2011 have been considered in the assessment of the development application and are contained within the following table.



Development standard	Proposal	Compliance
<b>2.3 Zoning</b> B4 – Mixed Use	The proposed use is defined as 'residential flat building' which is permissible with development consent in the zone.	Yes
<b>Zone Objectives</b>	The proposal is considered to be in keeping with the objectives of the B4 Mixed Use zone for the following reasons: <ul style="list-style-type: none"> <li>The proposal provides an appropriate land uses.</li> <li>The proposal provides additional residential in a highly accessible area.</li> <li>The proposal provides new public domain</li> </ul>	Yes
<b>4.3 Height of Buildings</b>  Concept Plan (RL):  Core 1: 62.5m Core 2: 68.7m Core 3: 58.8m  Map Control (Above Natural Ground Level): 28m	  62.95m 68.7m 58.4m  35m	  No (not inconsistent)  No (see below)
<b>4.4 Floor Space Ratio</b>  Concept*: 13,671m <sup>2</sup>  Map Control: 2:1 (23,800m <sup>2</sup> )	  13,104m <sup>2</sup>  13,104m <sup>2</sup>	  Yes (as per concept) Yes
<b>4.6 Exceptions to Development Standards</b>	While the proposal includes a breach of the building height standards, the height is not inconsistent with the envelope approved as part of the concept plan (DA/1157/2016). Notwithstanding, the original Clause 4.6 request is included for completeness at Attachment 7.	Yes
<b>5.10 Heritage conservation</b>	The site of the proposed development is not individually heritage listed. However, it adjoins the listed item 'Landscaping' at 38-42 Wharf Road. The adjoining listing relates to remnant trees and two moveable heritage items. The proposal is well separated from the trees and two moveable items. As such the proposal is not considered to have an unacceptable impact on the heritage significance of the adjoining item.	Yes
<b>6.1 Acid Sulfate Soils</b>  Class 5	The proposal is above 5m AHD and is not likely to lower the water table.	N/A
<b>6.2 Earthworks</b>	The proposal requires fill of up to 7m. The earthworks are required to match the proposed building and roads with the levels approved as part of the concept plan and to achieve an appropriately level gradient in the new roads.  The applicant has demonstrated that the proposal would have an acceptable impact on drainage patterns.	Yes

Development standard	Proposal	Compliance
	<p>The fill is sufficiently setback from the nearest adjoining residential properties so as not to impact their amenity. The closest residential properties are located on Hughes Avenue over 110m from the southern extent of the site. The site would be supported by retaining walls along the southern boundary with the adjoining church site. However, as this is an area used for parking, the retaining wall is not considered to have an unacceptable impact on its functionality. As such the proposal is considered to have an acceptable impact on the amenity of adjoining and nearby properties. A condition is included requiring that the southern retaining walls would be removed when the levels of the church site are modified to match the subject site as part of any future redevelopment of that site.</p> <p>The potential for disturbing archaeology relics is covered by the recommended conditions of consent provided by the Office of Environment and Heritage.</p> <p>The proposal includes the relevant sediment controls plans. Further conditions to this effect are included in the draft consent.</p>	
<b>6.3 Flood Planning</b>	<p>The site is not directly affected by fluvial flooding but is subject to overland flow.</p> <p>The applicant has undertaken overland flow analysis and has designed the proposed floor levels to be at or above the adopted flood planning level. Conditions are included to ensure the building would adequately respond to the risk.</p> <p>The proposal contributes to additional overland flow flooding. A stormwater basin is proposed on the site to the south as part of a separate application. Council's engineers consider this basin would appropriately manage overland flows. As such a deferred commencement condition is included requiring the neighbouring application be approved prior to operational consent.</p>	Yes, subject to deferred commencement consent

## 9. Draft Environmental Planning Instruments

There are no draft environmental planning instruments relevant to the subject site. The planning proposal relating to the adjoining sites, as outlined in the Section 3 above, has not progressed sufficiently to be considered imminent and/or certain and as such is not a material consideration.

