



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-316
DA Number	DA/1100/2021
LGA	City of Parramatta Council
Proposed Development	Melrose Park North street network (roads, footways, street trees, landscaping, drainage, services, and associated infrastructure); including tree removal, remediation and bulk earthworks; and Torrens subdivision.
Street Address	38-42 Wharf Road, 82-84 Wharf Road, 33 Hope Street MELROSE PARK NSW 2114 and 27-29 Hughes Avenue ERMINGTON NSW 2115 (Lot 10 DP 1102001, Lot 11 & 12 DP 787611, Lot 6 DP 232929, Lot 200 & 201 DP 1265603, Lot 1 DP 213196)
Applicant	Sekisui House
Owner	SH Melrose PP Land Pty Ltd Deicorp Projects (MPTC) Pty Ltd
Date of DA lodgement	Original: 6 December 2021 Revised Drawings: 17 February 2023
Number of Submissions	Multiple submissions from eleven (11) households/businesses.
Recommendation	Approval subject to conditions
Regional Development Criteria	Clause 2 'General development over \$30 million' of Schedule 6, State Environmental Planning Policy (Planning Systems) 2021
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment (EP&A) Act 1979• EP&A Regulation 2021• SEPP (Resilience and Hazards) 2021• SEPP (Transport and Infrastructure) 2021• SEPP (Planning Systems) 2021• SEPP (Biodiversity and Conservation) 2021• Parramatta Local Environmental Plan 2011• Parramatta Local Environmental Plan 2023• Parramatta Development Control Plan 2023
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Civil Drawings Attachment 2 – Landscape Drawings Attachment 3 – Open Space Concept Drawings Attachment 4 – Planning Secretary Concurrence
Clause 4.6 requests	None
Summary of key submissions	<ul style="list-style-type: none">• Excessive tree loss• Heritage impacts• Procedural issues• Traffic and parking impacts• Construction impacts• Insufficient supporting infrastructure
Report prepared by	Alex McDougall Team Leader, City Significant Development
Report date	4 December 2023

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 of the LEP) 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)?	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes

1. Executive Summary

The proposal provides for the street network and associated infrastructure in the Melrose Park North precinct, which has recently been subject to a rezoning to transition the site from its former industrial use to a high-density residential and mixed-use precinct.

The proposed road network and subdivision will define development lots that will accommodate the housing growth and town centre forecast for the area. The road network will ultimately be dedicated to Council.

The proposed roads generally follow the form for the site envisaged by the Planning Proposal, Parramatta LEP 2023, Parramatta DCP 2023, State Voluntary Planning Agreement ('State VPA') and Local Voluntary Planning Agreement ('Local VPA'). However, the proposal does include slightly revised alignments to some of the roads.

The primary site constraints include heritage, trees, high voltage power line pylons, contamination and overland flow flooding. The applicant has demonstrated that the design adequately accounts for and addresses these issues/risks.

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 and planning agreements. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, consent is recommended subject to conditions.

2. Key Issues

Stormwater / Open Space – While the proposal has demonstrated that it will adequately detain stormwater to ensure downstream overland flow flooding does not increase (requirement of the DCP), the proposal represents an opportunity to improve downstream flooding in the eastern catchment by allowing basin overflow (in less frequent flooding events) to collect in land that is slated to become a playing field. The playing field is to be shared between the community and a planned primary school.

Tree Removal / Heritage – The proposal requires the removal of 45 important trees, some of which also form part of a locally significant heritage landscape listing.

Road Alignments – The proposal includes three changes to the road alignment outlined in the various planning controls and planning agreements. This has potential knock-on impacts on the development lots which may require changes to LEP, DCP and VPA maps.

Traffic – The proposal augments and ties into the existing local traffic network which will impact traffic movement within the wider suburb. The proposal includes upgrades of the local network outside the subject site.

Contamination – The site is formally occupied by industrial uses and will ultimately be occupied by sensitive uses.

Retaining Walls – The proposal includes high retaining walls on some boundaries of the site.

Staging – The roads and associated infrastructure are to be delivered in stages. Most of the road construction will progress with the development lots it services. However, some of the infrastructure, such as the stormwater detention basins, will need to be delivered at specific hold points.

3. Site Description, Location and Context

3.1 Site

The site is located predominantly in the northern part of Melrose Park and partly within neighbouring Ermington. The site is bound by Wharf Road to the east, Hope Street to the south, Appleroth Street to the north, and the rear boundaries of the low-density dwellings on Hughes Avenue to the west. The total site area is approximately 25 hectares. The site slopes down significantly, up to a maximum of ~24 vertical metres, from north to south.



Figure 1. Locality Map (subject site in blue).

3.2 Site Improvements & Constraints

The site is mostly vacant but includes some remnant industrial buildings (and their offices) and part of Appleroth Street (previously known as East West Road 2 and still referred to as such in the application documentation), which forms part of the wider new road network.

The site is subject to overland flow from two upstream catchments. For the purposes of this assessment, they are referred to as the eastern catchment - which runs south-east across the site to Wharf Road – and the western catchment – which runs south across the site to Hope Street. The site includes an existing interim stormwater detention basin (north-east

corner), provided to detain runoff from the development site to the north (part of the eastern catchment). The drawings include notation which indicates that this basin will not be removed until such time as the proposed permanent Wetland basin further south is provided. A condition is included to ensure this is enforced.

The site is contaminated due to its previous industrial uses. The land is likely to contain Class 5 acid sulphate soils.

The preferred route of Parramatta Light Rail – Stage 2 ('PLR2'), at the time of writing, is along the northern side of Hope Street, and would traverse part of the southernmost extent of the subject site.

The north-eastern lot (former Pfizer site) is part of a locally listed heritage item, described as "Landscaping (including millstones at Reckitt)". The statement of significance for the item reads as follows:

The two moveable heritage items [sandstone millstones and fire pump] are of considerable cultural significance at a local level and where the millstones are probably rare within the Parramatta LGA while the vintage portable fire extinguisher may be rare at a State level. Together they have the ability to demonstrate the types of technologies relevant to the development of industrial manufacturing within the Parramatta LGA during the first half of the 20th century.

The surviving older plantings (including the Cook Island Pine, the two Port Jackson fig trees and the various mature Eucalyptus and Corymbia spp.) within the Pfizer and JAE MY Holdings site areas have moderate cultural value as an example of the relatively early use of Australian native species in the planting of industrial sites within the Parramatta LGA. Together with later plantings these mature trees make a notable contribution to the amenity of the Wharf Road streetscape.

The statement of heritage impact notes that the fire extinguisher was stolen from the site in March 2022.

High voltage power lines and associated pylons, an Ausgrid asset, traverse the western extent of the site in a general north-south direction.

3.3 Site History

The site was predominantly used for farming and rural residential uses until the mid-20th century when it was developed for light industrial / warehouse uses, which continued in operation until recently.

3.4 Surrounding Land Uses

The land to the north, which is zoned mixed use, is occupied by three recently completed and occupied predominantly residential flat building developments with a fourth mixed use building currently under construction and an industrial/warehouse use.

The land to the east, which is in the Ryde Local Government Area, is occupied by low-density single-family dwellings.

The land to the west is occupied by a place of public worship and low-density single-family dwellings.

The land to the south is occupied by a school and industrial/warehouse uses.

3.5 Statutory Context

Council received a Planning Proposal ('PP') in 2016 seeking to redevelop the site as a high-density residential and mixed-use precinct. The PP (Council Ref: RZ/1/2016), known as the Melrose Park North Planning Proposal, ultimately resulted in the masterplan outlined in the DCP (see Figure 2 below). The PP, which was ultimately supported by both Local and State voluntary planning agreements, was fully gazetted in the Parramatta LEP 2023 on 10 November 2023. The associated site-specific DCP controls were published in Parramatta DCP 2023 on 1 December 2023.



Figure 2. Masterplan as outlined in Parramatta DCP 2023.

The local VPA sets out for the delivery of:

- Open Spaces – 'The Western Parklands', 'Central Park', 'The Wetland' / 'Playing Field' and 'Wharf Road Gardens' (from west to east)
- Affordable Housing Units
- Monetary Contributions toward
 - General infrastructure (1% cost of works for mixed use and high density residential)

- Smart Cities Project
 - Ermington Community Hub
- Roadworks (NSR-2 and EWR-4, part of the subject of this DA)
- Shuttle Bus Service
- Remediation of land to be dedicated (part of the subject of this DA)

The local VPA exempts the development from the current local s7.11 development contributions plan (as it includes its own version of the s7.12 plan, 1% cost of works, that was applicable at the time the Planning Proposal was being assessed).

The state VPA sets out for the delivery of:

- Land Dedication:
 - Victoria Road widening (to RMS).
 - School Site (to Schools Infrastructure NSW).
- Monetary Contributions:
 - Parramatta River bridge
 - Victoria Road upgrades
- Road Works (subject to dwelling completion triggers):
 - Victoria Road / NSR-2 left-in/left-out intersection (currently under construction)
 - Wharf Road / Victoria Road intersection upgrades / additional turn lanes
 - Victoria Road / NSR-2 full intersection upgrade connecting to Kissing Point Road.
- Remediation - School Site
- The Playing Field open space (completion time frame)

4. The Proposal

4.1 Proposal (as revised)

The proposal includes the following:

- Removal of 66 trees¹, comprising:
 - 3 Category AA² Trees
 - 42 Category A Trees
 - 18 Category Z Trees
 - 3 Category ZZ Trees
- Site Remediation
- Earthworks
 - Cut: 90,980m³
 - Fill: 299,445m³
 - Balance: +208,465m³ (i.e. net importation of soil)
- Retaining walls (x4):
 - RW1: Up to 6.5m in height
 - RW2: Up to 1.3m in height
 - RW3: Up to 3.7m in height
 - RW5: Up to 1.7m in height

¹ 8 of these trees are located on an adjoining site and have been approved for removal under TA/304/2022. They are included in this report as their removal is required as a result of the development and as such are considered to be relevant to the overall merit assessment of the proposal. The TA/304/2022 consent also requires 8 replacement plantings on the adjoining site.

² AA trees should be given most weight for retention, A secondary weight, Z not worthy of influencing design but could be retained in short term, ZZ unlikely to be suitable for retention.

- Street network, including:
 - Roads [temporarily named for ease of reference 'East-West Roads' ('EWR') from 3 to 6 (north to south) and 'North-South Roads' ('NSR') from 1 to 4 (west to east)],
 - On-Street Parking,
 - Kerb and Gutters,
 - Street Trees (x474) and other landscaping,
 - Footways,
 - Cycleways,
 - Drainage Network (including pits and pipes),
 - 2 x Detention Basins (flood mitigation works), referred to as:
 - 'Wetland basin' in The Wetland open space
 - 'Hope Street basin' in The Western Parklands open space
 - Street Services in-ground (Electrical, Water, Sewer, Recycled Water, Telecoms, etc),
- Upgrades to existing roads outside the subject site, including introduction of roundabouts at intersection of EWR-4/Hughes Avenue and Hope Street/NSR-3.
- Torrens subdivision of 6 of the existing lots (excluding Lot 200³) into 11 lots comprising:
 - Lot 1 (in 14 parts): Future Development Lots
 - Lots 2, 3, 6, 7, 8 and 10: Roads
 - Lots 4 (in 6 parts), 5 and 11: Reserves (i.e. open spaces)
 - Lot 9 – School Lot

The proposal includes dedication of all roads to Council at no cost to Council at a mutually agreeable time in the future.

The applicant seeks to construct the development in stages as outlined in Figure 4 below.

Note. While the proposal includes some flood mitigation works within the planned open spaces, the detailed design of those open spaces, which will include landscaping and recreational functionality, will be the subject of future applications.

4.2 Summary of Amendments during Assessment

During the course of assessment, the applicant submitted additional information and revised drawings in response to concern's raised by the public, Council officers and the Sydney Central City Planning Panel (SCCPP):

- Straighten EWR-4 to reduce net loss of trees, increase size of The Wetland (+250sqm), regularise adjacent development blocks, avoid need for median in Wharf Road, regularise and increase efficiency of intersections, reduce total road hardstand;
- As a result of the above, split Lot EA into two lots, with the additional lot south of EWR-4 referred to as 'Lot EC'.
- Delete EWR-6 east of NSR-4 to reduce loss of trees, increase open space (+1,750sqm), increase recreational facilities opportunities for adjacent school lot, reduce total road hardstand, increase connectivity in Wharf Road Gardens open space, reduce traffic in Wharf Road.
- Revise eastern extent of EWR-3 to end in cul-de-sac and delete connection to Wharf Road, to reduce loss of trees, reduce total road hardstand, increase connectivity in Wharf Road Gardens open space, reduce traffic in Wharf Road.
- Delete previously proposed underground stormwater detention basin in The Western Parklands and replacement with above-ground basin to reduce maintenance burden and increase safety. Increased fill in south-west corner to form above-ground basin.

