



**SYDNEY CENTRAL CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel reference	PPSSCC-305
DA number	DA/1043/2021
Portal reference number	PAN-162356
Proposed development	Construction of a part 4, part 5 storey residential flat building containing 27 units and basement parking under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.
Property	20-22A Evans Road, Telopea Lot 3, 4, 5 & 6 DP 36812
Applicant	NSW Land and Housing Corporation
Owner	NSW Land and Housing Corporation
Date of lodgement	12 November 2021 Amended information received: <ul style="list-style-type: none"> 14 October 2022.
Submissions	Three (3)
Regionally significant development criteria	This application has a Capital Investment Value of \$11,438,034.00 and is to be carried out by the Crown, the application is being referred to the Sydney City Central Planning Panel for determination.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development Parramatta Local Environmental Plan 2011 (PLEP 2011) Parramatta Development Control Plan 2011 (PDGP 2011) Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).
Documents submitted with this report	Attachment 1 – Planning Assessment Attachment 2 – Draft Conditions Attachment 3 – Selected Architectural Drawings Attachment 4 – Selected Civil Drawings Attachment 5 – Selected Landscape Drawings Attachment 6 – Public Transport Assessment
Recommendation	Approval
Report prepared by	Najeeb Kobeissi – Development Assessment Officer

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
---	------------

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
---	------------

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6) has been received, has it been attached to the assessment report?	N/A
---	------------

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24 of the EPAA)?	No
--	-----------

Conditions

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

1. Executive summary

Development Application DA/1043/2021 was lodged on 12 November 2021 for a part 4, part 5 storey residential flat building containing 27 units and basement parking under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

This application has a Capital Investment Value of \$11,438,034.00 and is to be carried out by the Crown, the application is being referred to the Sydney City Central Planning Panel for determination.

The application is proposing all of the units as affordable rental housing.

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 25 November 2021 and 16 December 2021. Three (3) submissions were received. The issues raised have been addressed in the report.

Section 4.15 Assessment Summary

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. Consideration of technical matters by Council's engineering and landscaping departments has not identified any fundamental issues of concern.

The proposal demonstrates reasonable compliance with the statutory requirements with minor variation to some controls contained within the Development Control Plan (DCP) and Apartment Design Guide (ADG) that can be supported.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/1043/2021 be approved.

In its context, this development proposal is able to be supported in terms of the development's broader strategic context, function and overall public benefits.

2. Site Description and Location

The subject site is known as 20-22A Evans Road, Telopea (Lot 3, 4, 5 & 6 DP 36812). The site previously consisted of 2 x two (2) storey attached dual occupancies and multiple vegetation (figures 1 and 2). A separate development application (DA/272/2022) was approved on 27 June 2022 for the demolition of all buildings and outbuildings, and the installation of a boundary fence.

The current site is vacant with a total site area of 1692.4m². The site has an approximate cross fall of 4.27m from north-east (RL 41.08) to south-west (RL 36.81).

Surrounding the site are dwelling houses, dual occupancies and residential flat building developments. The site and its immediate surrounding properties are zoned as R4 High Density Residential under the Parramatta Local Environmental Plan 2011.

The site is within 500m radius to the future Telopea Light Rail Stop.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image in **Figures 1-3**.



Figure 1: 20 & 20A Evans Road Frontage (Site inspection, 4 February 2022)



Figure 2: 22 & 22A Evans Road Frontage (Site inspection, 4 February 2022)

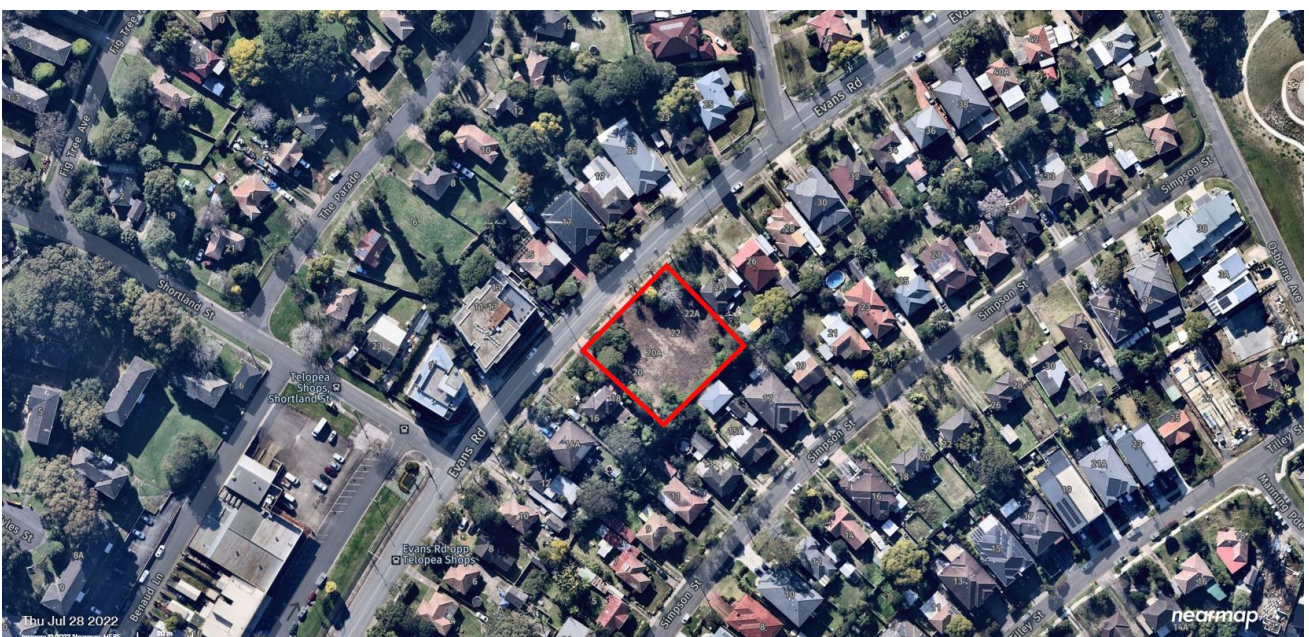


Figure 3: Aerial view of the subject site and surrounds. Subject site outlined in red. Source: Nearmap: October 2022.

Surrounding Development

Surrounding development consists of a mix of low, medium and high residential development. The site is located less than 200m north-east of the Telopea Neighbourhood Shopping Centre, and approximately within a 500m radius to the future Telopea Light Rail Stop. See **Figures 4 to 5** below.



Figure 4: Telopea Neighbourhood Shopping Centre. Source: Google Maps.



Figure 5: Telopea Light Rail Stop. Source: <https://www.parramattalightrail.nsw.gov.au/>

3. Relevant Site History

This land is subject to a number of prior and current applications as shown below:

Development Application	Description
Pre-lodgement Application PL/129/2020	Pre-lodgement Application PL/129/2020 for the Demolition of existing dwellings and associated structures, tree removal, and construction of a four

	<p>and five storey residential flat building comprising thirty (30) x units, including nineteen (19) x one bedroom and eleven (11) x two-bedroom units, with associated landscaping and fencing, basement car parking for fourteen (14) vehicles and consolidation of four (4) lots into a single lot.</p> <p>The pre-lodgement meeting was held on 28 October 2020 and the outcome was that the proposed development was not supported on planning, urban design, and accessibility grounds.</p>
Development Application DA/1043/2021	Development Application DA/1043/2021 for the construction of a 4-storey residential flat building containing 27 units and basement parking under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The Application was lodged on 12 November 2021 and is the subject of this report.
Development Application DA/272/2022	Development Application DA/272/2022 for the demolition of 2 existing two storey duplex dwellings and associated structures and paving, and installation of a boundary fence, excluding tree removal. was granted approval on 27 June 2022.

4. The Proposal

The application proposes the construction of a Residential Flat Building, part four (4)/ part five (5) storeys in height containing a total of twenty-seven (27) residential units with basement parking and associated landscaping works. Consolidation of four (4) lots into a single lot is also proposed. Specifically, the proposal comprises:

- removal of eight (8) trees, including one (1) street tree located in the road reserve;
- construction of a RFB development comprising:
 - one (1) x studio
 - sixteen (15) x one bedroom and
 - eleven (11) x two-bedroom dwellings,
 - twenty-four (24) liveable dwellings
 - three (3) adaptable dwellings;
 - All proposed units are Affordable (Social) Housing
 - basement level car parking for twelve (12) vehicles including three (3) accessible spaces, as well as twenty-nine (29) bicycle spaces, including two (2) visitor bike spaces with electric bike charging stations;
- provision of communal open space;
- landscaping and fencing; and
- consolidation of four (4) lots into one (1) allotment.

Amended plans and documentation were submitted to Council on 14 October 2022. The amended plans included:

- Agreement to the installation of a dual reticulation system
- Agreement to the installation of required infrastructure to support electric vehicle connection
- Changes to the design of the proposed on-site detention system
- Reconfiguration of unit G02 from a 1 bedroom unit to a Studio.
- Waiting bay at the top of the vehicular ramp has been lengthened to 6m
- A supplementary geotechnical report has been submitted
- A separate cut and fill plan has been provided



5. Public Notification

In accordance with the Parramatta Notification Plan, the Development Application was notified and advertised between 25 November 2021 and 16 December 2021. During the notification period, three (3) submissions were received raising the following issues:

- Privacy
- Traffic Safety
- Number of units proposed
- Building materials to reduce acoustic impacts
- Fence replacement
- Lack of car parking spaces
- Affordable housing not required in Telopea

6. Referrals

Any matters arising from internal or external referrals not dealt with by conditions?	No
---	----

7. Environmental Planning and Assessment Act 1979

Does Section 1.7 (significant effect on threatened species) apply?	No
Does Section 4.10 (designated development) apply?	No
Does Section 4.46 (integrated development) apply	Yes
Are submission requirements within the regulation satisfied?	Yes

8. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	No Key Issues. Detailed assessment is provided at Attachment 1 .
--	---

9. Parramatta Local Environmental Plan 2012 (PLEP 2012)

The table below presents a summary assessment against the terms of PLEP 2012. A detailed evaluation is provided at **Attachment 1**.

Provision	Comment
Land use zone	<ul style="list-style-type: none">R4 High Density Residential
Definition	<ul style="list-style-type: none">Residential development
Part 2 Permitted or prohibited development	<ul style="list-style-type: none">Permitted with consent in zoneConsistent with zone objectives
Part 3 Exempt and Complying Development	<ul style="list-style-type: none">Not applicable
Part 4 Principal Development Standards	<ul style="list-style-type: none">Complies with all principal development standards
Part 5 Miscellaneous Provisions	<ul style="list-style-type: none">All relevant provisions satisfied
Part 6 Additional Local Provisions	<ul style="list-style-type: none">All relevant provisions satisfied
Part 7 Additional local provisions—Parramatta City Centre	<ul style="list-style-type: none">Not applicable
Part 8 Intensive urban development areas	<ul style="list-style-type: none">The property is within the Telopea Intensive Urban Development area.Satisfactory arrangements certification has been received by the Secretary in regards to State public infrastructure in clause 8.1.

10. Parramatta Development Control Plan 2011 (PDCP 2011)

The table below presents a summary assessment against the terms of Parramatta Development Control Plan 2011 while a detailed evaluation is provided at **Attachment 1**.

Provision	Comment
Part 2 Site Planning	<ul style="list-style-type: none">Complies
Part 3 Development Principles	<ul style="list-style-type: none">Complies
Part 4 Special Precincts - Part 4.3 Strategic Precincts	<ul style="list-style-type: none">Generally, complies with minor, acceptable variations.

11. Response to Sydney Central City Planning Panel Briefing Minutes

Key Concern	Comment
Public Transport Assessment	Refer Attachment 6.

12. Conclusion

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, approval of the development application is recommended.

13. Recommendation

That the Sydney Central City Planning Panel, as the Consent Authority:

1. Approve DA/1043/2021 for Lot consolidation, tree removal and construction of a residential flat building under SEPP Affordable Rental Housing comprising 27 units with basement parking for 12 vehicles on land at 20-22A Evans Road, Telopea for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the conditions of consent at **Attachment B**
2. It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties.
3. That those persons who made submission be advised of the Panel's decision.