## 10. Development Control Plans

### 10.1 Parramatta Development Control Plan 2011

An assessment of the proposal against the relevant controls in the Parramatta Development Control Plan 2011 is provided below:

Development Control	Proposal	Comply
<b>2.4 Site Considerations</b>		
2.4.1 Views and Vistas	A significant district view from Victoria Road, over the site, is identified in the DCP. This view is protected by the provision of north-south roads throughout the wider concept site. The proposal is generally in keeping with the envelopes approved under the concept plan and as such is not considered to result in unacceptable view loss.	Yes
2.4.2.3 Protection of Groundwater	Protection of groundwater is dealt with via condition.	Yes
2.4.3.1 Sedimentation	The erosion and sediment control plan submitted with the application is considered to be sufficient.	Yes
2.4.3.3 Salinity	The site is identified as being of moderate salinity potential. As such it is not considered that any special measures are necessary.	N/A
2.4.5 Air Quality	The proposed buildings are considered to be adequately set back, and screened with vegetation, from Victoria Road and as such are not considered likely to be exposed to unacceptable air pollution.	Yes
2.4.6 Development on Sloping Land	See discussion under section 6.2 of the PLEP above.	Yes
2.4.7 Biodiversity	<p>The proposal does not require the removal of any trees and includes significant new on-street and on-structure planting. As such the proposal is considered to result in a net increase in biodiversity on the site.</p> <p>The proposal includes removal of 17 (7 of high significance*) and retention of 40 trees (15 of high significance*).</p> <p>A conditions is included to retain 3 of these trees.</p> <p>The landscape plan includes details of planting of a total of 44 trees (26 on the subject site and 18 in the public domain) and a significant number of shrubs and understory planting.</p> <p>As such the proposal is considered to result in a net increase in planting on the site and thus be acceptable.</p> <p>* as classified by the Arborist report submitted with the application</p>	Yes
2.4.8 Public Domain	The proposal includes upgrades to the public domain including new roads, verges, street trees, footpaths, etc. The proposed buildings are considered to appropriately address the public domain, providing passive surveillance and activation.	Yes, see discussion below.
<b>3.1 Preliminary Building Envelope (Table 3.1.3.11)</b>		
Minimum Site Frontage: >18m	48m north, 114m east	Yes
Front Setback: 3m	>5m	Yes

Development Control	Proposal	Comply
Rear Setback: 15% (Avg ~10m)	No rear setbacks	N/A
<b>3.3 Environmental Amenity</b>		
3.3.1 Landscaping	As outlined above, the proposal is considered to provide sufficient landscaping.	Yes
3.3.5 Solar Access  Adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June	<p>The adjoining land to the south is occupied by a car park associated with the adjoining church to the west. The land is currently zoned SP1 and as such this space is not currently sensitive to overshadowing.</p> <p>The planning proposal referenced in Section 3.4 above currently anticipates a road directly to the south of the proposed building.</p> <p>As such it is considered unlikely that the proposal would overshadow any future open space.</p> <p>The applicant has provided a solar study which demonstrates that redevelopment of the adjoining blocks can be achieved with compliant solar access.</p>	Yes
Cross Ventilation	See ADG assessment above.	N/A
3.3.6 Water Sensitive Urban Design	<p>5kL Rainwater Tank to irrigate open space, water efficient fixtures and appliances</p> <p>The 60m<sup>2</sup> bio-retention garden proposed is not considered to provide meaningful functionality and as such a condition is included for its removal.</p>	Yes
3.3.7 Waste Management	The applicant submitted a comprehensive operational waste management plan which demonstrates that the building can safely, quickly, and quietly store and remove waste.	Yes
<b>3.4 Social Amenity</b>		
3.4.1 Public Art	A Public Art Plan and its implementation will be required by condition.	Yes
3.4.4 Safety and Security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour. Natural surveillance of the public domain would be provided.	Yes
3.4.5 Housing Diversity and Choice <ul style="list-style-type: none"> <li>• 3 bed 10% - 20%</li> <li>• 2 bed 60% - 75%</li> <li>• 1 bed 10% - 20%</li> <li>• 10% adaptable units</li> </ul>	<ul style="list-style-type: none"> <li>• <b>13 x 3 bedroom apartments (8.3%)</b></li> <li>• <b>88 x 2 bedroom apartments (56.4%)</b></li> <li>• <b>55 x 0-1 apartments (35.3%)</b></li> <li>• 16 x adaptable (10%)</li> </ul>	<b>No, see discussion below.</b> Yes
<b>3.5 Heritage</b>		
3.5.1 General	As outlined under Section 5.10 of the PLEP assessment above, the proposal is considered to have an acceptable impact on the adjoining heritage item.	Yes
3.5.2 Archaeology	The application was referred to the Office of Environment and Heritage (Archaeology division) who had no objection subject to conditions requiring archaeological investigations.	Yes, subject to conditions
3.5.3 Aboriginal Cultural Heritage	The site is identified as having high Aboriginal sensitivity. The application was referred to the Office of Environment and Heritage (Aboriginal Heritage division) for comment. No response has been received. However, the conditions imposed relating to archaeology covers Aboriginal relics.	Yes, subject to conditions