³ Lot 200 has already been subdivided to form the lot size anticipated for the town centre.

- The above results in a net reduction in removal of significant trees (3 less AA significance trees and 3 less A significance trees to be removed).
- Clarified no approval is sought for demolition or relocation of existing buildings.
- Introduction of roundabouts at intersection of EWR-4/Hughes Avenue and Hope/NSR-3
- Refined stormwater management strategy and modelling. Deletion of proposal to upgrade existing stormwater pipe in Wharf Road, no longer required as part of refined strategy.
- Submitted traffic report.
- Submitted updated contamination reporting.
- Submitted updated Arborist report.
- More detailed staging plan and dedication plan.



Figure 3. Proposed general arrangement plan⁴

⁴ Schools Infrastructure NSW have indicated their preference for the playing field to extend into the space marked on this plan as being 'Future Games Courts'.

<p>Traffic report is essential and has not yet been provided. Light rail stage 2 may also affect detailed traffic investigation. On-street parking is proposed to be provided throughout the precinct.</p>	<p>A traffic report has since been provided; the report takes into account PLR2. The report has been reviewed by Council's traffic engineers and is considered to be acceptable.</p> <p>As Parramatta Light Rail Stage 2 is still as of yet unconfirmed, it is not considered appropriate to make any significant changes to the planned street network to accommodate it at this time. Further discussion in referral section and report below.</p>
<p>The introduction of a public school into the area, led by SINSW [was discussed].</p>	<p>Noted.</p>
<p>The proposed dual use of public open space as stormwater detention basins and for school use requires further consideration to ensure the adequacy and safety of the spaces.</p>	<p>Council officers are satisfied that the frequency of inundation of the Hope Street basin and Playing Field will not have an unacceptable impact on the active recreational functionality or safety of those spaces. The Wetland basin is designed to be permanently wet. However, this space is only required to serve passive recreational functionality.</p>
<p>The total quantum of usable open space is to be tested for adequacy. The Panel notes that the proposed development is relatively dense and that well-designed open space will be important.</p>	<p>The revisions to the road network have resulted in a net increase in open space relative to the masterplan and VPA requirements.</p> <p>The 'useable' open space is considered to be maximised given the need for some accommodation of stormwater management functionality.</p> <p>An indicative concept landscape plan was provided for the open space areas. They will require some revision to ensure compliance with the VPA and Council requirements. Notwithstanding, detailed design of the open spaces will occur as part of future applications.</p>
<p>Timeframes for finalisation of the PP and VPAs (Local and State) are not yet confirmed.</p>	<p>The Planning Proposal has been finalised and the local and state VPAs have been signed.</p>
<p>Current DCP may require refinement. An alternative layout option has been investigated by Council. Working collaboratively with the applicant</p>	<p>Council officers came to the view that refinements to the DCP were not required at this time. The proposal is considered to be consistent with the objectives of the DCP. If the Panel come to the view that the proposed road layout is acceptable, Council will consider revising the DCP for consistency with the approved layout.</p>
<p>There are a number of significant trees on site as well as an area of landscaping identified as being of heritage value. Further information is required regarding tree impact as the current tree impact statement is regarded by Council as inadequate. The Panel supports retention of significant trees where possible.</p>	<p>The applicant has submitted a revised Arborist Report and revised drawings which reduce the extent of tree removal as outlined in Section 4.2 above.</p>
<p>The Panel supports collaborative discussion between Council and the applicant in order to achieve an optimal outcome.</p>	<p>The revised drawings are the culmination of such discussions.</p>

5.2 External

Authority	Comment
Transport for NSW	<p>Noted that the proposal is not a concurrence matter, but provided the following comments:</p> <ul style="list-style-type: none"> • Preference that the southern extent of NSR-2 terminate in a cul-de-sac north of Hope Street (i.e. no connection to Hope Street) to minimise stops on light rail route. • The intersection of Hope Street and NSR-3 is shown as a roundabout and not a signalised intersection as required for PLR2. NSR-3 may need to be wider. • Traffic report should be updated to resolve incorrect PLR2 alignment in some locations. <p><i>Officer Comment: This is not considered to be appropriate at this time given the uncertainty with regard to the delivery of PLR2. In the case of the first point, alternatives exist⁵. In the case of the second point, the roundabout is a required interim solution only ahead of light rail and the wider carriageways can likely be accommodated within the existing allocated carriageways.</i></p> <ul style="list-style-type: none"> • Swept path assessment shows conflict between buses operating simultaneously in opposite directions. • Swept path assessment needed for larger buses. • Specifications provided for road network to accommodate bus infrastructure (such as lane widths, stop lengths, etc) in various scenarios. <p><i>Officer Comment: Council's traffic engineers are satisfied that the design has tolerance for the minor changes necessary to ensure acceptable bus access. Given the uncertainty with regard to the final bus planning for the area, it is not considered appropriate to seek any specific changes to the drawings at this time. A condition is included requiring that TfNSW bus specifications be provided for as much as is reasonably possible as part of the detailed design of the roads.</i></p> <ul style="list-style-type: none"> • More detailed cut-fill sections required. • More detail of retaining wall near Hope Street required. <p><i>Officer Comment: The proposal is considered to include sufficient detail given the uncertainty with regard to the detailed design of PLR2. Conditions are included allowing further consideration by TfNSW at detailed design stage.</i></p> <ul style="list-style-type: none"> • Consideration should be given to traffic calming at EWR-4/Wharf Road intersection or Council should monitor. • Intersection treatments should be subject to future review. <p><i>Officer Comment: The road network and intersections as proposed are considered to be appropriately designed. The road network will ultimately be dedicated to Council. Council can implement further traffic calming as required.</i></p> <ul style="list-style-type: none"> • Swept paths show conflicts. <p><i>Officer Comment: The applicant subsequently submitted revised swept paths which have been reviewed by, and are acceptable to, Council's traffic engineers.</i></p> <ul style="list-style-type: none"> • Recommended the following conditions: <ul style="list-style-type: none"> ○ Construction Traffic Management Plan ○ TfNSW review and endorsement of construction documentation

⁵ Council officers undertook a series of meetings with TfNSW in which alternative road alignment/turn-restrictions were considered to achieve the objective of reducing PLR2 travel times. Council officers are satisfied that there are sufficient alternative options available and as such it is not appropriate to require any significant changes be made at this time.

	<ul style="list-style-type: none"> ○ Dilapidation reports ○ Acoustic Assessment ○ Electrolysis Analysis ○ Reflectivity Report ○ Consultation Regime ○ Insurance Requirements ○ Works Deed Agreements <p><i>Officer Comment: TfNSW requested conditions included, but modified to reflect the current status of PLR2.</i></p>
Ausgrid (high voltage power lines and pylons along western edge of site)	Acceptable subject to conditions.
Endeavour Energy (all other electricity infrastructure)	Acceptable subject to conditions.
Heritage NSW (Aboriginal Archaeology)	Referral rejected.
Heritage NSW (European Archaeology)	Acceptable subject to condition for unexpected finds.
Sydney Water	<p>Acceptable subject to conditions.</p> <p>Extensions and/or amplifications of the Sydney Water network will be required to service the future developments. The applicant has submitted a separate feasibility application to Sydney Water for their consideration.</p>
Quantity Surveyor	Estimated cost of works acceptable.
Pipeline Operator (Viva)	Acceptable subject to conditions.
Schools Infrastructure NSW	<ul style="list-style-type: none"> • Approval should not be granted until a school site is secured via VPA. <i>Officer Comment: The state VPA requires dedication of the school site.</i> • School site must be appropriately remediated. <i>Officer Comment: The proposal includes a revised Site Audit Report and Site Audit Statement for the school which have been reviewed by Council's Environmental Health team and found to be acceptable. These documents were forwarded to SINSW for review. While it is understood that SINSW commissioned an independent review of these documents, no comment had been received at the time of finalising this report.</i> • Earthworks should provide easy access to school site. <i>Officer Comment: No level change is proposed with the school site adjacent Hope Street. There is little fill required within the future school site to meet the level of NSR-4. As such there will be easy access from Hope Street and NSR-4 for construction of the school.</i> • Deletion of EWR-6 east of NSR-4 supported. <i>Officer Comment: Noted.</i> • Insufficient pedestrian crossings provided, recommendations made for location of additional crossings. <i>Officer Comment: Council's traffic engineers consider the additional recommended crossings to be excessive and unnecessary. The proposal includes raised pedestrian crossings in NSR-3 and NSR-4 that, along with a through site link envisaged for lot O, will provide safe and direct access between the school site and the town centre and any future public transport connections at the town centre.</i> • Construction traffic, noise and vibration impacts not considered. Should require sign off by SINSW <i>Officer Comment: Construction management plans, which are a Department of Planning mandatory condition, are a condition of</i>

	<p>consent. The Department of Planning condition has standard wording which defers sign off to the certifier. As such it is not possible to add a requirement that SINSW be consulted on the plan.</p> <ul style="list-style-type: none"> Concerned school site may be used for temporary construction offices, stockpiles, etc and thus impeding access. <p>Officer Comment: A condition is included restricting use of the school site for such uses.</p> <ul style="list-style-type: none"> Preference is for a larger playing field in place of games courts. <p>Office Comment: This can be considered as part of the future DA for detailed design of the Playing Field open space.</p>
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5.3 Internal

Authority	Comment
Development/Catchment Engineer	<p>The overall concept for managing water – including overland flow path, underground piped system, the Hope Street basin, the Wetland basin / playing field overflow detention – is satisfactory and in accordance with the DCP.</p> <p>It has been demonstrated that there is no increase in flooding off site compared to the predevelopment scenario (it is noted that there is an existing hazard situation in Wharf road in rarer stormwater events that can be improved with increased use of playing field detention).</p> <p>The information provided also demonstrates that a suitable system can be achieved when factoring in climate change. Further detailed modelling for overland flow, adjusted for climate change, is required to ensure the detailed design of the system at subdivision works certificate stage is adequate. This has been conditioned.</p> <p>The strategy will need to be staged to ensure that elements of the road network and the basins are delivered at appropriate times.</p> <p>Officer Comment: Conditions are included to this effect.</p>
Trees & Landscaping	Acceptable subject to conditions
Traffic and Transport	Acceptable subject to conditions
Environmental Health – Acoustic	Acceptable subject to conditions
Environmental Health – Contamination	Acceptable subject to conditions
Environmental Health – Waste	Acceptable subject to conditions
Cycling	Generally acceptable. Conditions recommended to resolve outstanding issues.
Public Domain	Acceptable subject to conditions.
Open Space & Natural Resources (Recreation)	Acceptable subject to conditions, including specifications for retaining walls that will ultimately be dedicated to Council.
Open Space & Natural Resources (Trees)	Satisfactory subject to condition requiring implementation of recommendation in Biodiversity Report.
Civil Assets – Stormwater	<p>The pit and pipe system is capable of managing water flows through the precinct for design storms of up to 1 in 20 year intensity. An overland flow network provides a flood conveyance system for more intense storms. However, both systems need to be refined slightly to include climate change factors and surface flows need to meet current safety criteria as per industry practice.</p> <p>The existing hazard condition in Wharf Road is noted and the applicant has demonstrated that the post development hazard conditions in Wharf Road are not worse than predevelopment. However, further detailed design is required to ensure that this remains the case when</p>