ATTACHMENT 1 – PLANNING ASSESSMENT

Panel Reference	PPSSCC-305
DA Number	DA/1043/2021

1. Overview

1.1 Section 4.15 of the Environmental Planning and Assessment Act 1979: Evaluation

The relevant matters for consideration under this section of the Act noted in the table below:

Clause	Comment
4.15(1)(a)(i) any environmental planning instrument	Refer to Section 2
4.15(1)(a)(ii) any proposed instrument	Refer to Section 3
4.15(1)(a)(iii) any development control plan	Refer to Section 4
4.15(1)(a)(iv) the regulations	Refer to Section 5
4.15(1)(b) the likely impacts	Refer to Section 6
4.15(1)(c) the suitability of the site	Refer to Section 7
4.15(1)(d) any submissions	Refer to Section 8
4.15(1)(e) the public interest	Refer to Section 9

1.2 Referrals

Design Excellence Advisory Panel (DEAP)

The subject application was referred to the Panel at a DEAP meeting on 10 February 2022. The application received an **Amber** light and the following comments were provided for the Applicant's consideration.

Context:

The proposal was previously reviewed by the DEAP on 26 March 2020. The Panel was pleased that the Proponent had made significant changes to the issues raised in the previous DEAP meeting and during the second DEAP meeting clearly articulated where the changes had been incorporated into the scheme.

The proposal was considered by the DEAP prior to the Gazettal of the Telopea Precinct which consists of site-specific front, side and rear setbacks. The current proposal is generally in compliance with these setbacks and creates good opportunities from typical 10m rear setbacks.

Scale:

The Panel suggested that the proponent look at the opportunity of placing units over the driveway on Evans Road to reduce the visual impact of this structure. The Panel supported the proposed vine planted pergola over the current entry driveway.

Built Form:

The Panel suggested that the proponent indicate in street elevation and ground floor plans how this proposal would fit in with future built-form on either side of this proposal as the DCP articulates the importance of a unified streetscape and active frontage. The Panel also suggested that DCP setback compliance diagrams be included in the final revised DA package. Is there scope for the fire stair to become an access stair? The fire egress stair could double up and be treated / designed for complying with fire egress but also serve access purposes.

Amenity:

The Panel noted the effort the proponent had put into to the technical resolution in embedding the OSD into the lower ground floor of the building and the introduction of suitable screening low level vegetation on top of the OSD. The Panel noted that the lower ground entry sequence and circulation to the side and rear communal open space and access to the lifts and stairs was well resolved compared to the pre-DA scheme seen by the DEAP in 2020.

The Panel suggested that the design team review the clarity of the pedestrian entry sequence off the Evans Road footpath. It was suggested that several opportunities exist in creating a safe and legible pedestrian entry including:

- widening the current stair entry off the footpath,
- creating more incidental "bump space" and seating associated with the small retaining wall at the entry and
- wrapping the current pergola structure over the entry drive into the entry forecourt as a clear signal of pedestrian entry.

Safety & Security:

The above items are required to be reviewed in terms of important CPTED issues associated with the street and public access to the building.

Traffic & Parking:

Note comments above regarding carpark entry.

Landscape:

The Panel recommended that larger native evergreen canopy trees be specified and planted in deep soil to rear of the site associated with the communal open space.

The Panel queries the electrical substation taking up quite a large portion of frontage pointed out by Panel. Could a more suitable and integrated location be considered?

Aesthetics:

The Panel recommended more protection to windows to deal with low summer sun and adverse weather conditions, particularly on the north and west elevations.

Resource Energy & Water Efficiency:

Sustainable design initiatives are commended – inclusion of ceiling fans is also recommended at DA stage in conjunction with the proposed sustainable design initiatives and should be indicated on documentation.

The Panel suggested to look for opportunities to reuse stormwater in communal garden areas.

The Panel recommended that EV requirements to be implemented as per DCP.

Other Comments:**Design Excellence:**

Subject to resolution of the issues raised above, the Panel considered the DA to have good potential to achieve design excellence. Conditions of approval may deal with these issues, but if necessary, it could be possible for any refinements to be considered in an online appraisal.

Subject to the quality of the amended plans and the attempts made to address these concerns, the application may not be required to be re-referred to DEAP.

Assessing Officer Comment

Additional information was received on 14 October 2022 addressing Council's and DEAP's concerns.

Council Officers are satisfied that the amended plans address relevant concerns raised by the Design Excellence Advisory Panel. Below are the assessing officer's comments.

Context:

Noted

Scale:

Due to the slope across the Evans Road frontage, the proposed driveway and basement access have been located predominantly outside of the building footprint, adjacent to the southwestern boundary. The driveway access has been located on the lowest point of the street frontage in accordance with P.12 of Section 4.3.9.2 of DCP 2011, which provides specific guidance to sites with a cross fall along the street. Given the slope of the site, if the driveway was to be relocated under the apartment building and set back 3m from the side boundary, additional excavation and a retaining wall structure would be required within the frontage which would impact the visual amenity of the development when viewed from the public realm.

The proposed basement entry has been set back approximately 16m from the front boundary and approximately 10.8m from the proposed building line, to minimise any potential adverse visual impacts on the streetscape.

Built Form:

With the proposal satisfying the required side setback controls, the relationship with the envisioned street scape is satisfied. The Applicant has supplied DCP setback diagram which provides a comparison between the proposed building footprint and the permissible setbacks under the DCP.

Amenity:

Additional seating has been provided within the entry forecourt to provide more incidental 'bump space'. Widening the stair entry from the footpath has not been incorporated into the design as it would result in a reduction in the amount of soft landscaping along the street frontage. The applicant has not widened foot paths leading to the building as this will result in a reduction in the soft landscaping along the frontage.

Safety & Security:

The proposed pedestrian entry from the Evans Road frontage has been designed giving consideration to adequate sightlines and clear paths of travel.

Traffic & Parking:

The location of the carpark entry has been maintained as mentioned above. The waiting bay's length has been increased as per Council's comments.

Landscape:

Council's landscape officer have reviewed the proposal and support it subject to conditions of consent.

Aesthetics:

The proposed sunhoods are adequate.

Resource Energy & Water Efficiency:

The proposed development will provide ceiling fans in the kitchen/living area and bedroom/s of each unit, which have been incorporated in the design as part of the BASIX and NatHERS assessment.

Dual reticulation infrastructure will be provided in the development to enable future connection to a recycled water system, which will be able to be used for irrigation of communal garden areas.

LAHC agrees to install electrical infrastructure within the development for the future provision of Electric Vehicle (EV) Connection for parking spaces, in accordance with the DCP.

Other Comments:**Design Excellence:**

With the resolution of the above issues, the proposal is considered to achieve design excellence.

INTERNAL REFERRALS

Referral	Comment
Accessibility	Acceptable.
Civil Assets Public Domain	Acceptable, subject to conditions.
Development Engineer	Acceptable, subject to conditions. The latest revised OSD tank is outside the habitable floor area. The applicant's hydraulic engineer has misunderstood the overland flow situation and connected the upstream runoff (from the swale) into the OSD system. This is unnecessary burden on the development site's WSUD and OSD system. To ameliorate the situation, Council's Engineer has included a condition, requesting the overland flow is to be drained directly to the street gutter, without incorporation into the site drainage system.

Environmental Health	Acceptable, subject to conditions.
Tree & Landscape	Acceptable, subject to conditions.
Traffic & Transport	<p><u>EV Spaces</u></p> <p>There are only 12 parking spaces required under the SEPP, and as none of them are proposed as EV spaces, the proposed development will result in 12 EV spaces shortfall.</p> <p>The SEE states that the proposed development is an affordable housing development provided by a social housing provider and that it would be cost prohibitive and not financially viable to provide EV charging infrastructure.</p> <p>However, one of the objectives of the DCP for the Telopea Precinct is: <i>O.2 To ensure new development in Telopea provides the necessary infrastructure to support the charging of electric vehicles.</i></p> <p>Based on the above reason, the provision of no EV spaces is not considered acceptable. It is recommended that EV ready connections be provided for the 12 parking spaces proposed.</p> <p><u>Waiting Bay</u></p> <p>The provision of a waiting bay at the top of the vehicular ramp to regulate traffic flow and safety along the ramp to the basement is supported. However, it is noted that the length of the waiting bay does not comply with the Australian Standards. It is recommended that the waiting bay be lengthened to 6m to comply with Clause 3.4 of AS2890.1-2004. It is recommended that the waiting bay be line marked and/or signposted to ensure that vehicles wait in the waiting bay and sufficient clearance is provided for vehicles exiting the car park to pass.</p> <p>Comment: Both of the above issues were addressed in the 14 October amended documentation.</p> <p>The applicant has agreed to install electrical infrastructure within the development for the future provision of Electric Vehicle (EV) Connection for parking spaces. LAHC would agree to a condition of consent in this regard.</p> <p>The Plans have been amended to increase the length of the waiting bay at the top of the vehicular ramp to 6m.</p>
Transport Planning	The current driveway location will not impact the future cycleway along the southern side of Evans Road.
Urban Design	Acceptable.
Waste Management	Acceptable, subject to conditions.

External Referrals

Referral	Comment
Department of Planning and Environment (DPE)	DPE has reviewed the proposal and have issued a Secretary's Certificate certifying that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.
Sydney Water	Acceptable, subject to conditions.
NRAR	Comments not provided as it is a Crown DA.
WaterNSW	Comments not provided as it is a Crown DA.

2. Planning Assessment

2.1 Environmental Planning Instruments

Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- Parramatta Local Environmental Plan 2011 (PLEP 2011)
- Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).

Compliance with these instruments is addressed below.

Consolidated State Environmental Planning Policies - 1 March 2022.

As the provisions within the previous SEPPs are generally the same, savings provisions do not apply to the new SEPPs. A comparison of the previous and consolidated SEPPs are demonstrated in the table below.

Old SEPP/SREP	New SEPP	New Location
State and Regional Development	(Planning Systems) 2021	• Schedule 6
(Vegetation in Non-Rural Areas) 2017	(Biodiversity and Conservation) 2021	• Chapter 2
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)	(Biodiversity and Conservation) 2021	• Chapter 10
No 55—Remediation of Land (Infrastructure) 2007	(Resilience and Hazards) 2021	• Chapter 4
	(Transport and Infrastructure) 2021	• Chapter 2
(Affordable Rental Housing) 2009	(Housing) 2021	

2.2 State Environmental Planning Policy (Planning Systems) 2021

Pursuant to Schedule 6 of SEPP (Planning Systems 2021, the proposal is considered 'regionally significant development' as it has a capital investment value of more than \$5 million and is to be carried out by the Crown.

As such, Section 4.5 of the EP&A Act 1979 confirms that the regional planning panel (Sydney Central City Planning Panel in this case) is the consent authority.

2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural

areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

The application also includes the removal of six (6) trees; ten (10) within the proposed building footprint and one (1) within the road reserve. The proposed planting scheme includes the provision of mature trees, shrubs, ground covers and grasses to be planted throughout the site.

Council's Landscape Tree Management Officer raised no objections to the removal of the eleven (11) trees.

The proposed replacement planting scheme will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the Parramatta Local Government Area.

2.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 Sydney Harbour Catchment

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The aims of the Plan are 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 development is consistent with the objectives and controls contained with the SEPP.

2.5 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

Clause 4.6 of the SEPP requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. In considering this matter it is noted:

- The site does not have an obvious history of a previous land use that may have caused contamination;
- Historic aerial photographs were used to investigate the history of uses on the site;
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;
- A search of public authority databases did not include the property as contaminated;
- The Statement of Environmental Effects states that the property is not contaminated; and
- There is no specific evidence that indicates the site is contaminated and is suitable for the proposed residential use.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for the proposed development being a residential land use.

2.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development are outlined below.

Transport for NSW

Clause 2.118: Development with a frontage to a Classified Road

The application is not subject to Clause 2.118 of the SEPP as the site does not have frontage to a classified road.