Development Control	Proposal	Comply
3.6 Movement and Circulation		
3.6.1 Sustainable Transport		
Car Share		
1 car share if over 50 units	4	Yes
3.6.2 Parking and Vehicular Access		
Car Parking Control		
0.6 / 0 bed unit (8.4) 1 / 1 bed unit (41) 1.25 / 2 bed unit (110) 1.5 / 3 bed unit (19.5) -3 / car share (-12) Occupant: 167 0.25 / unit visitor (39) Total: 206	<b>156 residential occupant 20 residential visitor + 1 car wash 176</b>	<b>No, see discussion below.</b>
Accessible: 16	17	Yes
Car Wash Bay	1	Yes
Bicycle Parking		
1 space per 2 dwellings (79)	83	Yes

## Public Domain

The proposal progresses the delivery of the road network proposed as part of the concept plan approval. Specifically, part of NSR-2 (connecting Victoria Road with EWR-2 approved as per DA/337/2018).

The public domain drawings have been reviewed by Council's Public Domain team and have been found to be acceptable subject to conditions including further consideration of road layout as the planning proposal for the site to the south develops.

It is considered that wider footways (5.5m versus the 3.5m proposed) are required to provide for the density of development envisaged for the precinct. A condition is included to this effect.

Council's traffic engineers are satisfied that the proposed road network would comfortably accommodate traffic generated by the development and would have an acceptable impact on the wider road network including Wharf Road and Victoria Road.

## Dwelling Mix

The proposal includes 13 x 3-bedroom units, representing 8.2% of the total units. Section 3.4.5 of the Parramatta DCP 2011 sets out the following (emphasis added):

*The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments:*

- **3 bedroom 10% - 20%**
- **2 bedroom 60% - 75%**
- **1 bedroom 10% - 20%**

*This mix may be refined having regard to:*

- *the location of the development in relation to public transport, public facilities, employment areas, schools, universities and retail centres;*
- *population trends; and,*
- *whether the development is for the purpose of public housing or the applicant is a community housing or non-profit organisation.*

The control envisages some level of discretion. Council's Social Outcomes are of the view that this discretion is not applicable in this instance, and that a minimum of 10% 3-bedroom units is appropriate in this location.

However, the concurrent application DA/1025/2017, which represents stage 2 of the same concept plan approval, has been recommended for approval with conditions which would result in a total of 11.8% 3-bed units. Combined, the two application would provide 39 x 3-bed units out of 390 total units, meeting the 10% requirement.

## **Parking**

A comparison of the proposed parking levels to the DCP controls and the approved Stage 1 rates is provided below:

	<b>Occupant</b>	<b>Visitor</b>	<b>Car Share</b>
Required by DCP	167	39	1
Stage 3 (as proposed)	156 (1/unit)	20 (0.128/unit)*	4 (0.025/unit)
Stage 1 (as approved) rate	1/unit	0.119/unit	0.025/unit
<i>Difference</i>	<i>0</i>	<i>+0.009/unit</i>	<i>0</i>
Difference to DCP	-11	-19	+3

The proposal is considered to be acceptable for the following reasons:

- The proposal is consistent with the rate of parking which was approved for Stage 1.
- The proposal provides more car share parking than required by the DCP.
- The site has good access to high frequency buses during peak periods on Victoria Road.
- Parramatta Light Rail Stage 2, while not yet confirmed, would provide additional public transport.