Authority	Comment
	<p>further climate change is included in the modelling. The existing high hazard in Wharf Road should ideally be reduced to safer levels to meet with current industry guidelines. The Playing Field can be used to detain stormwater in the less frequent (more intense) storm events to increase safety in Wharf Road. A balance is required between active playing field and storm water management and hence optimised solution needs to be confirmed at Subdivision Works Certificate stage. In storm events greater than 5% AEP it is unlikely the playing field will be in use (severe storm conditions). Hence, up to the 5% AEP the playing field could be designed so there is no-ponding and then allowing ponding above 5% AEP storm events. However, safety will need to be investigated and incorporated in further reports and drawings.</p> <p>As flows from the subject site are proposed to be connected to the Hope Street drainage system it needs to be adequate up to 5% AEP with safe 1% AEP flow (while accounting that stormwater pipe downstream of Hope Street will be upgraded in future).</p> <p>The size and depths of existing stormwater pipe in Wharf Road needs to be confirmed by registered surveyor and CCTV survey. A signed copy with all information by registered surveyor along with electronic copy needs to be submitted. The applicant need to re-check correct pipe details are incorporated in the model.</p> <p>The pipe network and overland flow must be detained and treated. Considering development lots will satisfy their own water quality targets, the currently proposed bio-retention area is not adequate to provide water quality treatment for road reserves to the target. A condition is included requiring treatment be provided.</p> <p>Although current advice received from Dam Safety NSW does not require the Hope Street basin to be a declared dam based on current population at risk downstream, this basin should be designed as though it is a declared dam and all required documentation as per dam safety regulations for declared dams should be prepared and submitted to Council given that increased development is envisaged downstream.</p> <p>All property owners are required to provide Council with an annual certification from suitably qualified stormwater drainage engineer confirming that the on-site detention system, private site drainage and water quality treatment devices are clear of any blockage and are operating in accordance with the approved design.</p> <p>Officer Comment: Conditions are included to this effect.</p>
Civil Assets – Roads/Alignments	Acceptable subject to conditions.
Natural Resource (Contaminated Lands) Officer	Acceptable subject to conditions.
Infrastructure Delivery (VPA requirements)	<ul style="list-style-type: none"> • EWR-4 alignment inconsistent with VPA. <i>Officer Comment: See discussion in this report under Section 10.1</i> • Separate DAs required for open spaces. <i>Officer Comment: Noted.</i> • Staging must align to VPA. <i>Officer Comment: The staging plan is not considered to be in conflict with the VPA staging requirements.</i> • Dedicated roads must be remediated. <i>Officer Comment: The proposal includes an acceptable Side Audit Report to ensure sufficient remediation of the roads. Conditions are</i>

Authority	Comment
	<p><i>included to ensure Site Audit Report is implemented.</i></p> <ul style="list-style-type: none"> State VPA requirements should be outlined on drawings. <p><i>Officer Comment: The drawings sufficiently accommodate the requirements of the state VPA.</i></p> <ul style="list-style-type: none"> Condition for local and state VPA should be included. <p><i>Officer Comment: Included.</i></p>
Heritage	<ul style="list-style-type: none"> Unexpected finds condition recommended. <p><i>Officer Comment: Condition included to this effect.</i></p> <ul style="list-style-type: none"> Moveable items should be restored and relocated within the site in accordance with a draft Heritage Interpretation Strategy and Heritage Management Plan. <p><i>Officer Comment: Not considered to be necessary at this time. See further discussion in Section 7.7.</i></p>
Accessibility	Ideal longitudinal grade for accessible footpath is <1:20 fall (<5%). Isolated areas exceed up to 8.3%. Considered to be acceptable given steepness of terrain.
Land Use Planning	Acceptable.

6. Environmental Planning and Assessment Act 1979

The sections of the Environmental Planning and Assessment Act 1979 (the Act) which require consideration are addressed below:

6.1 Section 1.7: Application of Part 7 of Biodiversity Conservation Act 2016

Part 7 of the Biodiversity Conservation Act 2016 sets out requirements for development which is likely to significantly affect threatened species, including the need in some instances to enter into a biodiversity offset scheme.

Council officers raised concern that the proposed tree removal (for its own sake as well as the knock-on impact to fauna) may trigger the need to enter in to such a scheme and as such asked the applicant to provide an Ecological Report.

The applicant submitted such a report which concluded that the proposed tree removal did not trigger the requirement for an offset scheme. The reporting did however recommend that 2 micro-bat boxes be provided on site.

Council's biodiversity officer reviewed this reporting and found it to be acceptable, subject to implementation of the report's recommendation.

6.2 Section 2.15: Function of Sydney District and Regional Planning Panels

The Sydney Central City Planning Panel is the consent authority for this application as the proposal is classed as Regionally Significant Development per the applicable SEPP (discussed further below).

6.3 Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) – Environmental planning instruments	Refer to section 7
Section 4.15(1)(a)(ii) - Draft environmental planning instruments	Refer to section 8
Section 4.15(1)(a)(iii) – Development control plans	Refer to section 9
Section 4.15(1)(a)(iiia) - Planning Agreement	Refer to section 10
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 11

Section 4.15(1)(b) - Likely impacts	Refer to section 12
Section 4.15(1)(c) - Site suitability	Refer to section 13
Section 4.15(1)(d) – Submissions	Refer to section 14
Section 4.15(1)(e) - The public interest	Refer to section 15

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are as follows:

- SEPP (Transport and Infrastructure) 2021
- SEPP (Planning Systems) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- Parramatta Local Environmental Plan 2011
- Parramatta Local Environmental Plan 2023

Compliance with these instruments is addressed below.

7.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal is considered to constitute ‘traffic generating development’ (per Schedule 3 of the SEPP) as it may accommodate more than 200 motor vehicle movements / hour. As such, the proposal was referred to TfNSW, who raised no concern from a traffic generation or management perspective, subject to conditions.

The site is in close proximity to the draft light rail route outlined in the PLR2 Environmental Impact Statement. Clause 2.99 of the SEPP requires concurrence from TfNSW for any development including excavation of land to a depth of 2m within 25m of any rail corridor. However, as the PLR2 corridor is not yet officially protected, concurrence is not required. Notwithstanding, as outlined in Section 5.2 above, TfNSW provided comments with regard to the proposal’s impact on the proposed light rail route. As outlined in that section, given the uncertainty of PLR2 and the scope within the design for minor changes to accommodate PLR2, it is not considered appropriate to make any further specific changes to the layout as outlined in the masterplan to accommodate it at this time.

The site is in close proximity to a district gas pipeline which runs under Hope Street. Clause 2.76 of the SEPP requires written notice be provided to the pipeline operator, which in this case is Viva Energy. Viva Energy were satisfied that the works were acceptable, subject to conditions.

7.3 State Environmental Planning Policy (Planning Systems) 2021

As this proposal has a Capital Investment Value of more than \$30 million, Part 2.4 of this Policy designates the development ‘regionally significant’.

7.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 ‘Vegetation in non-rural areas’ of this Policy, which applies to the whole of the Paramatta local government area, controls clearing of vegetation in non-rural areas, with the aim of protecting biodiversity and preserving amenity. As outlined under Section 6.1 above, the applicant is considered to have demonstrated that the clearing of vegetation will not have an unacceptable impact on biodiversity subject to conditions. Otherwise, it is considered that the applicant has demonstrated that tree removal has been minimised and that adequate replacement planting, in the form of street trees, will be provided to ensure the amenity of the

area is maintained (see further discussion in DCP assessment below).

Chapter 6 'Water Catchments' applies to land identified as 'Sydney Harbour Catchment' which, by extension, is all land within the City of Parramatta local government area. The following controls within Chapter 6 are of relevance to the proposal:

Provision	Comment
6.6 Water Quality and Quantity	<p>As outlined later in this report:</p> <ul style="list-style-type: none"> • The proposal will improve the quality of water leaving the site (which eventually makes it way to Sydney Harbour). • The proposal will not result in an increase to the amount of stormwater running off the site. • The proposal incorporates on-site stormwater retention. • The proposal includes adequate sediment controls. • The proposal will not have an unacceptable impact on the level or quality of the ground water table. <p>The proposal will not affect water flow in a natural body.</p>
6.7 Aquatic Ecology	The site is considered to be adequately separated from Sydney Harbour so as not to have any impact on aquatic ecology, subject to the proposed water quality treatments and erosion controls.
6.8 Flooding	The proposal will not have an adverse impact on the natural recession of floodwater into wetlands or other riverine ecosystems. Floodwaters would be detained within the site in locations where the water would be sufficiently treated prior to leaving the site.
6.7 Recreation and Public Access	The proposal does not result in any loss of recreational land or loss of access to foreshores lands.
6.8 Total Catchment Management	The proposal does not have an adverse impact on downstream local government areas and as such no consultation is required. City of Ryde were consulted nonetheless and provided no response.
6.16 Artificial waterbodies	<p>The proposed Wetland basin will be a permanent artificial waterbody. The waterbody is considered to be consistent with this clause as:</p> <ul style="list-style-type: none"> • It will not have an unacceptable impact on downstream land uses. Water will not be released from the body at a rate likely to result in any additional impacts on downstream properties. • The waterbody will be subject to a future application which will increase the recreational amenity of the area. • Conditions are included to require control of noxious aquatic weeds and algal blooms.
6.21 Stormwater Management	This clause prohibits new stormwater works which channel untreated water to Sydney Harbour. 'Untreated stormwater' in this clause means stormwater that has not been subjected to measures designed to reduce litter, suspended soils, nutrients or other substances that contribute to a decline in water quality. The proposal includes a new stormwater network which channels stormwater through the site. The northwest and northeast parts of the site capture stormwater and direct it to basins which treat the stormwater as required. However, the lower third of the site, due to hydraulic constraints, cannot be directed to a basin. There are other options to treat it for suspended soils and nutrients, such as biofiltration pits. As such a condition is included to this effect. Gross pollutant traps are included at all places that stormwater leaves the site which will control for litter. As such the proposal is considered to be consistent with the requirements of this clause.

7.5 State Environmental Planning Policy (Resilience and Hazards) 2021

As outlined in the site history section, the site was used for agricultural and rural residential uses until the mid-20th century when it was converted to light industrial uses.

Initially the application included a series of preliminary site investigations, detailed site investigations, data gap investigations, remediation action plans, site audit reports and site audit statements for various parts of the site.

Council raised concern that it was proving difficult to piece together the various reports to ensure that the entire site had been appropriately considered.

The applicant subsequently submitted revised site audit reports and site audit statements - one for the school site and one for the rest of the site.

These reports clearly outlined all required investigations and included remediation plans to ensure the various parts of the site would be suitable for their intended use.

Council's Environmental Health team and Natural Resources team have reviewed the application and considers the site is suitable for the proposed uses, subject to conditions.

7.6 Parramatta Local Environmental Plan 2011

When the application was submitted, the Parramatta Local Environmental Plan 2011 was the applicable local environmental plan. However, the subject site was zoned for light industry under this plan and as such the proposal was not consistent with the zoning objectives of this plan.

7.7 Parramatta Local Environmental Plan 2023

The proposal relies on the Parramatta Local Environmental Plan 2023 (as amended 10 November 2023). As per Section 3.5 of the Environmental Planning and Assessment Act, the proposal can rely on this LEP, despite the savings provision contained within.

The relevant objectives and requirements of the Parramatta Local Environmental Plan 2023 have been considered in the assessment of the development application and are contained within the following table.

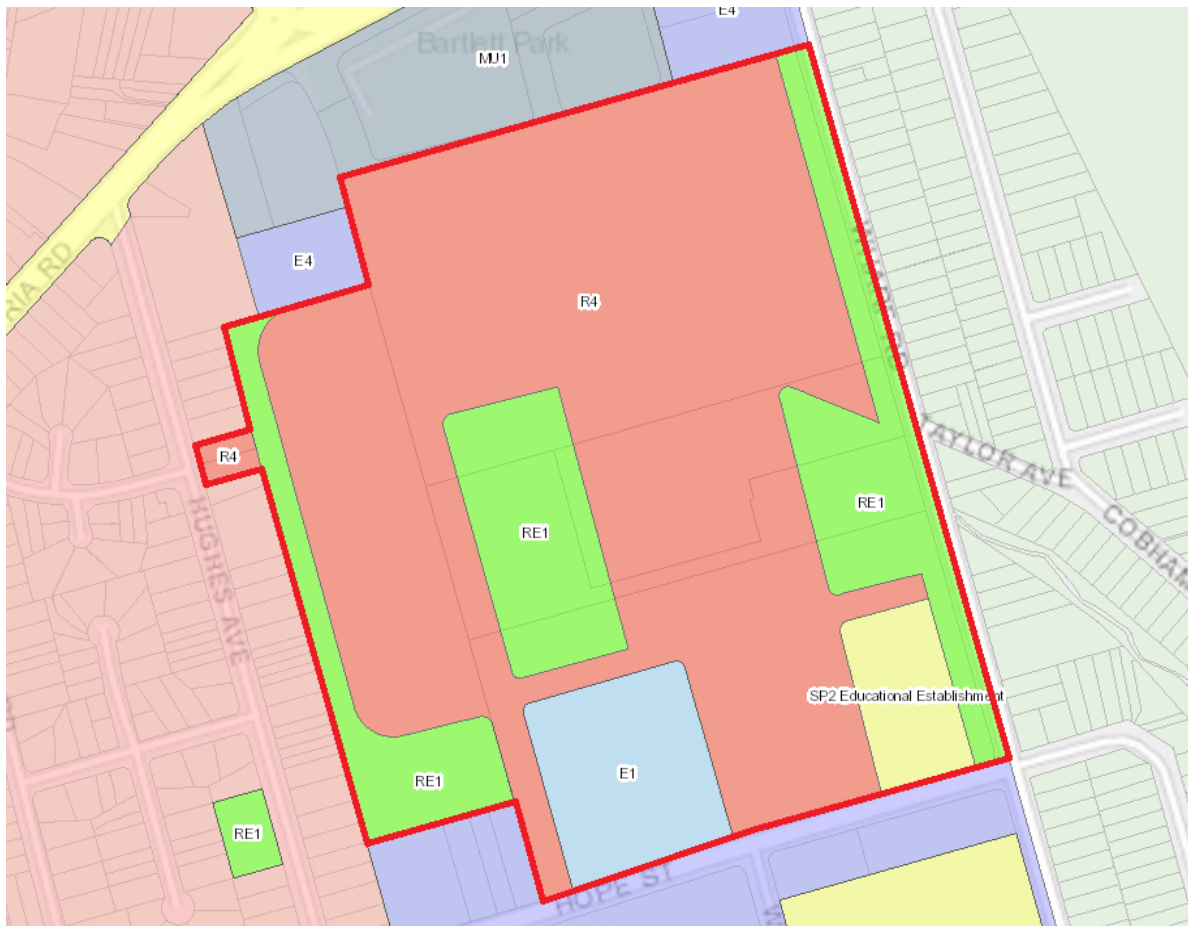


Figure 5. Zoning Map (subject site in red)