Clause 2.122 Traffic Generating Development

Clause 2.122 applies to the development of a new premises of a relevant size or capacity. For the purpose of defining traffic generating development, which is of a relevant size and capacity, the SEPP refers to Schedule 3. In accordance with Schedule 3, the proposal is defined as residential accommodation, and is located on a road that connects to a classified road however, the proposed development is not for more than 75 dwellings. As such, a referral to TfNSW was not required. Despite this, the following is noted:

A Traffic Impact Assessment (TIA), prepared by Transport and Traffic Planning Associates Pty Ltd (dated October 2021) was submitted as part of this Development Application. The TIA concluded that a total of four (5) vehicle trips per hour during the AM peak hour, and three (4) vehicle trips per hour during the PM peak hour is projected.

Council's Traffic Engineer reviewed the proposal with regarding to traffic generation and noted:

The Traffic and Parking Assessment report states that based on RMS's traffic generation rates for high density residential development, the projected peak traffic generation is 5 vtph and 4 vtph in the AM and PM peaks respectively. By the same RMS Guideline, the existing dwellings on the site (4 dwellings x 0.85 vtph per dwelling) would generate some 4 vtph. Thus, it is apparent that the proposed development will only result in a net increase of 1 vtph in the AM peak.

Traffic generation of this order of magnitude is minor in the context of the local and arterial road system and will not result in any unacceptable traffic congestion or conflict, either at the vehicle access point or at adjacent intersections.

It is considered that the intensity and nature of the proposal is compatible with road capacity and function. Both vehicle and pedestrian safety will be maintained. The proposal provides for well-designed and safe vehicle and pedestrian access and loading area.

2.7 State Environmental Planning Policy (Building Sustainability Index - BASIX) 2004

An amended BASIX Certificate (see Certificate No. 1229325M_02 dated 10 October 2022) has been submitted with the submission of additional information.

The Certificate confirms that the development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below:

Commitment	Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	35	35

A standard condition has been included requiring compliance with the submitted BASIX certificate.

2.8 State Environmental Planning Policy (Housing) 2021

As of 26 November 2021, the *State Environmental Planning Policy (Affordable Rental Housing) 2009* was repealed and the *State Environmental Planning Policy (Housing) 2021* was introduced.

The subject development application was lodged on 12 November 2021. As the application was lodged before the commencement date of the new current SEPP, Schedule 7 applies.

Schedule 7 - Savings and Transitional Provisions

The Housing SEPP 2021 does contain a Savings and Transitional Provision to deal with development applications that were still under assessment when the SEPP Affordable Rental Housing 2009 was repealed.

The following section of schedule 7 is with reference to development applications:

2. The former provisions of a repealed instrument continue to apply to the following—
(a) a development application made, but not yet determined, on or before the commencement date

Therefore, the proposed development is assessed under the former *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

2.9 State Environmental Planning Policy (Affordable Rental Housing) 2009

Table 1: SEPP (Affordable Rental Housing) compliance

SEPP (Affordable Rental Housing) 2009			
Subject	Control	Proposal	Compliance
Cl. 13 Floor Space Ratio	<p>If the maximum floor space ratio is 2.5:1 or less:</p> <p>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p> <p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>$Y = AH \div 100$</p>	<p>LEP FSR: 1.1:1 (GFA 1,861.64m²)</p> <p>Bonus FSR: 0.5:1 (GFA 846.2m²)</p> <p>FSR with bonus: 1.6:1 (GFA 2,707.84m²)</p> <p>Proposed FSR: 1.25:1 (GFA 2,120.6m²)</p> <p>100% of the gross floor area will be used for affordable rental housing.</p>	<p>Yes</p>
Cl. 14(1)(b) Site Area	Minimum 450m ²	Site Area 1,692.4m ²	<p>Yes</p>

Cl. 14(1)(c) Landscaped Area	Minimum 35m ² per dwelling (required 945m ² or 55.83% of site area)	622.6m ² (36.78% of site area) It is unreasonable in this instance to pursue full compliance as it will create poor outcomes.	No, But acceptable. See below discussion
<p>The proposal does not achieve the minimum requirements for 35m² of landscaping per dwelling where the application is made by a social housing provider.</p> <p>As a percentage of the site, the control requires the provision of 55.83% landscaping to be compliant.</p> <p>Hypothetically, if the number of units were to be reduced so that the proposed amount of landscaping (622.6m²) is compliant, the development would be reduced to 17 dwellings, or part 2, part 3 storeys if the same footprint were to be maintained. This is considered unrealistic in an area that permits up to a 4 storey development.</p> <p>However, the proposed building footprint complies with the requirements of the Telopea DCP. The setbacks imposed for the inclusion of landscaping, when applied to the subject site, the building footprint (excluding driveways, paths and hard surfaces) would be 902.3m², leaving 790.1m² of site area available for landscaping. Currently compliant with FSR and building height, the proposed development cannot reasonably achieve compliance with the landscape control while maintaining the currently proposed number of units.</p> <p>Additional landscaping, albeit not deep soil, could be provided on the rooftop, however due to ongoing maintenance, potential waterproofing issues and cost, and is not considered appropriate for a social housing development for these reasons</p> <p>As addressed later in this report, the development complies with the SEPP 65 ADG design requirements.</p>			
Cl. 14(1)(d) Deep Soil Zones	Minimum 15% (253.86m ²) Min Dimension 3m 2/3 located at rear (169.24m ²)	27.72% (469.2m ²) Min dimension 3m 452.7m ² provided at rear	Yes
Cl. 14(1)(e) Solar Access	70% receive 3 hours	74% receive 3 hours of sunlight	Yes
Cl. 14(2)(a) Car Parking	0.4 / 1 bedroom = 6.4 spaces 0.5 / 2 bedroom = 5.5 spaces Required = 11.9 = 12 spaces	12 spaces provided	Yes
Cl. 14(2)(b) Dwelling Size	35m ² / Studio 50m ² / 1 Bedroom 70m ² / 2 Bedroom	Studio min 45m ² 1 Bedroom min 51m ² 2 Bedroom min 71m ²	Yes
Cl. 16A Character of the local area	The consent authority must consider whether the design of the development is compatible with the character of the local area	See discussion below	Yes
<p>Clause 16A of SEPP (ARH) states “A consent authority must not consent to development to which this Division applied unless it has taken into consideration whether the design of the development is compatible with the character of the area”.</p> <p>In considering the character of the local area, the Land and Environment Court planning principle, [<i>Project Venture Developments Pty. Ltd. v Pittwater Council</i> [2005] NSWLEC 191] is used to define the local character.</p> <p>1. Identifying the local area</p>			

This assessment identified the local area as primarily the visual catchment of the site (as viewed from within the site and directly adjacent to the site on the street) which is shown in Figure 2 below:



Figure 2: The 'local area' as considered by Council.

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

Present Character

The historic subdivision of Evens Road (DP35120, DP36743, and DP0612605) as shown in Figures 3,4, & 5. Figure 3 shows the historic subdivision for DP36812. Lots 1 and 2 no longer exist and the subject site is Lots 3,4,5, & 6 that will be consolidated as part of the proposal. The sites have historically and currently contained dual occupancies.

Figure 4 below shows the historic subdivision for DP612605 shows the same subdivision pattern and site areas as its former legal description under DP35120. The sites have historically and currently contain dual occupancies.

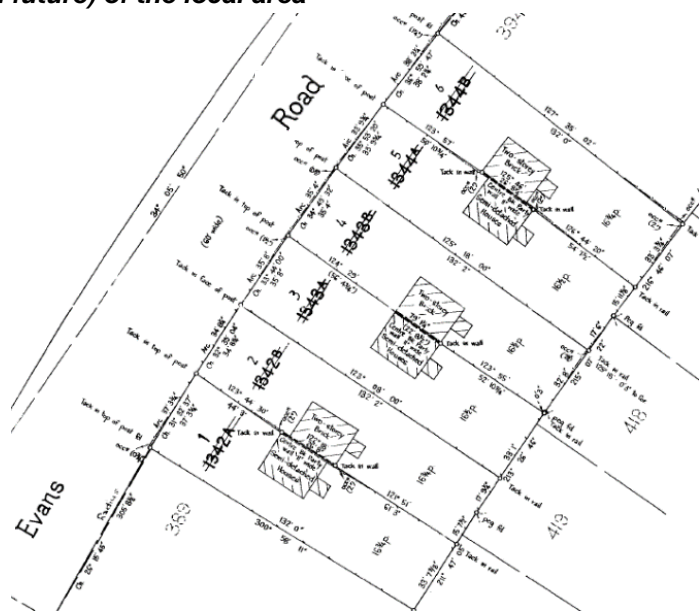


Figure 3: Extract of DP 35120

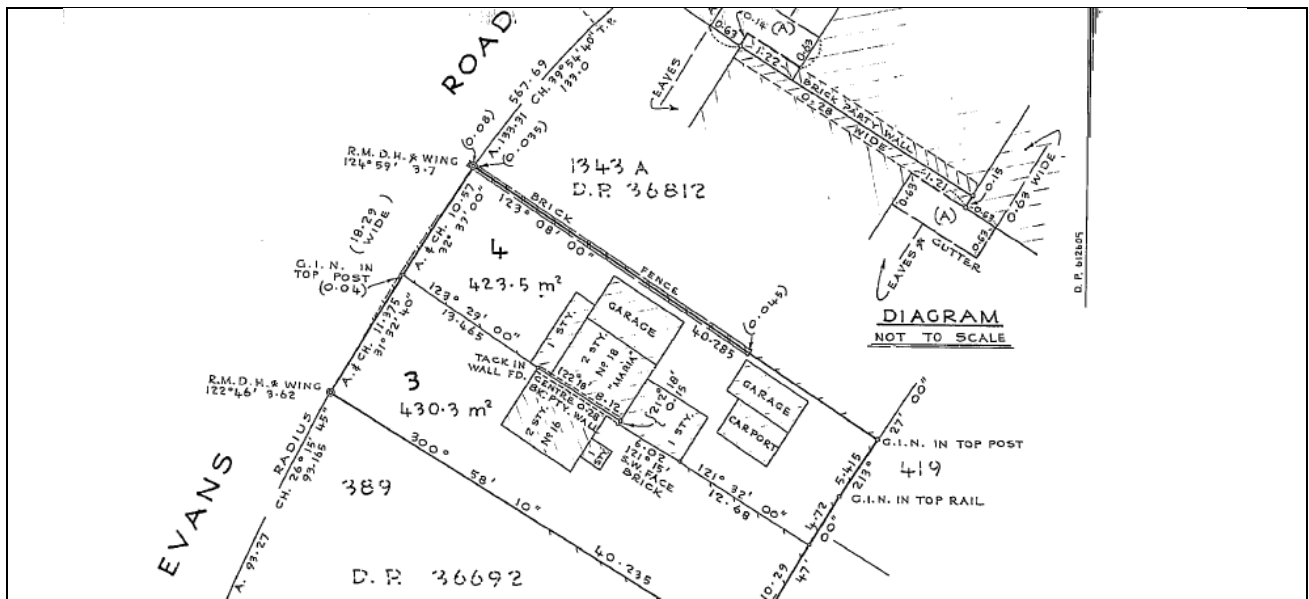


Figure 3: Extract of DP 612605

The sites along the west of Evans Road are legally described as DP36743 with slightly larger areas at 670m² -700m². While larger, the sites have mainly contained single, detached dwellings. With the exception of two sites south-west of the subject site that now contain residential flat buildings.

This area within Telopea has historically been in the form of detached houses and a few dual occupancies on medium allotments (417m²-700m²) each on its own parcel of land. Recent development applications show

At the adoption of the Parramatta Local Environmental Plan 2011, the zoning of the site and surrounds changed from 2(b) Residential to R4 High Density Residential.

Within the visual catchment of the site, two (2) residential flat buildings have been approved and constructed; No. 9 Evans Road, and No. 11-13 Evans Road, Telopea, including the proposed residential flat building at 8-10 Evans Road that was refused and is currently, at the time of this report, under appeal in the Land and Environment Court.