## **11. Planning Agreements**

The subject application is not subject to a planning agreement.

## **12. The Regulations**

The recommendation of this report includes conditions to ensure the following provisions of the Regulation will be satisfied:

- Clause 92 - Demolition works are to satisfy AS 2601 - 1991; and
- Clause 98 - Building works are to satisfy the Building Code of Australia.

## **13. The Likely Impacts of the Development**

The likely impacts of the development have been considered in this report. Fire safety would be addressed by way of appropriate conditions.



## **14. Site Suitability**

The subject site and locality are affected by overland flow flooding. Council's engineers have assessed the application and consider the proposal to be satisfactorily designed to minimise risk to human safety and property subject to a deferred commencement condition requiring approval of a proposed stormwater retention basin on the adjoining site to the south.

Suitable contamination investigations and planning has been provided to demonstrate that the site can be made suitable for the proposed development subject to remediation works and subsequent validation.

The proposal is considered to have an acceptable impact on biodiversity and the heritage significance of the adjoining site.

No other natural hazards or site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site is considered to be suitable for the proposed development subject to the conditions provided within the recommendation to this report.

## **15. Submissions**

The application was notified and advertised in accordance with Appendix 5 of DCP 2011 for a 30-day period between 18 January and 20 February 2018. No submissions were received.

## **16. Public Interest**

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

## **17. Disclosure of Political Donations and Gifts**

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

## **18. Developer Contributions**

Section 7.12 'Fixed Development Consent Levies' of the Environmental Planning and Assessment Act 1979 allows Council to collect monetary contributions from developers towards the provision, extension or augmentation of public amenities or public services in accordance with a contributions plan. The Parramatta Development Contributions Plan (Amendment No. 5) requires the payment of a levy equal to 1% of the cost of a development. A detailed Cost Estimate was provided outlining the development cost to be \$54,560,000. This figure is commensurate with the scale of works proposed. As such a monetary contribution of \$545,600 is required. A condition of consent has been imposed requiring the contribution to be paid prior to the issue of the relevant Construction Certificates.

## 19. Summary and Conclusion

The application has been assessed against section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. While some variations in relation to SEPP 65 and PDGP 2011 are sought, the proposal has, on balance, demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties and does not compromise the redevelopment of adjoining sites. Hence the development, irrespective of the departures noted above, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

The proposed development is located within a locality earmarked for high density mixed use redevelopment. The proposal would provide additional housing and public domain in an area currently not accessible to the public.

The proposal is considered to adequately respond to the site constraints subject to conditions of consent.

A deferred commencement condition is included requiring that EWR-2 be granted operational consent as the proposal relies on this road for vehicular access. A deferred commencement condition is also included requiring that a stormwater basin, proposed as part of a separate application, be approved to manage overland flow generated by the proposal.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. Deferred commencement consent is recommended.

## 20. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority grant **Deferred Commencement Consent** to Development Application No. DA/1042/2017 for construction of 2 x 7-10 storey residential flat buildings containing 156 residential apartments, 3 basement levels providing 179 car parking spaces, earthworks, landscaping, public domain works including new roads, strata subdivision and Torrens title subdivision at 657-659 Wharf Road, MELROSE PARK NSW (Lots 2 & 3 DP588575 and Lot 11 DP128907) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Schedule 1 of Appendix 2.