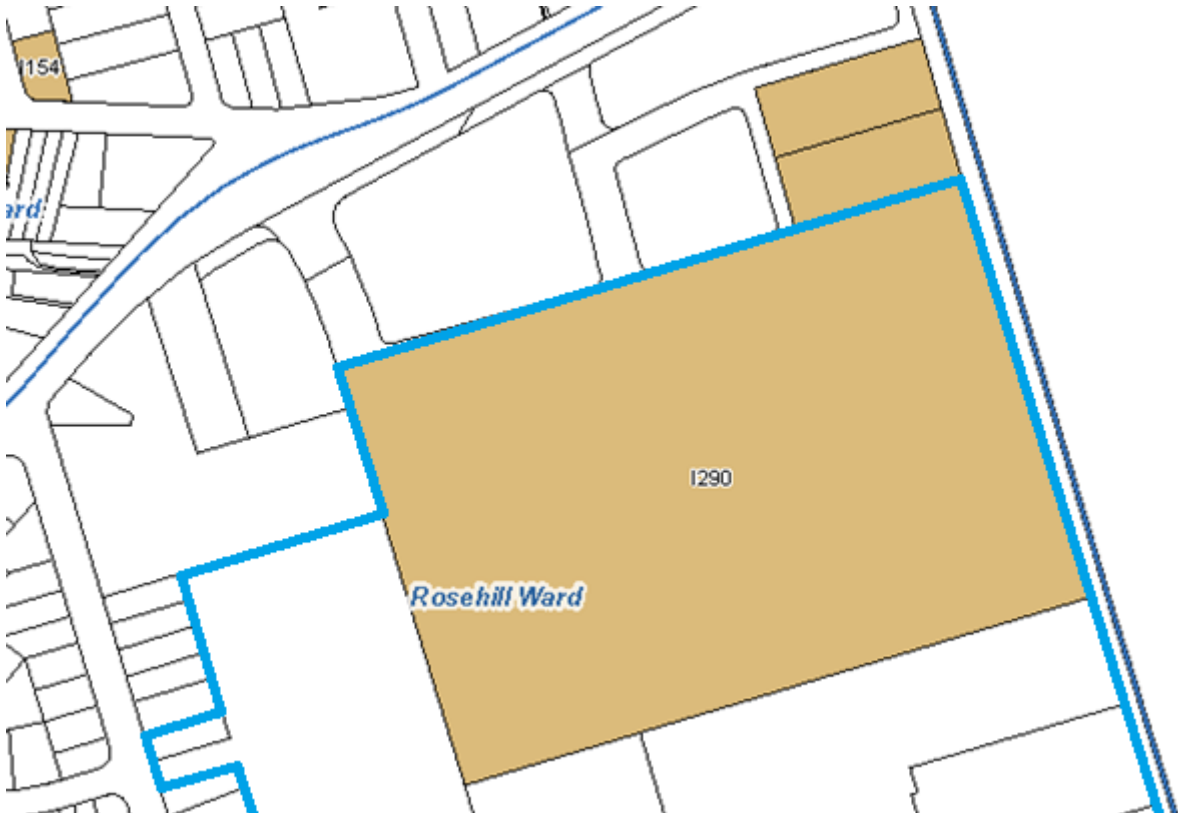


Figure 6. Heritage Map (subject site in blue, heritage lots in yellow)

Development standard	Proposal	Compliance
2.3 Zoning R4: High Density Residential RE1: Public Recreation E1: Local Centre SP2: Infrastructure	Permissibility: Roads are permissible with development consent in all of these zones. Flood Mitigation Works are permissible in the R4 and RE1 zones. Note: The revised road layout and location of flood mitigation works do not conflict with the existing zoning.	Yes
Zone Objectives	The proposal is considered to be consistent with the objectives of the R4/RE1/E1/SP2 zoned land in that the road network and associated drainage infrastructure will provide necessary infrastructure to support the provision of high-density residential development, a local centre and school respectively while still maintaining adequate recreational functionality in open spaces.	Yes
2.6 Subdivision	Permissible with consent	Yes
4.1 Minimum Subdivision Lot Size	A minimum 550sqm lot size applies to part of the site (former low density residential lots on Hughes Avenue). This appears to be an anomaly in the map, not updated with the planning proposal. Notwithstanding, the subdivision proposes a 2,470sqm open space lot and a large road lot in this location. As such the proposal complies regardless.	Yes
4.3 Height of Buildings	No building proposed.	N/A
4.4 Floor Space Ratio	No floorspace proposed.	N/A
4.6 Exceptions to Development Standards	No exceptions proposed.	N/A
5.1A Development on land intended to be acquired for public purposes.	Two of the RE1 zoned parts of the site include 'flood mitigation works' and one of the RE1 zoned parts of the site includes ancillary flood mitigation functionality. All of the RE1 land within the site is classified as land intended to be acquired for public purposes. This clause requires that such areas only be developed for recreation areas. 'Recreation Areas' are not a defined land use, but rather a more general description of the intended purpose of the space (i.e. the activities likely to occur). Separately the VPA sets out that the Wetland basin serve a permanent water storage function. The Hope Street basin will be mostly dry, and the overflow on the playing field will be sufficiently rare so as to ensure that these areas are primarily used for recreation. Further, 'flood mitigation works' are permissible without consent in these zones. As such the proposal is considered to be consistent with this clause.	Yes
5.10 Heritage conservation	As outlined in Section 3.2 above, part of the site is heritage listed. The applicant submitted a Heritage Impact Statement ('HIS') assessing the proposal's impact on heritage. The fire extinguisher has been stolen. A police report has been filed. The millstone can be restored and retained. The heritage landscaping is defined as, " <i>surviving older plantings (including the Cook Island Pine, the two Port Jackson fig trees and the various mature Eucalyptus</i>	Yes, subject to conditions

Development standard	Proposal	Compliance												
	<p>and <i>Corymbia spp.</i>.)” which are of moderate cultural value as an example of relatively early use of native planting in industrial sites.</p> <p>The proposal results in the following outcomes for trees within the heritage lot:</p> <table><tr><th>Tree</th><th>Outcome</th></tr><tr><td>Cook Island Pine (x1)</td><td>0 Retained, 1 Removed</td></tr><tr><td>Port Jackson Figs (x2)</td><td>2 Retained, 0 Removed</td></tr><tr><td>Eucalypt sp. (x17)</td><td>9 Retained, 8 Removed</td></tr><tr><td>Corymbia sp. (x15)</td><td>6 Retained, 9 Removed</td></tr><tr><td>Total Trees inc. above (x80)</td><td>30 Retained, 50 Removed</td></tr></table> <p>Not all of the Eucalypt, Corymbia, or other trees are necessarily the “<i>surviving older plantings</i>” referred to in the listing. Further, it is not feasible to classify the trees based on their individual contribution to the heritage value of the item.</p> <p>Notwithstanding, the masterplan limits the amount of heritage trees that can be retained, not only due to the future development lots anticipated, but the regrading required to achieve appropriate gradients in the precinct.</p> <p>Minimisation of heritage tree loss has occurred as much as is reasonably possible, in part by deletion of the eastern connection of EWR-3 to Wharf Road and careful grading and specific pavement requirements in this location. Some of the retained trees are within future development lots. It will be a consideration of those future applications how the built form can be designed to accommodate the trees.</p> <p>Given the trees were significant in part due to their industrial setting (and that setting will be lost), that this relationship was of moderate cultural value, and that retention of additional trees would prejudice delivery of significant housing, the loss of trees is considered to be acceptable.</p> <p>A condition is included requiring archival recording of the planting prior to its removal.</p> <p>As recommended in the HIS, additional replacement planting can offset the loss. The proposal does not include detailed design of the Wharf Road Gardens open space, which will contain most of the retained landscaping. This design will be subject to a future application, and planting is also secured via the VPA. As such there is considered to be sufficient certainty that additional planting will eventuate.</p> <p>The HIS recommends the millstone be dedicated to a museum. However, Council’s heritage advisor is of the view that the millstone should be retained on site. The location will be in part informed by the design of the future Wharf Road Gardens open space, which is likely</p>	Tree	Outcome	Cook Island Pine (x1)	0 Retained, 1 Removed	Port Jackson Figs (x2)	2 Retained, 0 Removed	Eucalypt sp. (x17)	9 Retained, 8 Removed	Corymbia sp. (x15)	6 Retained, 9 Removed	Total Trees inc. above (x80)	30 Retained, 50 Removed	
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Development standard	Proposal	Compliance
	<p>the most appropriate location. As such it is considered that this can occur as part of that process.</p> <p>A Heritage Interpretation Strategy will be required for the remnant heritage fabric and the missing fire extinguisher. A Heritage Management Plan will be required for the millstone. This can be conditioned as part of the future open space application.</p>	
5.21 Flood Planning	<p>The site is not directly affected by fluvial (i.e. river) flooding but is subject to overland flow flooding.</p> <p>The proposed roads themselves, as well as the future buildings that will eventuate in the development lots, will result in a net increase in runoff.</p> <p>As such water will need to be detained to ensure there is no net increase to flooding downstream.</p> <p>The proposal includes two flood basins - the Wetland basin (which will be permanently wet) and the Hope Street basin (which will only be wet in storm events).</p> <p>The application includes flood modelling which demonstrates that the basins, in-ground pits/pipe network and overflow flow routes result in no change to the existing downstream flooding, as is required.</p> <p>However, subject to minor redesign, which the applicant has modelled, overflow functionality on the playing field in more rare stormwater events can improve downstream flooding, including reducing the hazard level in Wharf Road during the such storm events. As flooding of the field is considered to be more in the public interest that the existing flooding of Wharf Road and properties opposite Wharf Road, this is considered to be appropriate. Conditions are included to this effect.</p> <p>The overland flow routes within the site are not considered to result in unacceptably hazardous conditions for future residents of the area.</p> <p>See more detail under the assessment against the site-specific water management controls for the site in the DCP section below (section 8.2.6.1.3 of the DCP).</p>	Yes, subject to conditions
6.1 Acid Sulfate Soils Class 5	The proposal is above 5m AHD and is not likely to lower the water table.	N/A
6.2 Earthworks	A significant drop in elevation occurs between Victoria Road and Hope Street. The intervening block, of which the subject site is a part, has historically been locally flattened into a series of steps (i.e. 'benched') to provide for large warehouses and factory buildings. The desired future character of mixed use and residential development, and the associated road network, requires that this stepping be re-graded to achieve a consistent shallower gradient to maximise accessibility (See Figure 7 below). The applicant has provided block wide cut and fill diagrams demonstrating the proposed cut and fill on the subject site is consistent with this wider objective.	Yes, subject to conditions