No. 9 Evans Road is a 4 storey residential flat building containing 12 units over 1 level of basement park approved under DA/684/2015. The application was assessed under the Affordable Rental Housing SEPP. See Figure 4 below:

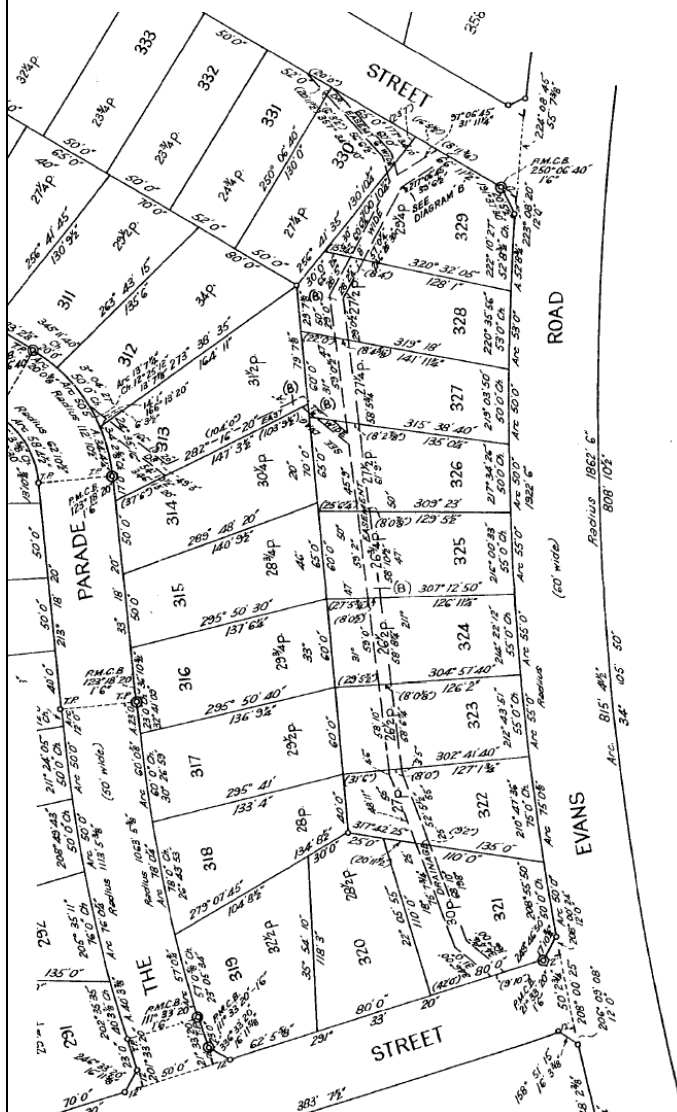


Figure 3: Extract of DP 36743



Figure 4: 9 Evans Road – 4 storey RFB – Affordable Housing

No. 11-13 Evans Road is a part 3 part 4 storey residential flat building containing 18 units over a basement car park approved under DA/401/2013. See Figure 5 below:



Figure 5: 11-13 Evans Road – part 3 and part 4 Storey RFB

No. 8-10 Evans Road is an 8 storey Residential Flat Building development with 3 levels of basement parking lodged with Council under DA/663/2021. On 22 November 2021, a deemed refusal appeal was lodged with the Land and Environment Court. The application was determined by the Parramatta Local Planning Panel as a refusal on 18 January 2022. At the time of this report, the appeal is still ongoing. See Figure 6 below:



Figure 6: 8-10 Evans Road – 8 Storey RFB

In detail, the remaining detached dwelling house stock in the surrounding area retains its general character. The existing dwelling houses are generally setback between 7-11 metres with some variation depending on the age of the dwellings and orientations of the site.

In terms of the constructed residential flat buildings at No. 9 Evans Road and at 11-13 Evans Road have front setbacks of 5 metres and 3 metres respectively.

Future Character

The future character of the area is best determined by consideration of the following:

Planning framework that applied to the site under Environmental Planning Instruments and Development Control Plans, currently in force;

- Development Applications in the immediate area currently lodged with Council, and;
- Planning Proposals currently lodged with Council.

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

Zoning

Part 2 of the Parramatta LEP 2011 defined the zoning that applies to any given precinct or site. As shown in the figure below, the zoning of the site and around the affected property is R4 High Density Residential with a transitional area of R3 Medium Density Residential to the east and south-east, and an area of land zoned B4 Mixed use to the south-west, under the Parramatta LEP 2011.

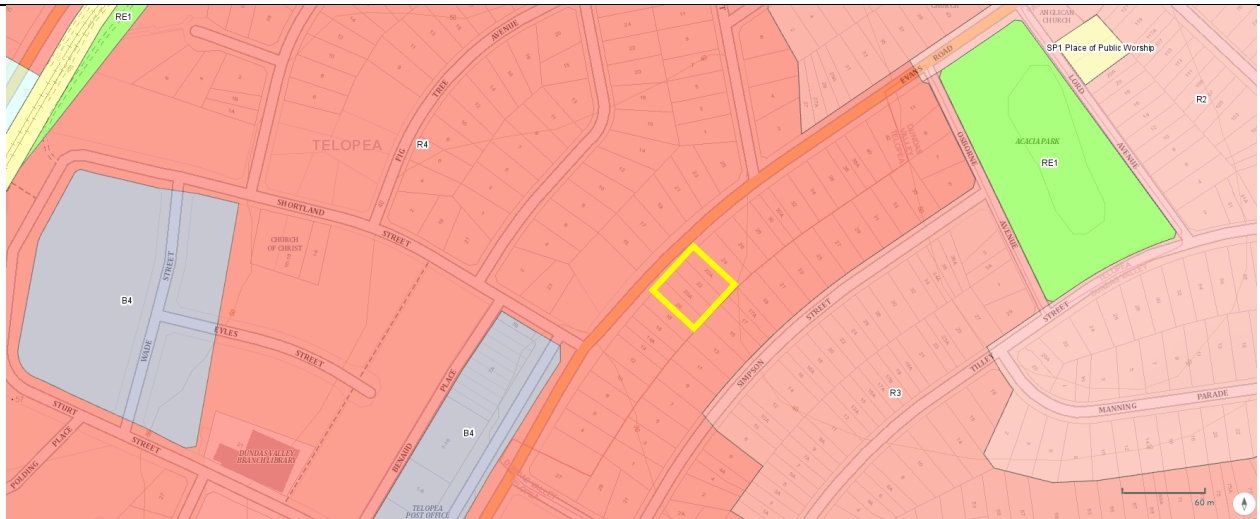


Figure 8: Zoning of the broader area

Maximum Height and Maximum Gross Floor Area controls

The key controls defining the permitted size of a building are the height of buildings and floor space ratio controls contained in Clause 4.3 and 4.4 of the Parramatta LEP 2011. This sites within the Evens Road R4 zoned area have varying maximum building heights of 11, 15, 19 and 28 metre (which equates to 3, 4, 5, and 8 storeys in the high-density residential context and limited by the Parramatta DCP 2011).

The sites to the north of the subject site share this same height, while sites to the south along Evans Road have a height of 28m with site across Evans Road having a height of 28m and decreases to 19m and then 15m and 11m towards the north.

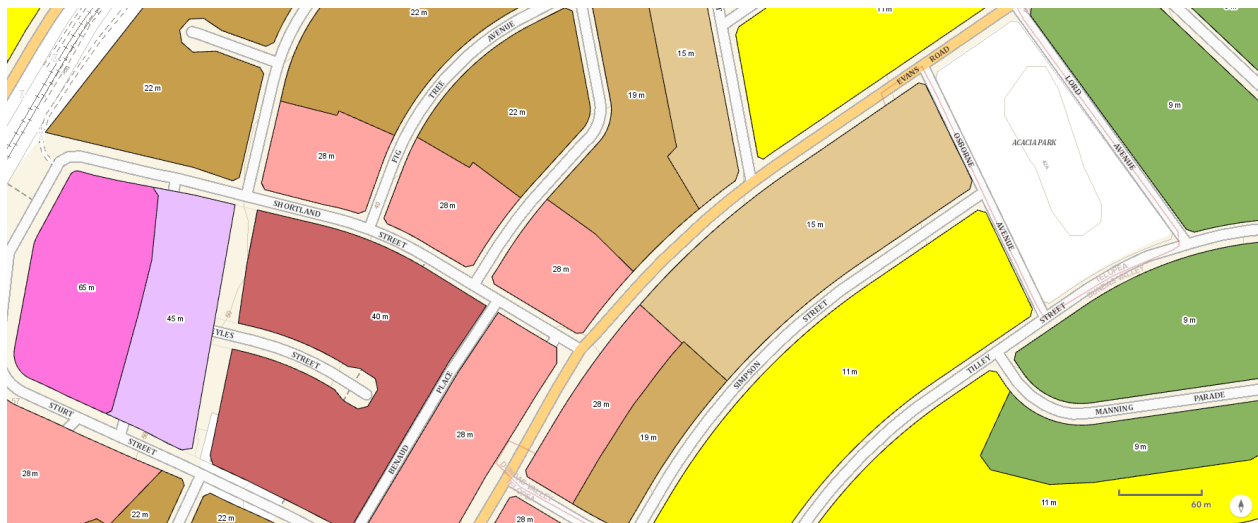


Figure 10: Extract of Building Height as per Parramatta LEP 2011.

Figure 11 below, shows the maximum floor space ratio in the area to be consistent with the relative zones and heights respectively. In the R4 Zones, the FSR and the height dependently increase with one another.

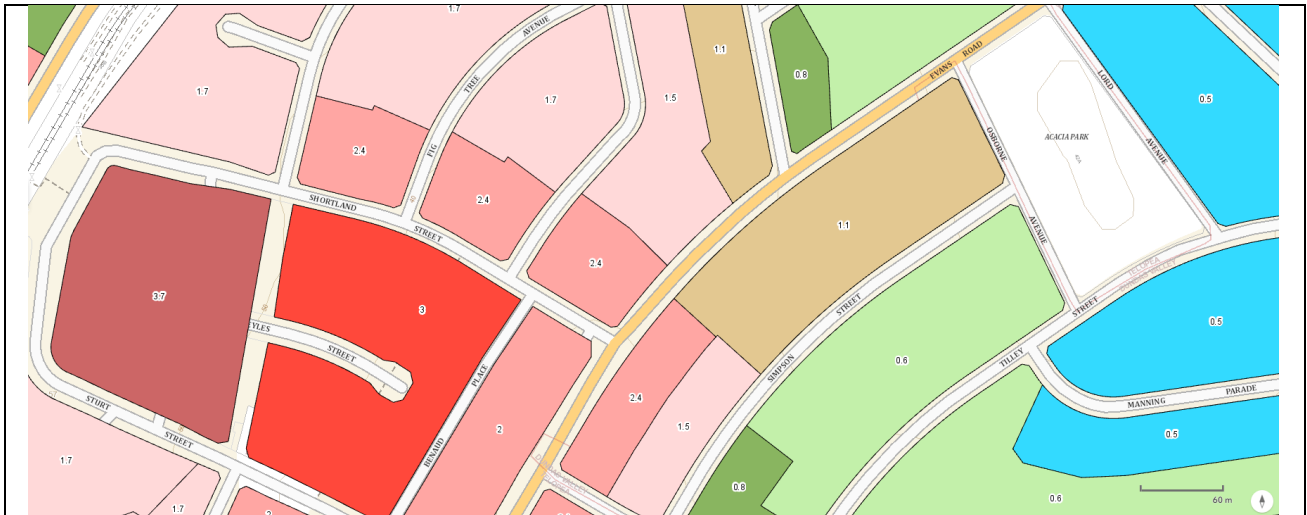


Figure 11: Extract of FSR as per Parramatta LEP 2011

The subject site has a maximum floor space ratio of 1.1:1 with increasing floor space ratios to the south and west. R3 zones in the north and east have a flat 0.6:1.