## APPENDIX 1 – Design Excellence Advisory Panel Comments 08/02/18

DEAP Comment	Applicant Response
1. Since this is a large-scale development, the Panel recommends that a Pre-Lodgement should have been submitted and discussed with the Design Excellence Advisory Panel in order to have a better and optimal outcome.	Noted.
2. The Panel recommends the applicant provide clear guidelines for the precinct via the preparation of detailed urban design and strategic planning studies. These plans are to be up-dated and clarify the current planning proposal and inform all future developments for the precinct. They are to include, but not limited to: <ul style="list-style-type: none"> <li>a. A clear vision for the precinct,</li> <li>b. Road, pedestrian &amp; cycle hierarchy,</li> <li>c. Park and open space hierarchy</li> <li>d. Public transport intentions,</li> <li>e. Building &amp; basement set-backs / extent</li> <li>f. Land-use including commercial activity, and,</li> <li>g. Public domain core principles.</li> </ul>	Being developed, see latest masterplan.
3. Future sections and elevations are to show the surrounding context. If the adjacent context is undeveloped, then an estimation of that site's potential bulk, height and building separation are to be shown for the time being.	Sections provided.
4. The Panel notes that the proposal is required to reach over the minimum BASIX score, and views the use of photovoltaics on the roof space as a positive addition to the development. The Panel suggested that the applicant also consider active ESD provisions such as rainwater collection and re-cycling.	5,000kL tank proposed as part of BASIX.
5. Overall the Panel was impressed by the consideration for creation of distinctive façade treatments that identify different precincts of this extensive site. However, there are some modifications felt necessary to address issues raised below.	Noted.
6. The three lobby entrances are facing north and south while the proposal's NSR-2 street frontage is to the east. The Panel does not support this and considers the entrances to be insufficiently legible, and they do not provide adequate activation to the main street entry. The Panel recommends the provision of more direct street entrances to each apartment wing.	While the entrances remain unchanged, a second 'entry pavilion' for the southern building has been provided to assist in wayfinding.
7. Improved articulation of the southern façade of Building AA2 should be considered in keeping with the character of the other wings.	No change. However, this is not considered to be sufficient reason to refuse the application and it cannot be improved by way of condition.
8. The proposed 6m terraced retaining wall's drawn on the Landscape Architects sections (Section C Southern Terraces) needs to be explored with further sections indicating the southern building AA2 relationship with final grades of the proposed future street and future building to the south.	Details provided (see Landscape Drawings attached).
9. The Communal Open Space located on the ground floor should provide clarity and ease of access for all residents, shade, a barbeque, seating, a universal WC and suitable landscaping. The Panel also recommends the addition of a communal meeting room or celebration room for resident use.	Shade, seating and a BBQ have been provided. A communal meeting room with WC is provided on the ground floor of the northern building.

10. Utilise the “subterranean lost space” on the ground floor of the northern block - north east corner as either café, co-working office space or other commercial use. Alternatively consider use as the communal meeting space for the complex. Modify the adjacent landscaped area to provided usable outdoor space with seating, shade etc. level with the internal space.	This space has been re-purposed as a ‘community/multi-purpose room’ with access to a WC and outdoor terrace.
11. Units AA2:005, AA2:007 and corresponding units above in the L shaped building are too close resulting in potential noise and privacy issues. These need to be addressed with appropriate separation, screening etc.	Additional screen added.
12. In relation to detailed design and layout, the Panel recommends that: <ul style="list-style-type: none"> <li>a. HVAC equipment should preferably be grouped within designated screened plant areas or other concealed compartments.</li> <li>b. Wall mounted equipment (e.g. instantaneous gas HW heaters) and associated pipework is concealed into wall cabinets and duct.</li> <li>c. Rainwater downpipes are thoughtfully designed and integrated into the building fabric.</li> <li>d. The above items should be positioned so that they are not visible from common areas or the public domain adjacent to the development.</li> </ul>	HVAC is grouped on the roof.  The other recommendations are implemented by conditions of consent.
13. Active ESD provisions such as rainwater re-cycling, solar power and solar hot water were not discussed at the meeting, however it is assumed that at a minimum these measures will be included in the development.	Solar power and rainwater tank included.
14. The Panel recommends that annotated 1:20 scale cross-sections and details of all proposed façade types and materials are included with the DA submission and form part of the consent documentation.	These drawings have not been provided. A condition is included requiring these drawings for sign off by Council’s city architect prior to CC.