Development standard	Proposal	Compliance
	<p>The proposal is considered to have an acceptable impact on drainage patterns and flooding as outlined elsewhere in this report.</p> <p>The proposal includes a geotechnical report which provides recommendations to ensure soil stability.</p> <p>The proposed ground levels are considered to be appropriate for the development envisaged by the Masterplan.</p> <p>Any excavated soil to be repurposed will need to be uncontaminated per the requirements of the remediation planning outlined in the SEPP (Resilience and Hazards) section above. The proposal requires the net importation of a significant quantum of fill. As such conditions are included requiring the quality of the fill be of a minimum standard.</p> <p>The earthworks are considered to have an acceptable impact on the amenity of adjoining properties. Fill is generally separated from the most sensitive adjoining residential uses, those to the west. The proposed retaining walls are discussed in more detail below under the Melrose Park specific DCP controls.</p> <p>Impact on relics is considered under the DCP assessment below.</p> <p>Impact on waterways is outlined under SEPP (Biodiversity and Conservation) assessment above.</p>	
6.5 Stormwater Management	<p>The proposal is considered to maximise water permeable surfaces by optimising the road network, specifically with the proposed variations to the masterplan.</p> <p>As outlined above, the proposal includes on-site stormwater retention. It is not proposed to be used as an alternative water supply at this time. However, the future detailed design of the open spaces may allow for longer term storage and use of this water as irrigation.</p> <p>As outlined above and in the DCP assessment below, the proposal is considered to avoid adverse effects on adjoining properties and receiving waters.</p>	Yes
6.7 Essential Services	<p>The proposed road network provides the services and access required for future development.</p>	Yes
9.5 Concurrence of Planning Secretary	<p>The clause only requires concurrence from the Planning Secretary for any development exceeding 11,000 dwellings in Melrose Park North or South precincts. The proposal does not include any dwellings. Notwithstanding, the Planning Secretary provided an unsolicited concurrence document (see Attachment 4)</p>	Yes

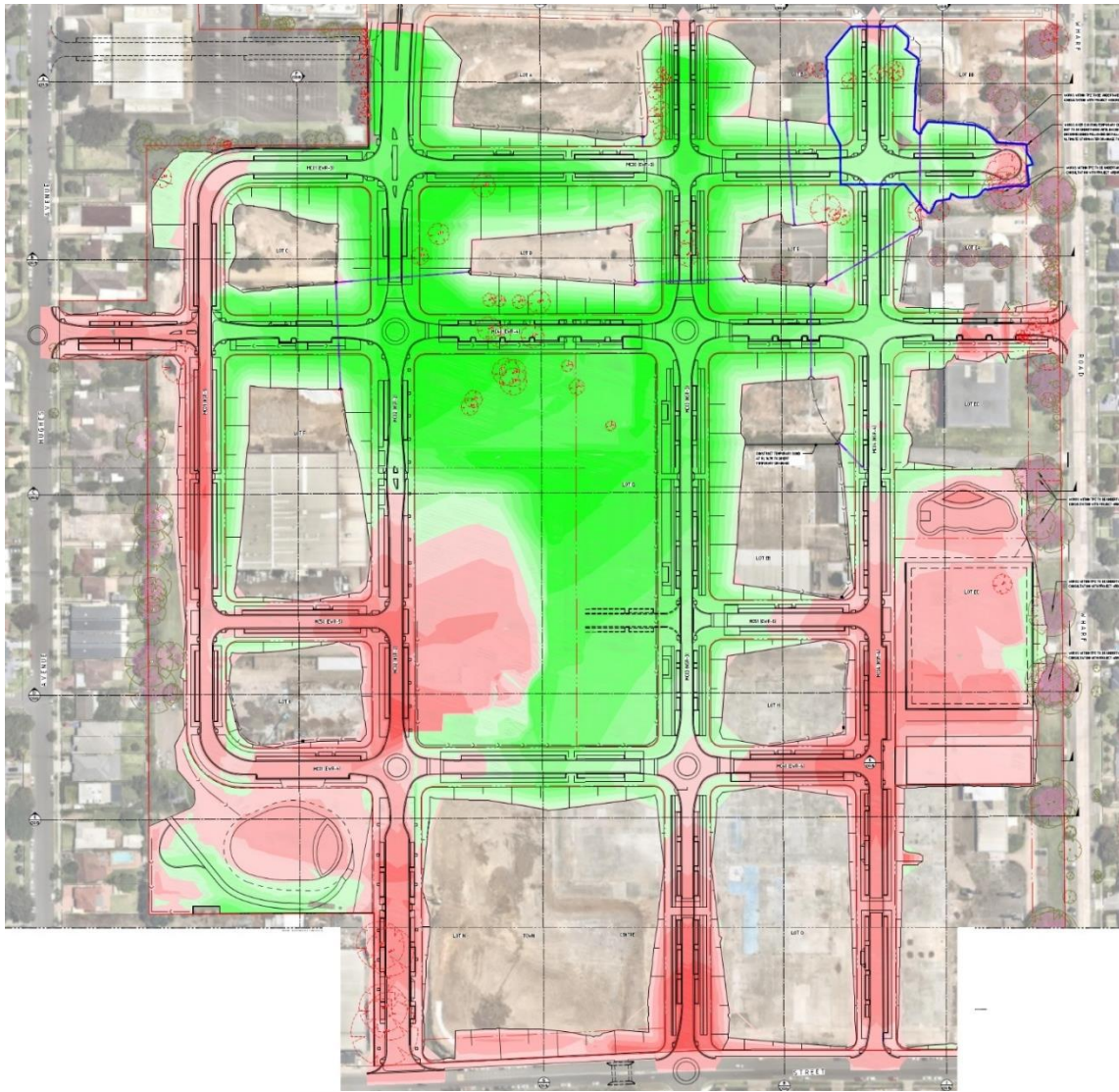


Figure 7. Proposed earthworks cut and fill diagram (darker green represents deeper fill, darker red represents deeper cut).

8. Draft Environmental Planning Instruments

There are no applicable draft planning instruments at this time.

9. Development Control Plans

9.1 Parramatta Development Control Plan 2011

When the application was submitted, the Parramatta Development Control Plan 2011 was the applicable development control plan. As outlined in the introduction to the LEP section above, the application seeks to rely on controls introduced as part of the planning proposal. The development controls for Melrose Park North are contained in the now Parramatta DCP 2023. While the Parramatta Development Control Plan 2023 generally includes a savings provision for applications lodged prior to its publication, the Melrose Park controls specifically specify that they are relevant to all current applications in the area.

9.2 Parramatta Development Control Plan 2023

An assessment of the proposal against the relevant controls in the Parramatta Development Control Plan 2023 is provided below:

Development Control	Proposal	Comply
Part 2 Design in Context		
2.1 Design in Context	<p>The proposal is considered to achieve the objectives of this section for the following reasons:</p> <ul style="list-style-type: none"> • The proposal would rectify the historical 'benching' of the landscape which was undertaken to accommodate large warehouse and industrial buildings. • The proposed streets are considered to contain pathways of appropriate width/grade and sufficient landscaping to be comfortable, inviting and accessible. • The proposed streets and flood mitigation works do not prejudice future design of high-quality open spaces. • The proposal will result in a net increase to trees in the area. • The proposal adequately retains trees and heritage fabric which form part of a heritage listing. • The proposal would improve stormwater management and quality in the area. 	Yes
2.2 Context Analysis	The proposal is considered to be informed by sufficient context analysis.	Yes
2.7 Open Space and Landscape	<p>The proposal results in the removal of 45 significant trees (Category AA & A per the Arborists report). Through refinement of the DA during its assessment, 6 less significant trees are being removed than originally proposed. The proposal includes the planting of 474 street trees. As such the proposal is considered to have adequately minimised tree removal and will result in a significant net increase in total tree canopy in the area. Further, the future detailed design of the open spaces and the development lots will result in significant additional trees.</p> <p>The proposal, including the reduction in hardstand achieved by the proposed amendments to the road layout, is considered to adequately reduce road run-off.</p>	Yes
2.8 Views and Vistas	<p>A significant district view from Victoria Road, over the site, is identified in the DCP. This view is considered to be adequately maintained by the north-south roads proposed.</p> <p>The proposed street trees, even at full grown height, will be sufficiently below the Victoria Road elevation so as to not restrict any private views.</p>	Yes
2.9 Public Domain	See assessment under Melrose Park specific controls below (Section 8.2.6.3).	Yes
2.10 Accessibility and Connectivity	The proposal provides cycle lanes on NSR-3, consistent with Parramatta's Bike Plan.	Yes
2.11 Access for People with a Disability	Relates primarily to buildings.	N/A
2.13 Culture and Public Art	The proposal does not include planning for public art. Given the experience of nearby staged development, it is considered more appropriate to provide fewer more significant 'precinct scale' art installations, as opposed to individual smaller works with each development lot. As such a condition is included requiring that a public art plan be developed for the precinct.	Yes, subject to condition.


Development Control	Proposal	Comply
2.14 Safety and Security	The proposal will provide public access to a large area previously private, improving natural surveillance.	Yes
Part 3 Residential Development		
3.6 Residential Subdivision	The proposed subdivision pattern is generally consistent with the masterplan outlined in the DCP. The alternative alignment proposed for EWR-4, which divides one masterplan lot into 2, makes all of the adjacent lots rectilinear and thus easier to develop. Most lots will have frontage to at least 3 public streets. The proposal includes provision of the required services within the road reserves.	Yes
3.6.1 Site Consolidation and Development on Isolates Sites	The proposed subdivision does not result in the isolation of any sites.	Yes
Part 5 Environmental Management		
5.1 Water Management		
5.1.1 Flooding	See assessment under Melrose Park specific controls below (Section 8.2.6.1.3).	Yes
5.1.2 Water Sensitive Urban Design		
5.1.3 Stormwater Management		
5.1.4 On-Site Detention		
5.1.5 Groundwater	<p>The geotechnical report included 13 boreholes across the site. Groundwater was encountered at 1 location (borehole #8) at a depth of 2.6m. The proposal includes approximately 2m of excavation in this location. The geotechnical report concludes that subsoil drains can be used to intercept potential seepage.</p> <p>Given the proposal does not appear to include any specific intrusions into the ground water table, it is not considered likely to have any unacceptable impacts on it.</p>	Yes
5.2 Hazard and Pollution Management		
5.2.1 Control of Soil Erosion and Sedimentation	The application includes a draft erosion and sediment control plan. Conditions are also recommended to ensure the proposal does not have unacceptable environmental impacts.	Yes, subject to conditions
5.2.2 Acid Sulfate Soils	Refer to LEP assessment above (Section 6.1 of the LEP).	Yes
5.2.3 Salinity	The site is identified as being of very low and moderate salinity potential. As such no special measures are required.	N/A
5.2.4 Earthworks and Development on Sloping Land	<p>Refer to LEP assessment above (Section 6.2 of the LEP).</p> <p>While the control sets maximums for cut and fill, which the proposal does not comply with, this is not considered to be relevant for a site of this scale which is attempting to partly rectify past 'benching' of the land. The proposal achieves the objectives of the control notwithstanding the non-compliance.</p>	Yes
5.2.5 Land Contamination	Refer to SEPP (Resilience and Hazards) 2021 assessment above.	Yes
5.2.6 Air Quality	The proposal is not considered likely to result in unacceptable air quality impacts. Impacts of existing air quality on future uses will be considered at future building DA stages.	Yes


Development Control	Proposal	Comply										
5.3 Protection of the Natural Environment												
5.3.1 Biodiversity	<p>As outlined in Section 6.1 and 7.4 of this report, the proposal is considered to have an acceptable impact on biodiversity and a Biodiversity Offset Scheme is not required.</p> <p>The proposed variations to the masterplan, which increase the size and connectivity of the Wharf Road Gardens open space, are considered to be appropriate as they limit fragmentation of the existing vegetation corridor.</p> <p>The proposal does not result in the removal of any significant features such as rock outcrops, wetlands, watercourses, riparian land or the like.</p> <p>A significant proportion of the proposed street trees are endemic to Australia (340/474, 72%).</p> <p>Impact on heritage trees is considered under Section 5.10 of the LEP above.</p>	Yes										
5.3.4 Tree and Vegetation Preservation	<p>The submitted Arborist Report considers 117 trees on the site, with 9 additional trees directly adjacent the site (126 total potentially affected). The proposal necessitates removal of 8 of the adjacent trees, which are approved for removal under a separate tree removal application. Overall, the proposal has the following outcomes for trees:</p> <table><tr><th>Tree Type</th><th>Outcome</th></tr><tr><td>Important AA</td><td>9 Retained, 3 Removed</td></tr><tr><td>Important A</td><td>34 Retained, 42 Removed</td></tr><tr><td>Unimportant Z</td><td>9 Retained, 18 Removed</td></tr><tr><td>Unimportant ZZ</td><td>8 Retained, 3 Removed</td></tr></table> <p>Protection measures are proposed for remaining trees. Conditions are included requiring implementation of these measures.</p> <p>As outlined previously, significant replacement trees are proposed. Future development lots and open spaces will include additional planting.</p>	Tree Type	Outcome	Important AA	9 Retained, 3 Removed	Important A	34 Retained, 42 Removed	Unimportant Z	9 Retained, 18 Removed	Unimportant ZZ	8 Retained, 3 Removed	Yes, subject to conditions
Tree Type	Outcome											
Important AA	9 Retained, 3 Removed											
Important A	34 Retained, 42 Removed											
Unimportant Z	9 Retained, 18 Removed											
Unimportant ZZ	8 Retained, 3 Removed											
5.4 Environmental Performance												
5.4.8 Waste Management	Conditions are included for removal of any hazardous waste encountered during earthworks.	Yes, subject to conditions										
Part 6 Traffic and Transport												
6.1 Sustainable Transport												
6.1.1 Car Share	The control relates primarily to car sharing within private development. The proposal does not include any allocation of the proposed on-street parking spaces for car share vehicles. The ideal location for car share spaces depends on proximity to a sufficient density of potential users. The specific timing and staging of the future development is unknown. As such it is not considered appropriate to define car share spaces at this time. As the roads will come under the ownership of Council, car share allocation can occur in the future.	N/A										