The subject site has a maximum building height of 15m and a FSR of 1.1:1, or 1.6:1 with the bonus provided by the SEPP (affordable rental housing) 2009. The proposed development complies with these standards having a building height of 14.99m and an FSR of 1.25:1.

In terms of setbacks and general building envelope controls applying to the site, these are defined principally by the Apartment Design Guide and controls laid out in Part 4.3 of the Telopea Precinct in the Parramatta DCP 2011.

This control, along with the zoning and height controls, shows the subject site is likely to have development of a similar nature and scale to the sites around it, being a 4 storey residential flat building, which is an increasing pattern in the area. The current proposal satisfies the requirements for building height and FSR (inclusive with the bonus provided by the SEPP (affordable rental housing) 2009) and will be consistent with the future character envisaged for the area.

Setbacks and other building envelope controls

Part 4.3 of the Telopea Precinct in the Parramatta DCP 2011 provides envelope controls for residential flat buildings within the R4 zones (Figure 12) being:

- 24 metre site frontage;
- A 4-6 metre setback to Evens Road;
 - Side setbacks of 3 metres for part of the length of the building and 6m to windows of habitable rooms;
- Rear setback of 10m or 15% of the site length (whichever is greater);
- 30% of the site area as deep soil with at least half of it in the rear

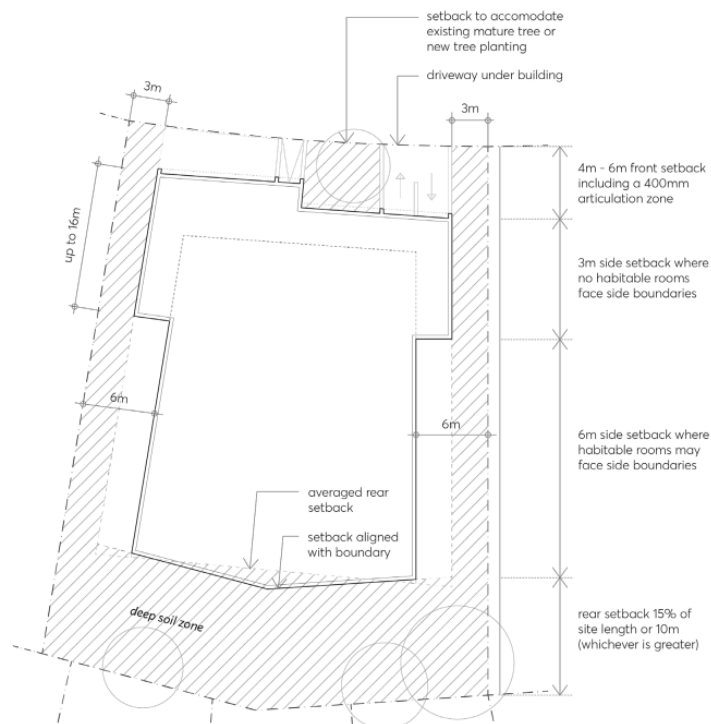


Figure 11: Extract of building envelope controls from the DCP.

The development form expected from the above is in the form of a medium scale residential flat building in a landscaped setting with large deep soil zone in the rear designed to create a contiguous deep soil network formed with adjacent lots.

The proposed development satisfies the setback and building footprint controls as outlined above with a front setback of 4.3m, a side setback of 3.3m and 6m, and a rear building setback of 10m. The basement carparking does extend into the rear deep soil area, however, compliance with the required 30% deep soil is nearly achieved with a short fall of only 2.28% (38.6m²). This minor variation is acceptable.

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

The Land and Environment Court planning principle on “compatibility with context” as established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

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

Physical impacts generally include privacy, overshadowing, visual bulk and compatibility in the streetscape.

The development does not have a detrimental impact on the privacy of the adjoining neighbours as it complies with required setbacks in the DCP and the ADG with the exception of unit G06 on the fifth storey. The ADG requires a fifth storey habitable area to be setback 4.5m and the proposed setback is only 3m. To ameliorate this, an obscured window has been used for the master bedroom and a privacy screen is on the second bedroom. The Bulk and scale of the building satisfies the objectives of the LEP, DCP and ADG.

It is considered that in the current environment, the site is not constrained by developments on the immediately adjoining sites as no applications have been lodged, or approvals granted, to high density residential developments. The proposal provides compliant setbacks and will not constrain any potential development on the western sites.

The development is able to provide the required setbacks as envisioned by the planning controls in a high-density residential environment.

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

Historic and recent development in the precinct, and the planning controls applying to the precinct, seek a form of development where the buildings are multi-unit developments with appropriate setbacks between buildings.

The form proposed is consistent with the character intended in an R4 zone and Part 4.3 *Telopea Precinct* of the DCP.

Part 4.3 *Telopea Precinct* of the DCP intends for this type of development to populate the area in order to allow for the renewal of housing stock. The DCP encourages the amalgamation of lots where possible, and this development meets those objectives.

In conclusion, the height and number of storeys of the building, combined with the additional floor space ratio provided under SEPP (Affordable Rental Housing) 2009 will result in a development consistent with the high density character emerging and envisaged in this area.

In summary, the development is generally compliant with the numerical controls of the ARH SEPP, while also meeting the character of the local area and is therefore supported.

2.10 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), aims to improve the design quality of residential apartment buildings across NSW. It applies to development with 4 or more units and 3 or more storeys. In determining the application, Council is required to consider:

- The advice (if any) obtained from a design review panel
- The design quality of the development when evaluated in accordance with the nine design quality principles and
- The design quality assessed against the Apartment Design Guide (ADG).

This assessment demonstrates that the design response to the site is appropriate to its context and meets the controls in the SEPP and the design criteria of the ADG.

Design Quality Principles

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The proposal is considered to respond to and enhance the qualities of the area including the adjacent sites streetscape and neighbourhood.</p> <p>The development (as amended) is considered to satisfy this principle.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
<p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The built form bulk and siting is acceptable and meets the requirements of the LEP, DCP and ADG. The building, while currently much larger than the existing surrounding context, the intended future character is to be of a similar scale.</p> <p>The development is considered to satisfy this principle.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The form and massing of the proposed building is akin to a high-density residential development and has been architecturally designed to sit comfortably within the streetscape. A mix of well-articulated façade elements, setbacks and landscape planting will ensure a sympathetic relationship between the form and massing of the proposed building, the site conditions and surrounding development.</p> <p>The development is considered to satisfy this principle.</p>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>A suitable BASIX Certificate has been supplied with the amended plans, which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential properties receive sufficient solar access.</p> <p>The agreement to the installation of dual reticulation pipes as well as electric vehicle infrastructure will ensure a positive environmental outcome.</p> <p>The development is considered to satisfy this principle.</p>
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved</p>	<p>Viable, sustainable landscaping is proposed within the communal open space areas and along the perimeters of the site.</p> <p>The development is considered to satisfy this principle.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
<p>by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.</p>	
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal has been designed to reduce crime risk and opportunities for crime.</p> <p>The development is considered to satisfy this principle.</p>
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of</p>	<p>The proposed development provides housing choice which meets the needs of the community now and into the future.</p> <p>The development is considered to satisfy this principle.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
communal spaces for a broad range of people and providing opportunities for social interaction among residents.	
Aesthetics <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	The design development of the proposal is supportive and is resulting in an interesting series of buildings that will enhance the neighbourhood.

Apartment Design Guide (ADG)

The SEPP also requires the Consent Authority to take into consideration the requirements of the ADG with regard to the proposed residential apartment building. The following table addresses the relevant matters.

Clause	Proposal	Compliance												
Part 2 - Development Controls Note: This part explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls. It is used here only to ascertain degrees of compliance with the most applied controls under Parts 3 and 4 later in this table.														
2E - Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	<p>The proposed building ranges in depth from 7m to 8.8m.</p> <p>The proposed building depth allows for appropriately sized rooms with sufficient solar access and natural ventilation. Further, the building will not appear to be overly dominant or out of character with the surrounding environment or the desired future character.</p>	Yes												
2F - Building Separation As the Building is in and surrounded by an R4 zone, half the distance should be provided as the adjoining site provides the other half. Minimum separation distances for buildings up to 4 storeys should be: <ul style="list-style-type: none"> 12m between habitable rooms / balconies 	<p>All Elevations contain habitable rooms.</p> <table border="1"> <thead> <tr> <th>Separation</th><th>Control</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>Rear</td><td>6m</td><td>10m</td></tr> <tr> <td>North</td><td>6m</td><td>6m</td></tr> <tr> <td>South</td><td>6m</td><td>6m</td></tr> </tbody> </table>	Separation	Control	Proposed	Rear	6m	10m	North	6m	6m	South	6m	6m	Yes
Separation	Control	Proposed												
Rear	6m	10m												
North	6m	6m												
South	6m	6m												

Clause	Proposal	Compliance												
<ul style="list-style-type: none"> 9m between habitable / balconies and non-habitable rooms 6m between non-habitable rooms. <p>Minimum separation distances for buildings up to 5 storeys (unit G06) should be:</p> <ul style="list-style-type: none"> 18m between habitable rooms / balconies 12m between habitable / balconies and non-habitable rooms 9m between non-habitable rooms. 	<table border="1"> <thead> <tr> <th>Separation</th><th>Control</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>Rear</td><td>9m</td><td>N/A</td></tr> <tr> <td>North</td><td>9m</td><td>N/A</td></tr> <tr> <td>South</td><td>9m</td><td>6m</td></tr> </tbody> </table> <p>With Unit G06 on the fifth storey, the habitable area should be setback 9m and the proposed setback is only 3m.</p> <p>The proposed development achieves the aims of section 2F regarding appropriate massing, building spacing, sunlight and deep soil.</p> <p>With appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access achieved, the variation to building separation is acceptable.</p>	Separation	Control	Proposed	Rear	9m	N/A	North	9m	N/A	South	9m	6m	No, Variation is acceptable
Separation	Control	Proposed												
Rear	9m	N/A												
North	9m	N/A												
South	9m	6m												
2G – Street Setbacks <p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none"> Define a future streetscape with the front building line Match existing development Step back from special buildings Retain significant trees In centres the street setback may need to be consistent to reinforce the street edge Consider articulation zones accommodating balconies, landscaping etc. within the street setback Use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street Manage corner sites and secondary road frontages 	<p>It is considered that the proposed building is of a adequate architectural quality and will define the street frontage for this portion of Evans Road. The building is well-articulated at all levels, with a mix of balcony elements and façade treatments.</p> <p>The proposed building will sit within a landscaped setting, creating opportunities for lower-level planting and an active street frontage.</p>	Yes												
Part 3 - Siting the Development <p>This part provides guidance on the design and configuration of apartment development at a site scale. Objectives, design criteria and design guidance outline how to relate to the immediate context, consider the interface to neighbours and the public domain, achieve quality open spaces and maximise residential amenity. It is to be used during the design process and in the preparation and assessment of development applications</p>														
3B Orientation <p>Building types and layouts respond to the streetscape and site while optimising solar</p>	<p>The building layout has been orientated to predominantly face Evans Road and is not out</p>	Yes												

Clause	Proposal	Compliance																																	
access and minimising overshadowing of neighbouring properties in winter.	of character with the future desired streetscape.																																		
3C Public domain interface Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	The building has well defined private and communal open spaces that transition adequately from the public domain.	Yes																																	
3D Communal & public open space Provide communal open space to enhance amenity and opportunities for landscaping & communal activities. <ul style="list-style-type: none"> Provide communal open space with an area equal to 25% of site Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June. 	The ADG requires that the site provide 25% (423.1m ²) as communal open space. 25.26% (427.53m ²) provided at the rear of the site 50% of the usable area of communal open space achieves direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June. Equitable, clear and safe access to all communal open space is accessible to all residents. The size, location and design of the proposed communal open space provides a functional, landscaped area which encourages social interaction for future occupants.	Yes																																	
3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. <ul style="list-style-type: none"> Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 6m. 	7% (118.5m ²) of the site area is to be deep soil. The development has provided 27.72% (469.2m ²) of deep soil zones throughout the site. This is considered satisfactory.	Yes																																	
3F Visual Privacy Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table border="1" data-bbox="156 1720 675 1944"> <thead> <tr> <th>Building Height</th><th>Habitable rooms & balconies</th><th>Non habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	<table border="1" data-bbox="699 1563 1260 1697"> <thead> <tr> <th></th><th>Control</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>Rear</td><td>6m</td><td>6m</td></tr> <tr> <td>East</td><td>6m</td><td>6m</td></tr> <tr> <td>West</td><td>6m</td><td>6m</td></tr> </tbody> </table> <table border="1" data-bbox="699 1758 1260 1892"> <thead> <tr> <th>Separation</th><th>Control</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>Rear</td><td>9m</td><td>N/A</td></tr> <tr> <td>North</td><td>9m</td><td>N/A</td></tr> <tr> <td>South</td><td>9m</td><td>6m</td></tr> </tbody> </table> With Unit G06 on the fifth storey, the habitable area should be setback 9m and the proposed setback is only 3m.		Control	Proposed	Rear	6m	6m	East	6m	6m	West	6m	6m	Separation	Control	Proposed	Rear	9m	N/A	North	9m	N/A	South	9m	6m	Yes
Building Height	Habitable rooms & balconies	Non habitable rooms																																	
Up to 12m (4 storeys)	6m	3m																																	
up to 25m (5-8 storeys)	9m	4.5m																																	
	Control	Proposed																																	
Rear	6m	6m																																	
East	6m	6m																																	
West	6m	6m																																	
Separation	Control	Proposed																																	
Rear	9m	N/A																																	
North	9m	N/A																																	
South	9m	6m																																	

Clause	Proposal	Compliance
	<p>To ameliorate any privacy impacts, an obscured window has been used for the master bedroom and a privacy screen is on the second bedroom.</p> <p>Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved.</p>	
3G Pedestrian Access & entries Pedestrian access, entries and pathways are accessible and easy to identify.	The development proposes a pedestrian entry to the building from Evans Road. The entry is accessible and well defined.	Yes
3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	<p>Vehicle access and egress is proposed to be provided toward the south-western corner of the site.</p> <p>The proposal provides for well-designed and safe vehicle and pedestrian access and loading area.</p>	Yes
3J Parking Provisions. <u>Car parking</u> For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less. <u>Bicycle Parking</u> Provide adequate motorbike, scooter and bicycle parking space (undercover).	<p>The development is located within 800m of a future Parramatta Light Rail stop and provides the minimum required car parking spaces in accordance with Clause 14(2)(a)(i) of SEPP (Affordable Rental Housing) 2009.</p> <p>29 bicycle spaces are required and provided including 2 electric bicycle charging station</p>	Yes
Part 4 - Designing the Building This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications		
4A Solar & 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. No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.	<p>At least 3 hours of solar access is provided to the living rooms and POS of 74% of dwellings (ie. 20 out of 27 dwellings), between 9am and 3pm midwinter</p> <p>4 out of 27 units (14.8%) do not receive sunlight at mid-winter The BASIX Certificate is included with the application demonstrating that the proposal achieves required thermal comfort levels. Materials and finishes which incorporate</p>	Yes

Clause	Proposal	Compliance
Design should incorporate shading and glare control, particularly for warmer months	shading and glare control measures including awnings are proposed.	
4B Natural Ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	17 units (63%) out of 27 units achieves natural cross ventilation.	Yes
4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.	Minimum floor to ceiling height for all units is 2.7m.	Yes
4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom: <ul style="list-style-type: none"> • Studio = 35m² • 1 bedroom = 50m² • 2 bedroom = 70m² • 3 bedroom = 90m² • 4 bedroom = 102m² 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. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window. Master bedrooms – minimum area 10m ² Excluding wardrobe spaces. Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	The proposed apartments have the following minimum internal areas: <ul style="list-style-type: none"> • Studio: 45m² • 1 bed units: 53m² - 63m² • 2 bed units: 72m² – 83m² All of the apartments exceed the minimum requirements. All habitable rooms have a window compliant with the rates. All habitable room depths are no greater than 8m from a window. The master bedrooms, where proposed, have a minimum area of 10m ² , excluding wardrobe space. Living rooms/combined living/dining area have a minimum 4m width for 2 and 3 bedrooms, respectively.	Yes

Clause	Proposal	Compliance																		
<p>4E Private Open Space and balconies</p> <p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Min area</th><th>Min depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>N/A</td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr><tr><td>Ground or podium</td><td>15m²</td><td>3m</td></tr></table>	Dwelling type	Min area	Min depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	Ground or podium	15m ²	3m	<p>The proposed apartments have the following minimum balcony areas:</p> <ul style="list-style-type: none">• Studio: 41m²• 1 bed units: 8m²• 2 bed units: 10m² <p>All of the apartments also exceed the minimum requirements for balcony depth. Balconies meet the minimum size requirements.</p> <p>Ground level courtyards meet the required 15m² and minimum dimensions.</p>	<p>Yes</p>
Dwelling type	Min area	Min depth																		
Studio apartments	4m ²	N/A																		
1 bedroom	8m ²	2m																		
2 bedroom	10m ²	2m																		
3+ bedroom	12m ²	2.4m																		
Ground or podium	15m ²	3m																		
<p>4F Common circulation and spaces.</p> <p>The maximum number of apartments off a circulation core on a single level is 8.</p>	<p>The development proposes a maximum of seven (7) units to be accessed from the circulation space.</p>	<p>Yes</p>																		
<p>4G Storage</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table><tr><th>Dwelling type</th><th>Storage volume size</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom apt</td><td>6m³</td></tr><tr><td>2 bedroom apt</td><td>8m³</td></tr><tr><td>3 + bedroom apt</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage volume size	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	<p>The storage provided consists of both storage space within the units and storage cages within the basement.</p> <p>In each unit, more than 50% of the storage is provided within the apartment.</p>	<p>Yes</p>								
Dwelling type	Storage volume size																			
Studio	4m ³																			
1 bedroom apt	6m ³																			
2 bedroom apt	8m ³																			
3 + bedroom apt	10m ³																			
<p>4H Acoustic privacy</p> <p>Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.</p> <p>Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>Appropriate acoustic privacy will be provided for each apartment. Living rooms and balconies have generally been orientated away from res areas.</p> <p>Noisy areas within buildings (such as the entrance) are not located next to bedrooms.</p>	<p>Yes</p>																		
<p>4K Apartment mix</p>		<p>Yes</p>																		

Clause	Proposal	Compliance
A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.	<p>The development has incorporated the following apartment mix:</p> <ul style="list-style-type: none"> • Studio (3.7%) • 1 Bedroom (29.6%) • 2 Bedroom (66.7%). <p>The proposed development provides housing choice which meets the needs of the community now and into the future.</p>	
<p>4M Facades</p> <p>Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p> <p>Building facades are expressed by the façade.</p>	<p>The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass. The development will reinforce the desired future character of the area and enhance the amenity of the locality.</p>	Yes
<p>4N Roof design</p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Opportunities to use the roof space for residential accommodation and open space are maximised.</p> <p>Roof design incorporates sustainability features.</p>	<p>The development has proposed a flat roof which is integrated with the overall development. All plant equipment is adequately screened and located toward the centre of the roof.</p>	Yes
<p>4O Landscape design</p> <p>Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable</p>	<p>622.6m² (36.78% of site area)</p> <p>A total of 622.6m² of landscaped areas are provided throughout the site. In addition, a total of 469.2m² of deep soil landscaping is proposed along the rear setback area.</p> <p>Viable, sustainable landscaping is proposed within the communal open space areas and along the perimeters of the site.</p> <p>The majority of proposed species are appropriate locally endemic species.</p> <p>Council's Landscape Management Officer has advised that the proposed landscaping scheme is satisfactory.</p>	Yes
<p>4P Planting on structures</p> <p>Appropriate soil profiles are provided.</p>	<p>Planter boxes are proposed above the basement car park footprint. Soil profiles have been provided.</p>	Yes

Clause	Proposal	Compliance
	Council's Management Landscape Officer has reviewed the proposed planting scheme and has raised no objection.	
4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	The development complies with solar access and natural ventilation requirements. A BASIX certificate is submitted with the application which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.	Yes

2.11 Parramatta Local Environmental Plan 2011 (PLEP 2011)

The following is an assessment of the proposed development against the applicable provisions of Parramatta Local Environmental Plan 2011 (PLEP 2011).

Clause 1.2 Aims of Plan

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage a range of development, including housing, employment and recreation, that accommodates the needs of the existing and future residents, workers and visitors of Parramatta,*
- (b) to foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city,*
- (c) to identify, conserve and promote Parramatta's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,*
- (d) to improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling,*
- (e) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,*
- (f) to protect and enhance the natural environment, including areas of remnant bushland in Parramatta, by incorporating principles of ecologically sustainable development into land use controls,*
- (g) to improve public access along waterways where natural values will not be diminished,*
- (h) to enhance the amenity and characteristics of established residential areas,*
- (i) to retain the predominant role of Parramatta's industrial areas,*
- (j) to ensure that development does not detract from the economic viability of Parramatta's commercial centres,*
- (k) to ensure that development does not detract from the operation of local or regional road systems,*
- (l) to ensure development occurs in a manner that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependant ecosystems,*
- (m) to protect and enhance the viability, identity and diversity of the Parramatta City Centre and recognise it as the pre-eminent centre in the Greater Metropolitan Region,*
- (n) to encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.*

The proposed development of a residential development of this scale will ensure the needs of existing and future residents of Parramatta are met.

The subject site is of sufficient size and location to provide required services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding properties and is ideally located close to public transport links, services and facilities.

It is considered that the development satisfactorily meets the aims of the plan.

Clause 2.3 Zone objectives and Land Use Table

The site is zoned R4 High Density Residential. The aims and objectives for the R4 High Density Residential zone in Clause 2.3 – Zone Objectives are as follows:

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

The proposal is consistent with these objectives, being for a residential development in an area of the LGA where such uses are permitted within the zoning.

Standards and Provisions	Compliance
Part 4 Principal development standards	
Cl. 4.3 Height of buildings Allowable: 15m Proposed: 14.99m	Complies
Cl. 4.4 Floor Space Ratio FSR: 1.1:1 (1861.64m ²) <u>Bonus FSR (SEPP ARH 2009):</u> <u>0.5:1 (GFA 846.2m²)</u> FSR with bonus: 1.6:1 (GFA 2,707.84m ²) Proposed FSR: 1.25:1 (GFA 2,120.6m ²)	Complies
Cl. 4.6 Exceptions to Development Standards	A Variation to a development standard is not proposed.
Part 5 Miscellaneous provisions	
Cl. 5.10 Heritage conservation	The site is not identified as a heritage item and is not located within a heritage conservation area.
Cl. 5.21 Flood Planning	The site is not identified as being flood prone.
Part 6 Additional local provisions	
Cl. 6.2 Earthworks	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on