Development Control	Proposal	Comply
6.1.3 Electric Vehicle Charging Infrastructure	See assessment under Melrose Park specific controls below (DCP Section 8.2.6.5.3).	N/A
6.4 Loading and Servicing	The proposed roads have been designed to be accessible by heavy rigid vehicles and as such all future development will have the ability to be appropriately serviced.	Yes
Part 7 Heritage and Archaeology		
7.3 Conservation Incentives	This control allows for variations to development controls for maintenance of heritage. As outlined under the LEP section above, the proposal affects heritage landscaping. The masterplan for the site includes a connection between EWR-3 and Wharf Road. However, stopping EWR-3 short of Wharf Road allows for retention of 7 additional heritage trees (see Figure 9 below). As such it is considered appropriate to allow for this variation, which also has other benefits as outlined in this report.	Yes
7.4 General Provisions	<p>See assessment under LEP Section 5.10 above.</p> <p>The proposal includes regrading within the heritage lot, which is normally not considered to be appropriate. However, as it is ameliorating previous benching and is necessary for the desired residential use, it is considered to be acceptable in this instance. Only very minimal regrading is proposed in the vicinity of the retained trees.</p> <p>The subdivision will retain a sufficient curtilage around most of the retained heritage fabric. As outlined previously, the heritage fabric within development sites will be subject to future assessment.</p>	Yes
7.5 Development in the Vicinity of Heritage	The heritage item which forms part of the site, also extends into the adjoining lots to the north-east. The proposal would not affect any of the heritage fabric on those lots and the proposed road works are sufficiently separated so as not to impact the visual curtilage of the adjoining fabric.	Yes
7.7 Archaeology	The Statement of Heritage Impact included consideration of the potential for European Archaeology, finding there was little likelihood of any remnant relics. The application was referred to the Heritage NSW (Archaeology division) who had no objection subject to a condition that work cease if relics are found during works.	Yes, subject to conditions
7.8 Aboriginal Cultural Heritage	The site is mostly defined as having Low Aboriginal Heritage Sensitivity. However, there is one small section in the north-western corner of the site which is classified as High Aboriginal Heritage Sensitivity. The application includes the required Aboriginal due diligence assessment which finds there is low risk of cultural material being present on site. As such the proposal is considered to be acceptable in this regard. Notwithstanding, an unexpected find condition is also included.	Yes, subject to conditions

Development Control	Proposal	Comply
Part 8 – Centres, Precincts, Special Character Areas & Specific Sites		
8.2 Local Centres		
<i>8.2.6 Melrose Park Urban Renewal Precinct</i>		
8.2.6.1 Introduction		
8.2.6.1.1 Desired Future Character	<p>This section requires an infrastructure development application be submitted prior to individual building applications. This application achieves the requirements of the clause by setting out the following in a way that achieves the objectives of the control:</p> <ul style="list-style-type: none"> • Defining development lot and public open space boundaries; • Setting site levels; • Includes road design; and • Allows for obligations under the associated planning agreements to be met. 	Yes
8.2.6.1.3 Water Management	<p>This section requires that development address water management - including flooding, stormwater drainage and detention, water quality, water habitats and rainwater.</p> <p>As the proposal includes regrading the site and providing the street network it will define overland flow paths and provide for the in-road drainage network.</p> <p>The applicant has undertaken an extensive series of water management modelling with the oversight of Council engineers.</p> <p>Council officers are satisfied that the applicant has demonstrated the following:</p> <ul style="list-style-type: none"> • That the proposal can provide acceptable overland flow routes. • That the proposal, taking account of the future private OSD systems, and the proposed detention basins, can result in net improvement to overland flow flooding downstream. • That the proposed street pipe network can provide adequate drainage for the site. • That the proposal can adequately control water quality leaving the site. <p>subject to conditions.</p> <p>These conditions include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Additional WSUD. • Revised design of playing field to allow its use as an overflow basin. • Need to demonstrate no upgrade required to existing Hope Street pipes. • Confirmation stormwater pipes in Wharf Road are of the size as modelled and potential need to upgrade these pipes regardless. • Timing of basin delivery. • Completion of the Wetland basin prior to decommissioning of existing interim basin. <p>The proposal includes temporary pipes which will drain the development lots until they are redeveloped. The redundant pipes will traverse under the roads to be</p>	Yes, subject to conditions

Development Control	Proposal	Comply
	dedicated to Council. As such a condition is included requiring that these pipes be decommissioned in such a way as to minimize the risk of subsidence in the future.	
8.2.6.2 Built Form		
8.2.6.2.2 Street, Block, Open Space, and Building Layout	<p>This section requires that development be generally consistent with the Melrose Park North Masterplan (see Figure 2 above), Street Hierarchy Plan and Public Domain Plan.</p> <p>The proposal includes the following variations to the Masterplan (see Figures 2 & 3 above):</p> <ul style="list-style-type: none"> • Not providing connection of EWR-3 to Wharf Road. EWR-3 now terminates in a cul-de-sac 17m short of Wharf Road. • Realignment of eastern extent of EWR-4. This results in the splitting of 1 development lot (EA) into 2 lots (EA & EC). • Not providing EWR-6 east of NSR-4 (which included another connection to Wharf Road). <p>Notwithstanding the non-compliances, the proposal is considered to better achieve the objectives of the control for the following reasons:</p> <ul style="list-style-type: none"> • Reduces removal of significant trees, including trees which form part of a heritage landscape listing. • Would make The Wetland open space larger, providing more room for stormwater management and passive recreation functionality. • Make the adjacent development blocks rectilinear as opposed to irregular. • Less total road hardstand, reducing urban heat island effect and runoff and increasing stormwater infiltration. • Reduces need for turn restrictions within the road network which would otherwise be required to account for sharp turn angles. • While EWR-4 as planned would have 'connected' to the existing Taylor Avenue opposite Wharf Road, given the angle of the connection a median would be required in Wharf Road restricting straight access, reducing justification for this approach. • Increase size and connectivity (for end users and wildlife) in Wharf Road Gardens open space corridor. • Less traffic in Wharf Road (incentive to go to NSR-2 to access Victoria Road). • The reduction in connections to Wharf Road is not considered to compromise the efficient function of the overall traffic network. <p>The application includes a dedication plan outlining that all roads will ultimately be dedicated to Council. A condition is included to clarify that Council endorse this approach. Given the roads will also form construction vehicle routes, which could damage the roads, it is considered appropriate to allow dedication to occur at a mutually agreeable time in the future to ensure construction traffic is mostly complete and roads have</p>	Yes

Development Control	Proposal	Comply
	<p>been repaired as required. In the interim, a condition is included requiring public access and drainage easements over the roads.</p> <p>As the DCP allocates specific allowable GFA to the development lots per the masterplan (see Figure 8 below), it may be necessary for the DCP to be revised if the proposed road alignment is approved.</p>  <p>Figure 8. DCP GFA Allocation Map</p> <p>The LEP maps may also need to be revised as some of the maps, such as the building height map (See Figure 9 below), are also per the masterplan arrangement.</p>	

Development Control	Proposal	Comply
	 <p>Figure 9. Height of Building Map extract PLEP 2023.</p> <p>Even if the relevant controls are not amended, there is little danger that the inconsistencies will result in bad design outcomes. Lack of a building height control on part of a site does not imply buildings of infinite height will eventuate. Building heights are naturally limited by other controls and the allowable GFA, which will remain unchanged overall.</p>	
8.2.6.2.18 Retaining Walls	<p>The proposal includes 4 retaining walls, all of which are on or near boundaries of the site the opposite side of which is likely to be redeveloped (see Figure 10 below). It is likely that redevelopment of those adjacent sites will be able to include regrading to match the proposed levels, thus burying/demolishing the retaining walls and making them redundant. The retaining walls in the interim should not have an unacceptable impact on the amenity of the adjoining sites as the adjacent uses are either industrial or the walls are far removed from the primary use of the site.</p> <p>As the retaining walls are not intended to be permanent features of the landscape, it is not considered necessary for them to be designed for aesthetics or ancillary functionality. However, given they will partly support/protect land to be dedicated to Council, Council will need to sign off on their detailed design. Conditions are included to this effect.</p> <p>The western extent of retaining wall RW03 deviates into the site. In order to ensure that it can be 'buried' by future development a condition is included requiring this section be aligned to the southern boundary.</p>	Yes, subject to conditions
8.2.6.2.19 Fencing	<p>While the proposal includes no permanent fencing, some interim safety fencing will be necessary as the site is progressively opened to the public, and at boundaries with adjacent sites prior to their redevelopment. Such fences could be in place for some time and will be visible from the public domain and as such they will need to be of an acceptable aesthetic and structural quality. A condition is included requiring detail of such fencing.</p>	Yes, subject to conditions

Development Control	Proposal	Comply
8.2.6.3 Public Domain		
8.2.6.3.1 Street Network and Footpaths	This control sets out desired cross sections for all roads in Melrose Park North. The proposed roads are generally consistent with these cross sections. Minor variations, where proposed, have been agreed and are supported by Council's Public Domain and Traffic teams. Conditions include sufficient flexibility to ensure these cross sections can be refined through detailed design.	Yes, subject to conditions
8.2.6.3.2 Pedestrian Connections	This control primarily deals with pedestrian connections within the development lots. Notwithstanding, the proposal includes mid-block pedestrian crossings in the roads which will join with these private connections. The proposed mid-block road crossings are consistent with the planned location of these connections.	Yes
8.2.6.3.3 Street Trees	The applicant developed a street tree 'masterplan' for the suburb in conjunction with Council's Public Domain team. The proposal is consistent with this plan.	Yes
8.2.6.3.4 Overhead Power Lines	The proposal includes underground power lines. Notwithstanding, a condition is included to clarify that no approval is given for new overhead power lines.	Yes, subject to conditions
8.2.6.3.6 Pedestrian Access and Mobility	The proposal is considered to adequately minimize road gradients for accessibility. The proposal does not specify allocation of on-street parking for accessible spaces. The most appropriate spaces will not be known until the associated buildings, and their entrances, are designed. As such allocation of on-street accessible parking can occur at future building design stage.	Yes
8.2.6.3.8 Public Open Space	The proposal does not include detailed design of the open space areas. However, some of the road alignments and stormwater network necessarily define/limit the levels/extent of the open spaces. The applicant has provided draft open space designs which demonstrate the proposal does not unacceptably prejudice future design of those spaces (see Attachment 3). However, these drawings do not form part of the application. Detailed design of the open space areas will be the subject of future application(s). A condition is included requiring the stormwater pits in the location of the future playing field be temporary and deleted as part of the future detailed design of the playing field (to ensure they do not prejudice the size of the field).	Yes, subject to conditions.
8.2.6.4 Vehicular Access, Parking, Servicing		
8.2.6.4.1 Vehicular Access	The proposal includes single driveways for most lots, mostly from the low (southern) side of the site as recommended by the DCP. Given site-specific constraints for lot BB, a driveway is not provided at this time. Future building applications may need to provide driveways in alternative locations which can be assessed at that time.	Yes
8.2.6.5 Sustainability		
8.2.6.5.2 Recycled Water	The proposal includes pipes for recycled water in the street reserve that will be able to service each lot if a district recycled water is made available by Sydney Water in the future. A condition is included to ensure they are provided.	Yes, subject to conditions

Development Control	Proposal	Comply
8.2.6.5.3 Electric Vehicle Charging Infrastructure	The control relates primarily to EV charging within buildings. The proposal does not include any public EV charging infrastructure. Given the required design parameters for such infrastructure are still not widely adopted, it is considered that any EV charging can be added by the Council and/or the energy provider in the future as required.	N/A
8.2.6.5.4 Urban Heat	The reduction in hardstand achieved by the proposed amendments to the road layout, along with the extensive street tree network, is considered to adequately contribute to the principles of reducing urban heat in Melrose Park and improving user comfort.	Yes
8.2.6.5.11 Ecology	As outlined above, the proposal is considered to have an acceptable impact on ecology subject to conditions requiring protection of retained trees, planting of new street trees, and provision of 2 x micro-bat boxes.	Yes, subject to conditions

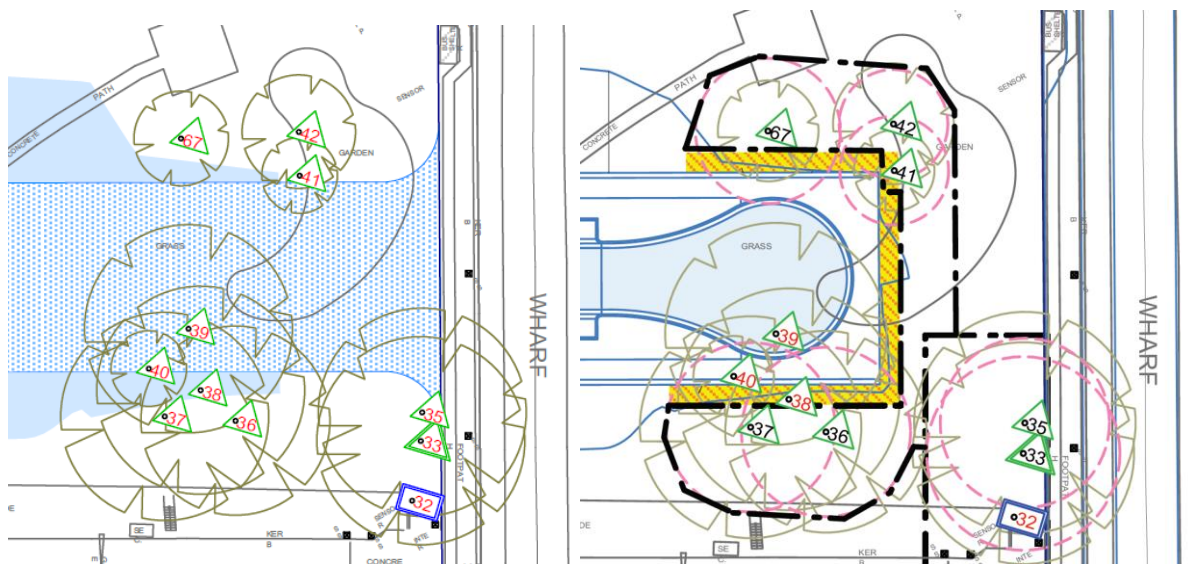


Figure 10. EWR-3 / Wharf Road Interface. Original proposal – EWR-3 connecting to Wharf Road – on left (resulted in loss of 10 category A/AA trees). Revised proposal – cul-de-sac of EWR-3 short of Wharf Road – on right (results in loss of only 3 A trees)

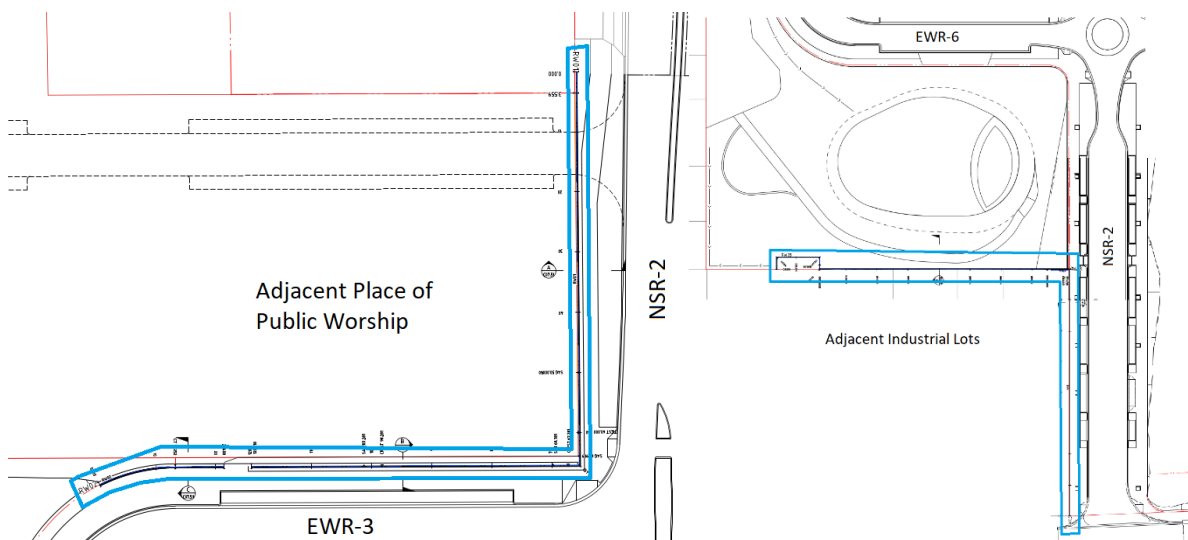


Figure 11. Retaining walls RW01 and RW02 (left) and RW03 and RW05 (right).

10. Planning Agreements

As outlined in section 3.4 above, the site is subject to both local and state voluntary planning agreements.

10.1 Local VPA

The proposal is considered to be consistent with the local VPA for the following reasons:

- The VPA requires delivery of NSR-2 and EWR-4, which are included in the subject application. The roads are generally consistent with the requirements specified for those roads. While the alignment to EWR-4 is not fully consistent with the VPA diagrams, this is considered to be acceptable as the VPA allows for design refinement at DA stage. The other proposed roads are to be dedicated to Council at no cost to Council at a mutually agreeable time.
- The stormwater layout, specifically the basins and overflow functionality on the planning field, are consistent with the requirements of the VPA.
- The road layout, basins and pipes do not prejudice delivery of the open space areas required by the VPA. In fact, the revisions to the design are such that the proposal will likely deliver approximately ~1,250sqm more open space than required.
- Affordable Housing Unit delivery is not prejudiced by the proposal.
- Monetary Contributions will still be required as outlined in the VPA
- The Shuttle Bus will still need to be provided as outlined in the VPA.
- The applicant has demonstrated that land can be remediated to the standard required by the VPA. Conditions are included to ensure the relevant steps are taken to achieve that level of remediation.

While the VPA includes a staging plan which differs from the staging plan provided as part of the DA, the VPA does not require that the stages within in be delivered in order. The staging plan in the VPA relates more to triggers for delivery of adjacent roads and open spaces.

10.2 State VPA

The proposal is considered to be consistent with the requirements of the state VPA for the following reasons:

- The works do not prejudice dedication of land on Victoria Road to the relevant road authority.
- The required road works, which are all outside the subject site, are not prejudiced by the proposed roads.
- The roads and subdivision define a school site consistent with the dimensions required.
- The applicant has demonstrated that the school site can be remediated to the standard required by the VPA. Conditions are included to ensure the relevant steps are taken to achieve that level of remediation.
- It does not prejudice dedication of the school site by 1/12/24, and completion of the playing field by 1/12/25.
- Monetary Contributions will still be required as outlined in the VPA.

Schools Infrastructure NSW also intend to enter into a joint use agreement with Council for use of the playing field during school hours. Council is cognisant that use of the playing field as an overspill basin may have a potential impact on its recreational functionality for school children. Council will liaise with SINSW through detailed design of the playing field. As outlined in this report, the field will only be inundated in rare stormwater events and as such will be available for school and general recreation use almost all of the time.

11. The Regulations

Conditions of consent are included to ensure the relevant provisions of the Regulations will be satisfied.

12. The Likely Impacts of the Development

12.1 Traffic

A Transport Management Action Plan (TMAP) was developed as part of the planning proposal which determined that the existing surrounding road network, subject to upgrades (which have since been captured in the two VPAs and masterplan), will be able to accommodate the envisaged density of development.

The applicant submitted a traffic report with the application which demonstrates that the proposed 'internal' road network, plus the proposed additional upgrades to intersections on the periphery of the site, will sufficiently accommodate the planned density.

The proposal includes 'deletion' of two proposed connections to Wharf Road which will limit the pressure on Wharf Road from the subject precinct. The proposed NSR-2, the primary north-south road, ultimately connects to Victoria Road opposite Kissing Point Road. The state VPA requires upgrade of the intersection of the Kissing Point Road / Victoria Road intersection. As such the majority of traffic will access the site from Victoria Road directly, minimising impacts on the existing surrounding network.

The road layout has been reviewed by Council officers and is considered to be acceptable and safe, subject to conditions.

12.2 Staging

The applicant seeks to construct the development in stages as outlined in the indicative staging plan (see Figure 4 above).

The proposed staging is considered logical, in that:

- The works necessary to facilitate delivery of the school will be completed first, in keeping with the timelines set in the state VPA.
- The second stage will allow for delivery of the town centre, which is subject to a concurrent application. Given stage 2 also includes all of NSR-2, which will collect water which needs to be detained, a condition is included requiring the Hope Street basin be provided as part of Stage 2 as opposed to Stage 4 shown on the plan.
- The third stage will allow for the Wetland basin and the delivery of the roads which ultimately direct stormwater to it (subject to a condition requiring that the remaining extent of NSR-4 be delivered with Stage 3 as opposed to Stage 5 shown on the plan).
- The fourth stage will provide access to the western development lots. Stage 4 could theoretically be delivered prior to Stage 3 and would still be acceptable. A condition is included to this effect.
- The fifth stage includes the remaining roads including those that will replace the existing interim stormwater basin in the north-east corner of the site.

Conditions are included requiring that the external intersection upgrade works be completed at specific hold points, specifically the stage which is assigned the adjacent road delivery.

13. Site Suitability

The subject site and locality are affected by overland flow flooding. Council's engineers have assessed the application and consider the proposal to be satisfactorily designed to minimise risk to human safety and property.

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

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

The earthworks and stormwater system are adequately separated from / protect the high voltage power lines.

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

14. Submissions

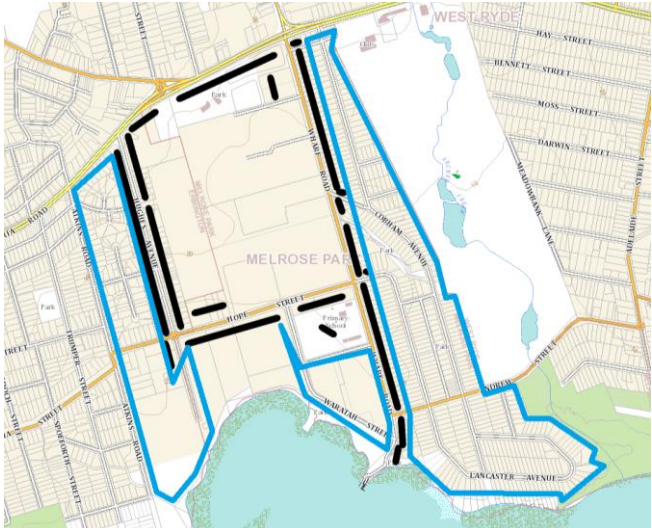
The application was notified and advertised in accordance with the Parramatta Notification DCP. The following notifications occurred:

Notification	Time Period	Dates	Reason
1	21 days	11/01/22 – 02/02/22	Initial
2	21 days	17/05/22 – 07/06/22	Clarify Site Address
3	21 days	03/03/23 – 24/03/23	Revised Drawings

Submission were received from eleven households/businesses. Some submitters made multiple submissions.