	<p>environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>Associated earthworks to create a level building platform and enable the construction of the basement car park are proposed. This will result in up to 3.6m in cut throughout the site.</p> <p>The scale and location of the proposed earthworks will not adversely affect the visual quality and amenity values of the site given the earthworks are localised to the vicinity of the site and are largely required to create a foundation for building works, access and the proposed car park. The proposed earthworks will not change the line of the landscape.</p> <p>In addition, adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.</p> <p>The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>
Cl. 6.12 Design Excellence Telopea precinct	See assessment below.
Cl. 6.16 Height of Buildings for certain land in the Telopea Precinct	<p>The subject site is identified as being located within the Telopea Precinct on the Key Sites Map in the PLEP 2011. As such, Clause 6.16(3) is applicable to the site. Clause 6.16 states that:</p> <p><i>(3) Despite clause 4.3, the maximum height for a building on land identified as “Telopea Precinct” on the Key Sites Map may exceed the maximum building height identified for that land on the Height of Buildings Map, but only if the consent authority is satisfied that—</i></p> <p><i>(a) the building is in Zone B4 Mixed Use or Zone R4 High Density Residential, and</i></p> <p><i>(b) any additional height that exceeds the maximum will be used for or in relation to an open rooftop, and</i></p> <p><i>(c) there will be no additional overshadowing.</i></p> <p>The proposal does not exceed the height control and will not be used for an open roof top terrace, as such this Clause is not relevant to the assessment of this Development Application.</p>
Cl. 6.18 Development requiring the preparation of a Development Control Plan	<p>The subject site is identified as being located within the Telopea Precinct on the Key Sites Map in the PLEP 2011. As such, Clause 6.18 is applicable to the site. Clause 6.18 required the preparation of a Development Control Plan specific to the Telopea Precinct.</p> <p>Development Control Plan for the Telopea Precinct came into effect on 25 October 2021 and is contained within Section 4.3.9 of Parramatta Development Control Plan 2011 (PDCP 2011). An assessment of the proposal against this Section of the PDCP 2011 is detailed below.</p>
Cl. 8.1 Arrangements for Designated State Public Infrastructure	<p>The subject site is identified as being located within the Intensive Urban Development Area on the Intensive Urban Development Area Map in the PLEP 2011. As such, Clause 8.1 is applicable to the site. Clause 8.1 states:</p> <p><i>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</i></p>

	<p>(2) <i>Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.</i></p> <p>(3) <i>This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).</i></p> <p>Department of Planning and Environment has reviewed the proposal and have issued a Secretary's Certificate certifying that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.</p>
Cl. 8.2 Public Infrastructure	<p>The subject site is identified as being located within the Intensive Urban Development Area on the Intensive Urban Development Area Map in the PLEP 2011. As such, Clause 8.2 is applicable to the site. Clause 8.2 states:</p> <p><i>(1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</i></p> <p>The public utility infrastructure that is essential for the proposed development is available and thus consent for the proposal can be granted..</p>

Clause 6.12: Design Excellence Telopea Precinct

The subject site is identified as being located within the Telopea Precinct on the Key Sites Map in the PLEP 2011. As such, Clause 6.12 is applicable to the site. Clause 6.12 states that:

- (3) *Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*

The following matters are listed in the PLEP, which the consent authority must have regard to:

Requirement	Comment
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposed development has been designed by DEM Architecture and accompanied by a Design Statement, and SEPP 65 Statement. The Design Excellence Advisory Panel has reviewed the proposal and provided comments. The applicant has addressed the comments an
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The proposed development responds to the existing and future local context. The quality and amenity of the public domain will be improved.
(c) whether the development detrimentally impacts on view corridors,	The proposed development is not considered to impact on any view corridors.
(d) whether the development detrimentally impacts on any land protected by solar	Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential

access controls established in the Parramatta Development Control Plan,	properties receive sufficient solar access and comply with the requirements of the PDCP 2011.
(e) the requirements of the Parramatta Development Control Plan,	An assessment of the proposal the PDCP 2011 is detailed below.
(f) how the development addresses the following matters—	
(i) the suitability of the land for development,	The proposed development is considered to be a suitable development for the site, being permissible in the zone.
(ii) existing and proposed uses and use mix,	The proposed use is consistent with the zoning and surrounding development.
(iii) heritage issues and streetscape constraints,	N/A
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposed development is adequately setback from neighbouring sites. Neighbouring amenity is maintained.
(v) bulk, massing and modulation of buildings,	The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass
(vi) street frontage heights,	The proposed achieves the required street frontage heights as identified in the LEP and DCP.
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	The development complies with solar access and natural ventilation requirements.
(viii) the achievement of the principles of ecologically sustainable development,	A BASIX certificate is submitted with the application which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	Vehicle access and egress is proposed to be provided toward the south-western corner of the site. The proposal provides for well-designed and safe vehicle and pedestrian access and loading area.
(x) the impact on, and any proposed improvements to, the public domain.	The proposed design ensures that the building positively contributes to the physical definition of the public domain.

3. Draft Environmental Planning Instruments

The Draft Parramatta Local Environmental Plan 2020 was placed on public exhibition from 31 August 2020 to 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

Whilst the draft LEP must be considered when assessing this application under Clause 4.15 (1) (a) (ii) of the Environmental Planning & Assessment Act 1979, the LEP is neither imminent nor certain and therefore limited weight has been placed on it.

Control	PLEP 2011	Draft LEP 2022
Zoning	R4 High Density Residential	R4 High Density Residential
Height	15m	15m
FSR	1.1:1	1.1:1

There are no changes proposed under the draft LEP that amend key development standards applicable to the site. As such, the proposal is consistent with the provisions of this draft LEP in the same manner as the current LEP 2012.

4. Development Control Plans

4.1 Parramatta Development Control Plan 2011 (PDCP 2011)

The subject site is identified as being located within the Telopea Precinct, as such Part 4.3 (Strategic Precincts) of the PDCP 2011 is applicable. Part 4.3 (Strategic Precincts) of the PDCP 2011 contains specific provisions which relate to the subject site and prevail where there is any inconsistency with other sections of the PDCP 2011.

Development controls	Compliance
Part 3 Development Principles	
3.4.5 Housing Diversity and Choice Unit Mix 3 bedroom 10% - 20% 2 bedroom 60% - 75% 1 bedroom 10% - 20%	Non-compliant, but acceptable. 0 x 3 bedroom (0%) 11 x 2 bedroom (40.74%) 16 x 1 bedroom (59.25%) NSW LAHC has advised that the current unit mix proposed is required based on LAHC's social housing portfolio demand. As the development is for the purposes of providing social housing, the non-compliance is acceptable.
Part 4 Special Precincts	
4.3.9 Telopea Precinct	
4.3.9.1 Traffic and Transport <u>Vehicle Access</u> <i>Affordable and social housing parking</i> Minimum car parking rates as per the relevant State Environmental Planning Policy. <i>Bicycle Parking</i> Minimum 29 bicycle spaces required. <i>Electric Vehicle Charging Infrastructure</i> Minimum 3 electrical bicycle spaces required.	Complies – The proposed driveway has been located to the western corner of the site to ensure impacts to the existing services within the road services are minimised. The driveway can enable vehicles to enter and exit the basement carpark in a forward direction. Complies – Minimum 12 car parking spaces have been provided in accordance with SEPP (ARH) 2009 requirements. Complies – Minimum 29 bicycle spaces have been provided, including 2 electric bicycle spaces. Non-compliant, but acceptable – The Telopea Precinct DCP requires 2 visitor bicycle spaces to be provided by the proposed development. These spaces have been provided in the form of electric bicycle spaces. The remaining bicycle spaces (i.e. 27 bicycle spaces) are not shared and have been provided for each residential dwelling in the form of individual bicycle storage rooms. In this regard, the

<p>All residential and visitor car parking spaces must be provided Electric Vehicle (EV) Ready Connections.</p>	<p>provision of 2 electric bicycle spaces is considered acceptable.</p> <p>Non-compliant, but acceptable – 12 parking spaces provided, with none of these spaces containing EV charging.</p> <p>However, LAHC agrees to install electrical infrastructure within the development for the future provision of EV Connection for parking spaces, in accordance with the DCP. Council is satisfied with the outcome and this has been conditioned accordingly.</p>
<p>4.3.9.2 Development and Design <u>Street Frontages and Access</u> C.18 Buildings must:</p> <ol style="list-style-type: none"> address a street. be articulated with depth, relief and shadow on the street façade. A minimum relief of 150mm between the masonry finish and glazing face must be achieved. Utilise legible architectural elements and spatial types such as doors, windows, loggias, reveals, pilasters, sills, plinths, frame and infill. Plinths are particularly encouraged in Telopea so that the topography is emphasised. <p><u>Development within Precincts</u> C.2 Development of a residential flat building should have a minimum site frontage of 24 metres, except 18 metres for sites with two street or lane frontages.</p> <p>C.3 New development must provide between a 4 to 6 metre setback to the street as outlined in Figure 4.3.9.4.</p> <p>C.4 The minimum setback to the side boundaries is 3 metres for part of the length of the building. Where apartments habitable rooms only face the side boundary, allow a 6 metre wide side setback, as outlined in Figure 4.3.9.4.</p> <p>C.5 The rear setback is to be a minimum of 10 metres or 15% of the total length of the site as measured from centre of the rear boundary (whichever is the greater), as shown in Figure 4.3.9.4. The setback can be averaged to align with the building footprint where the rear alignment is not regular.</p> <p>C.7 30% of balconies or architectural elements such as bay windows, may project up to 400mm into front building setbacks only.</p> <p>C.8 Provide a minimum of 30% of deep soil zone on the site area, with the following requirements:</p> <ol style="list-style-type: none"> A minimum of half of the total deep soil area is located at the rear of the site. 	<p>Complies</p> <p>Complies – 43.5m (approx.) site frontage</p> <p>Complies – Minimum 4.3m front setback (including articulation zones)</p> <p>Complies – 3.3m (north-east POS) 6m (north-east habitable) 6m (south-west habitable & POS)</p> <p>Complies – Minimum 10m (25%) rear setback provided.</p> <p>N/A Whilst front balconies are provided, none encroach within the front setbacks.</p> <p>N/A - SEPP (ARH) 2009 requires the minimum deep soil to be 15% of the total site area. The development provides approximately 27.72% (469.2m²) of deep soil and complies with SEPP (ARH) 2009. It is noted that the deep soil proposed achieves near</p>

<p>b. A minimum of 7% of the total site area which is provided as deep soil area shall be designed to have a minimum dimensions of 6 metres (or greater). The remaining deep soil areas shall provide minimum dimensions of 4 metres (or greater). Noting that a deep soil with a minimum dimension of less than 4 metres does not contribute to the deep soil calculation.</p> <p>C.9 Deep soil should be designed to create a contiguous deep soil network formed with adjacent lots.</p> <p>C.10 Removal of existing trees should be avoided, and new trees should be planted, as detailed in Section relating to Tree Preservation and Enhancement of this DCP.</p> <p>C.11 Where significant excavation is required as part of new development, it must be demonstrated that deep soil back fill must comprise constructed horticultural soil profiles in order to support local vegetation communities.</p> <p>C.12 Basements are to be located predominately under the footprint of the building, as shown in Figures 4.3.9.5 and 4.3.9.6. As detailed in the Design Principles for Sloping Sites contained in this DCP, there may be conditions where basements may extend into the front setback to avoid raising from ground at the rear and/or extending into the rear setback.</p> <p>C.13 Basement car parking entries are encouraged to be located under the apartment building as shown in Figures 4.3.9.6 and 4.3.9.7. Any above ground car parking structures should be of a solid, masonry construction. Vents to car parking must not be located at the street frontage.</p> <p>C.14 Basement car parking structures should be predominantly located below existing ground level. Where the slope conditions mean this is unachievable, the basement structures may project to a maximum of 1 metre above ground, except within the front setback where it may project up to 1.5m above ground where it helps prevent re-grading the site in other locations (see Figure 4.3.9.5 Indicative Street Section).</p> <p>C.15 Front setbacks are to be landscaped. Where trees are located in the front setback above a basement structure, a minimum soil depth of 1</p>	<p>compliance to the requirements of the Telopea Precinct DCP.</p> <p>Complies – Substantial amount of deep soil at the year is provided to form a contiguous deep soil network.</p> <p>Complies – Council's Landscape Tree Management Officer raises no objections to the removal of trees required for development.</p> <p>N/A - Deep soil back fill is not proposed.</p> <p>Generally Complies – The Basement does extend outside the building foot print and into the rear between 3m-6m. As the proposal complies with landscaping deep soil requirements in the rear, the proposed basement is acceptable.</p> <p>Non-compliant, but acceptable – Given the slope of the site, if the driveway was to be relocated under the apartment building and set back 3m from the side boundary, additional excavation and a retaining wall structure would be required within the frontage which would impact the visual amenity of the development when viewed from the public realm. The variation to the driveway setback provides a better design outcome towards the public domain and is acceptable.</p> <p>Non-compliant, but acceptable Due to the sloped nature of the site, the basement does project more than 1.5m in the front. To reduce this, this would require further excavation and a steeper basement carparking driveway. In this instance, the proposed projection of the basement carparking is acceptable.</p> <p>As per the Design Excellence advisory Panels comments, the landscaping in the front setback has increased.</p>
---	--

metre above drainage layer is to be cut into the slab.	
C.16 Impervious surface at ground level must be minimised in all setback areas.	Complies
C.18 Development of 3 and 4 storeys should be designed as a street wall building.	Complies
C.19 Development of 5 and 6 storeys in height may be designed as a street wall building or provide one upper level storey setback of 3 metre from the building line, as outlined in Table 4.3.9.3.	Complies – The basement level at the front elevation could be considered as a storey and the south-west portion of the building is 5 stories. The proposal is designed as a street wall building.
C.23 Buildings are to occupy approximately 75% of the street frontage to maximise potential for apartments facing the street as outlined in Figure 4.3.9.7.	Reasonably Complies – 31m/71.59% (minor variation is acceptable)
C.24 Where the length of a perimeter building exceeds 50 metres, it is to be broken into two or more components. Building breaks should be a minimum of 3 metres deep and 3 metres wide.	N/A – the proposal is not a perimeter building.
C.25 Front fences are to be designed to: a. be articulated at any gates and visually permeable in part to enhance the feeling of address and passive surveillance along this edge of the development; b. be integrated with dividing masonry walls (or a combination of masonry and timber) between the private open spaces where the fences relate to individual apartments facing the street; c. be located on the front boundary and be designed to form a consistent edge along the street; d. Not be comprised of sheet metal; e. address the slope of the site by providing a masonry base with a minimum height of 300mm. This base should form a horizontal plinth with minimal stepping. Upper portions of the fence are to be made of open and lightweight material; and f. be made of open and lightweight material where located above retaining walls.	N/A – Front fences/gates not proposed
C.26 Retaining walls must: a. be located within the lot boundaries on all development lots or on the boundary if the land is within the same ownership; b. be designed in consultation with Council if adjoining existing or future Council owned land;	Complies – retaining walls on site satisfy the requirements of the DCP with the largest retaining wall just south of unit G06 having a compliant height of 1.5m.

<p>c. retain a horizontal line, with minimal stepping;</p> <p>d. vary to suit the topography with a maximum height of approximately 1500mm.</p> <p>e. be of fully masonry construction or a combination of masonry and timber</p> <p>f. utilise terracing where necessary to subtly manipulate the existing landscape, avoiding large areas of cut and fill.</p>	
<p>4.3.9.4 Sustainability <u>Dual Water Systems</u></p> <p><u>Urban Heat, Vertical Facades, Awnings, Heating and Cooling Systems – Heat Rejection, Green Roofs & Solar light reflectivity (glare)</u></p> <p><u>Water Sensitive Urban Design</u> The proposed development is considered to be in compliance with WSUD Strategy and demonstrates water efficiency.</p>	<p>Complies – Applicant has confirmed that a dual water system will be provided</p> <p>Complies – Solar panels are provided along the northern side of the roof area. Shading is provided by roofs over balconies, window awnings and building articulation. Given the small scale of the proposed development and that the predominant building material is brick, which is nonreflective, the proposed development is not considered likely to result in unacceptable glare.</p> <p>Supported subject to condition and special conditions.</p>

5. Contributions

In accordance with Council's *City of Parramatta (Outside CBD) Development Contributions Plan 2021*, a Section 7.11 Development Contribution is not required to be paid as the proposed development is for affordable (social) housing and is exempt under the plan.

6. The Environmental Planning and Assessment Regulations 2021

This application satisfies relevant clauses of the Regulation as follows:

Table 2: Relevant EPA Regulations

Clause 29	<p>The nominated documentation is provided being</p> <ul style="list-style-type: none"> ○ A design verification statement. ○ Relevant drawings and montages
Clause 69	<p>All building work will be carried out in accordance with the provisions of the Building Code of Australia.</p>

7. The likely impacts of the development

1.1 Site works

Excavation

The development includes the excavation of one level of basement for car parking. The geotechnical suitability of the site is considered suitable for the development.

Tree removal

The application proposes the removal of a number of trees from the site. The scheme makes satisfactory adequate arrangements for the re-landscaping of the private elements of the proposal.

Utility services

All utility services are available to the site by virtue of the existing development. Those services will be decommissioned / diverted as necessary to enable construction and would be augmented as nominated by the relevant service providers to satisfy the demands generated by this proposal.

1.2 Natural and technological hazards

Geotechnical

The proposal requires the excavation of one level of basement for parking. A geotechnical assessment was submitted with the application which indicates that the site is geotechnically suitable for the development,

1.3 Site design

Setbacks

The proposal achieves the required setbacks required by the DCP and ADG to the neighbouring residential allotments with the exception of unit 306 regarding the ADG, though appropriate treatments have been added to maintain privacy.

Presentation to Evans Road

Council's DEAP generally supported the proposal and the materials used subject to minor changes.

External materials

The schedule of external materials and finishes is satisfactory.

Accessibility

The application is supported by a technical report which concludes the proposal is able to achieve compliance with the requirements of the BCA and AS 4299, subject to resolution of nominated design matters.

Landscaping

Council's Tree Management and Landscape Officer is generally satisfied with the tree removal and landscape treatment.

1.4 Amenity considerations

Internal amenity

Generally, the internal amenity for the development is satisfactory noting the following:

- 100% of apartments benefit from cross ventilation;
- 63% of apartments receive more than 2 hours direct solar access between 9am and 3pm at midwinter
- Ceiling heights to habitable rooms are capable of achieving 2.7m.

Common open space

The primary common open space is located at the rear of the site. Overall, the development achieves the numerical requirements of the ADG for size (minimum 25% of the site area) and solar access (75% receiving 2 hours of solar access at midwinter).

1.5 Public domain

Built form relationship to public domain

The development would adequately address the public domain.

Public domain works

No additional public domain works are required as part of this application.

1.6 Relationship to adjacent sites

Overlooking

The proposal achieves the required separation distances as per the ADG with the exception of unit 306 though appropriate treatments have been added to maintain privacy.

Operational noise

The operational noise from the development would not be unreasonable within a high-density residential environment.

Lighting

Adequate lighting of street frontages will be necessary for pedestrian amenity and safety.

Boundary fence

The side and rear boundaries of the site will be provided with 1.8m high Colorbond metal panel fencing and screen planting.

1.7 Access, transport and traffic

Parking supply

The parking provided complies with the requirements of SEPP (Affordable Rental Housing) 2009.

Parking access and design

The geometry and design of parking areas and associated elements, including service areas, is satisfactory.

Construction Traffic

A Construction Traffic Management Plan was not provided with the application. A preliminary CTMP is required to consider, at a high level, the management of traffic during demolition, excavation, and construction including the parking of vehicles within the site. This has been included as a condition of consent.

1.8 Water management

Stormwater collection and disposal

The disposal of the stormwater is considered appropriate.

Water quality during construction

Erosion and Sediment Control plans have been submitted and would form part of the approved plans if the application were to be supported.

1.9 Waste management

Construction phase

A Waste Management Plan detailing the management of waste during construction was provided.

Operation phase

A bin storage room is located adjacent to the driveway and satisfies council's requirements for waste collection.

1.10 Construction Management

A Construction Management Plan would typically be required to be prepared prior to the issue of a construction certificate addressing the following matters:

- Sediment and erosion control and water quality during construction;
- Construction traffic management plan;
- Hours of works;

- Construction noise and vibration;
- Material delivery and storage;
- Safety fencing;
- Traffic and pedestrian safety;
- Dust control; and
- Tree protection.

This has been included as a condition of consent.

1.11 Safety, security and crime prevention

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard to many issues.

To ensure a suitable outcome is achieved, Security roller shutter doors to the basement has been conditioned.

1.12 Social and economic impacts

No adverse impacts have been identified.

1.13 Site Isolation

The site would not isolate any adjoining property.

8. Suitability of the site

The site is suitable for the development given the following:

- The proposal's bulk and scale respond to the current and future density of residential flat buildings in the area.
- The proposal satisfies the objectives of the Telopea Precinct Part of the DCP
- The future context of the area will comprise of buildings of greater height than the current existing and proposed developments in the area.
- the proposed development achieves reasonable compliance with the ARH SEPP, SEPP 65 and ADG, the PLEP 2011 and the PDCP 2011.

The site is suitable for the development for the proposed residential flat building in its current form.

9. Public interest and notification

In accordance with the Parramatta Notification Plan, the Development Application was notified and advertised between 25 November 2021 and 16 December 2021. During the notification period, three (3) submissions were received. The issues raised are summarised below:

Issue	Response
Privacy impacts on neighbouring properties	With the exception of Unit 306, the building complies with all required setbacks outlined in the Parramatta DCP 2011 and the Apartment Design Guide (ADG). Additional privacy measures have been included on unit 306 to ensure neighbouring privacy is maintained.
Concern for the number of units	The proposed development provides 27 units and complies with the minimum requirements for room and unit sizes. The proposed number of units is acceptable and provide the required amenities regarding sunlight, cross ventilation and privacy.
Traffic Safety	Council's Traffic Engineers have reviewed the proposal and raise no issue with the proposal.
Fence replacement	The side and rear boundaries of the site will be provided with 1.8m high Colorbond metal panel fencing and screen planting.
Concern if the proposed building materials reduce acoustic impacts from the residential flat building to the neighbours.	The building is to be constructed of robust materials such as face brick and concrete. A standard condition of consent is imposed to comply with the Building Codes of Australia, include standards for building insulation.
Trees planting to potentially impact neighbouring stormwater pipes	All major trees on the nature strip and rear are to be retained as part of the proposal. Council's Landscape Officers have reviewed the proposed planting schedule and raised no concerns with the selection.
Lack of car parking spaces	The proposed development satisfies the requirement of 12 car parking spaces as per developments proposed under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
Questioning if building envelope complies with the required setbacks.	The proposed building envelope is compliant in regards to building height and FSR. A minor noncompliance with the setback for unit 306 was identified. Additional privacy measures have been included on unit 306 to ensure neighbouring privacy is maintained and the minor compliance is acceptable in this instance.
Amenity impacts due to construction times and length of construction.	Standard conditions of consent will be imposed requiring construction to be done in such a way as to minimise adverse impact on neighbour to be reduced as much as possible. These conditions include start and end times of 7am to 5pm on Monday to Friday, and 8am to 5pm on Saturday, and the preparation of a noise management plan in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009'.
The area is already saturated with "affordable rental housing"	Additional Affordable (social) housing is needed in the Parramatta area and the proposed development meets those needs.

10. Public Interest

Social Housing Needs

The Family and Community Services website provides expected social housing waiting time data for the Parramatta area in the Guide to waiting times for social housing as of 30 June 2020. The Guide provides that in the 'GW01 Parramatta/Baulkham Hills' allocation zone, there are 1,833 'General' housing applicants, and 94 'Priority' housing applicants.

The proposed development provides 27 additional social housing dwellings.

Draft Greater Sydney Regional Plan and (Revised) Draft Central City District Plan

The *Greater Sydney Regional Plan* has been prepared by the Greater Sydney Commission to manage growth and change and guide infrastructure delivery over the next 40 years. The Plan sets a strategy for accommodating Sydney's future population growth and identified the need to deliver 817,000 new jobs and 725,000 new homes by 2036. The Plan identified the need for new housing within walking distance of a local or strategic centre and open space.

The Greater Sydney Commission will use the District Plans to inform Council's plans, guide assessment of local planning proposals, and information the delivery of infrastructure within the district. The City of Parramatta has been grouped with Blacktown, Cumberland, and The Hills Councils. The *Revised Draft Central City District Plan* will be reviewed with the on-going monitoring of housing supply to ensure planning controls are in place to stimulate housing development.

The proposed development is consistent with the *Greater Sydney Regional Plan* as it would provide 27 additional social housing dwellings.

11. Conclusion

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.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide acceptable levels of amenity for future users. It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development, 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. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

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 and is recommended for approval subject to conditions.