The public submission issues raised in the first two notification periods are summarised and commented on as follows:

Issues Raised	Comment
Excessive Loss of Trees (from heritage, visual buffer and biodiversity perspective). Replacement trees will take significant time to reach maturity.	<p>Applicant has demonstrated satisfactory minimisation of impact to existing trees (both from a heritage perspective, and overall).</p> <p>Replacement buffer planting will occur as part of the future open space applications. The VPA secures additional planting in all open spaces.</p> <p>The proposal would result in a significant net increase in trees on the site due to extensive street tree planting proposed.</p> <p>Road intrusions into the Wharf Road Gardens open space have been minimised, ensuring less interruptions in the landscape buffer.</p> <p>As outlined in this report, the proposal is considered to have an acceptable impact from a biodiversity perspective.</p>

	<p>While trees will take some time to reach maturity, conditions are included requiring advanced tree stock be used. The significant net increase in trees, though smaller, will minimise the net impact to total foliage in the area.</p>
<p>High Voltage Power Lines should be undergrounded. VPA requires existing easements, such as the power line easement, be extinguished.</p>	<p>The VPA does not require undergrounding of the power lines. Due to the cost of undergrounding the power lines, and given competing infrastructure requirements, it was not considered to be appropriate to prioritise undergrounding at the planning proposal stage.</p> <p>While the VPA generally requires removal of easements prior to land dedication, in this case Council may exercise the discretion clause to not require removal of the electricity easement.</p>
<p>Traffic and safety impacts (to existing streets around site).</p>	<p>As outlined in Section 12.1, the proposal is considered to have an acceptable impact on traffic and safety.</p>
<p>Road layout not consistent with original proposal.</p>	<p>The road layout is considered to be optimised relative to the original proposal.</p>
<p>Traffic not modelled based on proposed layout.</p>	<p>The latest traffic report is based on the currently proposed road layout.</p>
<p>Proposal does not adequately address the relevant SEPPs .</p>	<p>The relevant SEPPs are considered in assessment of the report (see Section 7 above).</p>
<p>Notification not sufficient.</p>	<p>The notification has been carried out to an area wider than required by the Parramatta Notification DCP (see figure below).</p>  <p>Figure 12. Notification map (black - required area, blue, notified area)</p> <p>The original notification erroneously excluded one of the subject lots. As such the proposal was renotified accordingly.</p>
<p>Proposal not consistent with zone objectives.</p>	<p>The proposal has been assessed as being consistent with the zone objectives (see Section 7.7 above).</p>

Works are not permissible.	The proposed uses are considered to be permissible (see Section 7.7 above).
Proposal requires tree removal on an adjoining site.	The applicant has submitted a separate tree permit application for removal of these trees. This application has been approved.
Applicant should demonstrate how EWR-2A will be achieved (connection between NSR-2 and Hughes Avenue).	The levels of NSR-2 are somewhat inflexible in that they need to connect to the existing portion of NSR-2 constructed to the north. The plans include the indicative future connection. It is considered reasonably to defer detailed design of this road to its future delivery.
Retaining walls would have detrimental impacts on adjoining sites.	As outlined in this report, the retaining walls are considered likely to have an acceptable impact on adjoining sites in the interim. The proposed retaining walls adjacent adjoining sites will likely be buried upon development of those adjoining sites (see Section 9.2 above).
Medians should not be provided to restrict turning movements in NSR-2.	The medians are considered to be necessary for the efficient function of the road network. Alternative routes exist for vehicles to enter NSR-2.
NSR-1 is too close to the existing high voltage electricity towers.	Ausgrid did not raise any concern, subject to conditions.
Section 7.11 or 7.12 contributions should be provided.	The VPA includes a 1% general levy based on the cost of works (for mixed use and high-density residential development), based on the s7.12 plan that applied at the time the VPA was offered. As such it exempts the proposal from payment of the existing s7.11 plan.
Buildings proposed to be demolished as part of the subject application have already been demolished	The applicant clarified that demolition was not part of the subject application and that separate complying development certificate approval was obtained for demolition of the buildings.
Unacceptable building heights	The proposal includes no buildings. Any future application for buildings in Melrose Park will be assessed against the applicable controls.
Unacceptable residential floor space.	The proposal includes no floor space. Any future application for buildings in Melrose Park will be assessed against the applicable controls.
Lack of provision of bridge over Parramatta River	The site-specific LEP clause limits the amount of development possible before a bridge (or some other comparable infrastructure upgrade) needs to be provided. This trigger was information by the Transport Management Action Plan for the area. The state VPA includes a monetary contribution to delivery of the bridge.
Less open space provided than required.	The proposal will likely result in more open space being provided than required by the controls/VPAs.
Insufficient detail of construction traffic management	A draft construction management plan, which included consideration of traffic impacts, was submitted with the application. The draft was reviewed by Council's Traffic and Transport Team and TfNSW and was considered acceptable subject to a condition of consent for a detailed Construction Traffic Management Plan prior to any works.
No Traffic Impact Assessment has been provided.	Subsequently a Traffic Report was provided.

Construction dust	A draft construction management plan, which included consideration of dust impacts, was submitted with the application. The draft was reviewed by Council's Environmental Health Team and was considered acceptable subject to a condition of consent for a detailed Construction Management Plan.
TMAP for rezoning did not adequately consider impacts on adjacent existing road network	The Traffic Report considers impact on adjacent road network to be acceptable subject to upgrade of two existing intersections.
Kissing Point Road / Victoria Road / NSR-2 intersection should be upgraded as part of the subject application	The trigger for the upgrade works are outlined in the state VPA (i.e. when 1,900 dwellings are built in the precinct).
Lack of parking, impact on adjacent streets	The proposal provides new on-street parking. Future developments will be required to provide an appropriate level of parking. Council has the option of implementing controlled parking zones in the future if existing residents are deemed unacceptably impacted.
Lack of commitment to Parramatta Light Rail Stage 2 reason to refuse application	The PLEP 2023, clause 9.5, includes a trigger (11,000 dwellings in Melrose Park precincts) beyond which development cannot proceed without sufficient additional infrastructure.
Proposal likely to result in rat runs within existing streets to the east and west of the site.	The TMAP includes staged upgrade to intersections of Victoria Road with NSR-2 and Wharf Road which will allow additional access to Victoria Road and reduce 'rat runs'. Further, the proposal, particularly not connecting EWR-3 and EWR-6 to Wharf Road, limits direct routes from east of the site to west of the site and vice versa.
Intersection of Victoria Road and Hughes Avenue should be signalised.	Upgrades to Hughes Road / Victoria Road intersection are not anticipated to be required.
Removal of green corridor on western side of Wharf Road (impact on wildlife)	The masterplan sets out for Wharf Road Gardens, a linear open space along the western side of Wharf Road. The proposal results in a reduction of intrusions into this corridor, terminating EWR-3 west of the open space, straightening EWR-4, and terminating EWR-6 west of the open space. As such the proposal is considered to retain a good wildlife corridor in this location.

The new public submission issues raised in the third notification period (i.e. to revised drawings) are summarised and commented on as follows:

Issues Raised	Comment
The revised proposal includes an additional development lot which will result in more residential units.	The proposal splits one of the masterplan lots into two smaller lots. There is no increase to the allowable residential floorspace. The proposal results in a net increase to public open space.
Removal of EWR-6 east of NSR-4 provides no benefit to residents.	The road is replaced with public open space, which will benefit residents, existing and new.

Revised road layout does not result in sufficient reduction to impact on existing trees.	The revised road layout results in the retention of 6 additional significant trees.
Revised proposal increases size of Wetland basin resulting in reduction in usable open space.	The increase in the size of the Wetland basin is offset by an increase in the size of The Wetland open space, and does not come at the expense of any other planned open spaces. The proposal results in an increase in open space relative to the masterplan. The future detailed design application for The Wetland is required by the VPA to include passive recreation opportunities.
Stormwater drawings not exhibited	The stormwater drawings and flood reports were exhibited. The stormwater models, which are in a format which requires specialist computer programs to open and which are very significant in size, were not exhibited for practical reasons. The flood reports included the relevant 'outputs' of the flood modelling.
Replacement of underground tanks with aboveground basement a cost cutting exercise	Council raised concern with the underground tanks on the basis of maintenance costs and worker safety. Council's Assets team supports the revised proposal.
Amended stormwater layout directs more to the eastern catchment and less to the western catchment.	The proposal results in no net increase to either the eastern catchment or western catchments downstream.
Traffic report insufficient.	As outlined in this report, the traffic report has been reviewed by Council's Traffic and Transport team and is found to be satisfactory.
Ryde have not been consulted.	No response has been received from the notification sent to Ryde Council.
Insufficient parking in recently completed roads to north.	The recently completed roads to the north may need to be subject to revised parking restrictions to ensure there is sufficient turnover. The new roads provided as part of this application will need to go through a similar calibration phase to find the ideal balance.
The 'amended Melrose Park North masterplan' was not advertised.	Reference to an 'amended Melrose Park North masterplan' appears to have originated from the applicant's revised Statement of Environmental Effects. There is no such document. The applicant may have misinterpreted a Council officer sketch.
The savings provision in PLEP 2023 means that the application must be assessed under PLEP 2011 for which the applicable zoning is primarily industrial.	As outlined in Section 7.7 of this report, PLEP 2023 can be relied upon.
The LEP maps are not consistent with the revised road alignment.	Several of the LEP maps (i.e. zoning, building height) spatially define controls consistent with the masterplan road layout. However, the proposal does not include any uses which are not permissible in the zones and the other maps, such as the building height maps, are not relevant. Were the application to be approved the applicant

	and/or Council may seek to amend the planning control maps to align with the road network as approved.
The application cannot be approved because it is not consistent with the Masterplan, and the Masterplan would need to be changed before the application could be approved.	<p>The masterplan is contained within the DCP. Where an application is not consistent with the requirements of a DCP it can still be considered acceptable where it achieves the objectives of the DCP notwithstanding the inconsistencies.</p> <p>The masterplan in the DCP does not need to be amended before the application can be approved as the proposal is considered to be consistent with the objectives of the DCP.</p> <p>Were the application to be approved the applicant and/or Council may seek to amend the masterplan to align with the road network as approved.</p>
The application cannot be approved because it is not consistent with the local VPA, and the local VPA would need to be changed before the application could be approved.	<p>As outlined in this report, the proposal is considered to be sufficiently in keeping with the requirements of the VPA.</p> <p>The VPA also includes a clause that it is not intended to operate to fetter the exercise of any statutory power (for example the Sydney Central City Planning Panel) relating to future development applications.</p> <p>Were the application to be approved the applicant and/or Council may seek to amend the VPA to align with the road network as approved.</p>
Arborist Report does not consider all trees	The Arborist Report excludes some small trees of minimal significance. No approval is granted for removal of those trees under this application. The trees can either be removed without consent or will be retained for consideration at time of development of the associated block/open space.
The proposal includes works outside the site.	Development Applications often include works outside a subject site - such as upgrades to the public domain, driveway crossovers and the like.
Wharf Road Gardens should be 20m in width, not the 17m proposed.	The width of Wharf Road Gardens is consistent with the LEP, DCP and VPA requirements.
Upgrades to pipe in Wharf Road not appropriate.	Upgrading pipes is a common occurrence. Regardless, the application no longer proposes to upgrade the pipe in Wharf Road.
Full sized playing field should be provided.	The proposal is not considered to prejudice provision of a full-sized playing field. Deletion of EWR-6 east of NSR-4 provides additional space to ensure this can be achieved.
The staging plan does not allow for provision of all roads around the town centre at the same time.	A revised staging plan was subsequently submitted which does include all roads around the town centre at the same time.
The revised alignment of EWR-4 results in loss of additional heritage trees.	The proposed realignment results in the loss of 5 heritage trees (4 x 'A' trees, and 1 'Z' tree) that would not be affected in the DCP masterplan arrangement. This is partly offset by the

	<p>amendments to EWR-3, which result in the retention of 3 additional heritage trees (1 x 'AA' tree, and 2 x 'A' trees)</p> <p>Notwithstanding, it is difficult to assign each tree a heritage value and as such this comparison also requires a subjective element. As outlined in this report, the proposal overall is considered to retain sufficient heritage trees. The realignment has several positive outcomes, as outlined in this report. As such this is not considered to be reason to refuse the application.</p>
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15. Public interest

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest. The proposed infrastructure will support the delivery of a significant quantum of Council's housing targets, including affordable housing.

16. Disclosure of Political Donations and Gifts

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

17. Developer Contributions

The local VPA includes a levy that replaces the existing contributions plan.

18. Summary and Conclusion

The application has been assessed against section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development is of an appropriate design and provides for acceptable levels of infrastructure for the envisaged future density of the site.

It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties and does not compromise the redevelopment of adjoining sites.

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

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

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 approval is recommended subject to conditions.

19. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority grant Consent to Development Application No. DA/1100/2021 for the Melrose Park North street network (roads, footways, street trees, landscaping, drainage, services, and associated infrastructure); including tree removal, remediation and bulk earthworks; and Torrens subdivision at 38-42 Wharf Road, 82-84 Wharf Road, 33 Hope Street MELROSE PARK NSW 2114 and 27-29 Hughes Avenue ERMINGTON NSW 2115 (Lot 10 DP 1102001, Lot 11 & 12 DP 787611, Lot 6 DP 232929, Lot 200 & 201 DP 1265603) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Appendix 1.
- B. **That** submitters be notified of the decision.