



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

Panel reference	PPSSCC-335
DA number	DA/56/2022
Proposed development	Construction of a part three (3) and part four (4) storey Residential Flat Building consisting of seven (7) one-bedroom units and fourteen (14) two-bedroom units over basement parking with sixteen car parking spaces, an outdoor communal area and associated landscaping.
Property	Lots 347, 348 and 349 DP 36743 18-22 Sophie Street, Telopea
Applicant	NSW Land and Housing Corporation
Owner	NSW Land and Housing Corporation
Date of lodgement	24 January 2022 Amended information received: <ul style="list-style-type: none">• 22 August 2022.
Submissions	None
Regionally significant development criteria	This application has a Capital Investment Value of \$ 9,535,915.00 and is to be carried out by the Crown, the application is being referred to the Sydney City Central Planning Panel for determination.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• State Environmental Planning Policy (Planning Systems) 2021• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004• State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development• Parramatta Local Environmental Plan 2011 (PLEP 2011)• Parramatta Development Control Plan 2011 (PDCP 2011)• Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).
Documents submitted with this report	Attachment 1 – Planning Assessment Attachment 2 – Draft Conditions Attachment 3 – Selected Architectural Drawings Attachment 4 – Selected Civil Drawings Attachment 5 – Selected Landscape Drawings Attachment 6 – Public Transport Assessment
Recommendation	Refusal
Report prepared by	Alicia Hunter – Senior Development Assessment Officer

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6) has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

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

Have draft conditions been provided to the applicant for comment?	Yes
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1. Executive summary

Development Application DA/56/2022 was lodged on 24 January 2022 for the construction of a part three (3) and part four (4) storey Residential Flat Building consisting of seven (7) one-bedroom units and fourteen (14) two-bedroom units over basement parking with sixteen car parking spaces, an outdoor communal area and associated landscaping.

This application has a Capital Investment Value of \$ 9,535,915.00 and is to be carried out by the Crown, the application is being referred to the Sydney City Central Planning Panel for determination.

Despite the application being made by NSW Land and Housing Corporation, the development **does not** include affordable housing.

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 4 February 2022 and 25 February 2022. No submissions were received.

Section 4.15 Assessment Summary

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. Consideration of technical matters by Council's engineering and landscaping departments has not identified any fundamental issues of concern.

It is however noted that a non-compliance with the provision off-street car parking and adequately designed bicycle car parking is not supported. This non-compliance with the Parramatta Development Control Plan 2011 forms the primary reason for refusal.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended that the Panel support the recommendation to refuse Development Application No. DA/56/2022 and the application be referred to the Minister for Planning

2. Site Description and Location

The subject site is located at 18 – 22 Sophie Street, Telopea and is legally described as Lots 347, 348 and 349 in DP 36743. The site has a combined area of 2,188.1m² and is currently occupied by three (3) residential dwellings and associated structures.

The site is irregular in shape and is located on the north-eastern side of Sophie Street. The site has a primary street frontage to Sophie Street of approximately 50m. The site has a crossfall from the northern corner to the southern street frontage of 10m.

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



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined in red. Source: Nearmap: September 2022.

Surrounding Development

Surrounding development consists of a mix of low, medium and high residential development. The site is located approximately 600m north of the Telopea Neighbourhood Shopping Centre, and approximately 700m east of the future Telopea Light Rail Station. See **Figures 3 to 5** below.



Figure 2: Telopea Neighbourhood Shopping Centre. Source: Google Maps



Figure 3: Telopea Light Rail Stop. Source: <https://www.parramattalightrail.nsw.gov.au/>

3. Relevant Site History

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

Development Application	Description
Complying Development CD/186/2022 (18 Sophie Street, Telopea)	Complying Development Application CD/186/2022 for the demolition of the existing dwelling house and associated structures was granted on 3 May 2022.
Complying Development CD/187/2022 (20 Sophie Street, Telopea)	Complying Development Application CD/187/2022 for the demolition of the existing dwelling house and associated structures was granted on 3 May 2022.
Complying Development CD/188/2022 (22 Sophie Street, Telopea)	Complying Development Application CD/188/2022 for the demolition of the existing dwelling house and associated structures was granted on 3 May 2022.

4. The Proposal

The application proposes the construction and use of a Residential Flat Building three (3) to four (4) storeys in height containing a total of twenty-one (21) residential units with basement parking and associated landscaping works. Consolidation of three (3) lots into a single lot is also proposed. Specifically, the proposal comprises:

- Site preparation works including excavation works for the proposed basement;
- Construction of a Part 3 and Part 4 storey Residential Flat Building consisting of:
 - Seven (7) x one-bedroom units and
 - Fourteen (14) x two-bedroom units
 - Basement parking with sixteen (16) car parking spaces, including three (3) accessible spaces. Storage lockers and servicing are also proposed in the basement; and

- Outdoor communal area and associated landscaping.
- Extensive landscaping is proposed throughout the site comprising mature trees, shrubs and ground covers.

The application also includes the removal of eleven (11) trees; ten (10) within the site and one (1) within the road reserve.

Amended plans and documentation were submitted to Council on 22 August 2022. The amended plans included:

- Agreement to the installation of a dual reticulation water system;
- Agreement to the installation of required infrastructure to support electric vehicle connection;
- Increase in bicycle parking spaces;
- Reconfiguration of the vehicular access to the site;
- Changes to the location and design of the proposed on-site detention system;
- Reconfiguration of the accessible units to comply with relevant Australian Standards; and
- Reconfiguration of access to the communal open space.



Figure 4: Artists Impression (Sophie Street). Source: DEM



Figure 5: Southwest Elevation (Sophie Street). Source: DEM

5. Public Notification

In accordance with the Parramatta Consolidated Notification Requirements the Development Application was notified and advertised between 4 February 2022 and 25 February 2022. No submissions were received.

6. Referrals

Any outstanding matters arising from internal or external referrals not dealt with by conditions?	No
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7. Environmental Planning and Assessment Act 1979

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

8. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	N/A. Detailed assessment is provided at Attachment 1 .
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9. Parramatta Local Environmental Plan 2012 (PLEP 2012)

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

Provision	Comment
Land use zone	<ul style="list-style-type: none">R4 High Density Residential
Definition	<ul style="list-style-type: none">Residential development
Part 2 Permitted or prohibited development	<ul style="list-style-type: none">Permitted with consent in zoneConsistent with zone objectives
Part 3 Exempt and Complying Development	<ul style="list-style-type: none">Not applicable
Part 4 Principal Development Standards	<ul style="list-style-type: none">Complies with all principal development standards
Part 5 Miscellaneous Provisions	<ul style="list-style-type: none">All relevant provisions satisfied
Part 6 Additional Local Provisions	<ul style="list-style-type: none">All relevant provisions satisfied

10. Parramatta Development Control Plan 2011 (PDCP 2011)

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

Provision	Comment
Part 2	

Site Planning	<ul style="list-style-type: none"> Complies
Part 3 Development Principles	<ul style="list-style-type: none"> Complies
Part 4 Special Precincts - Part 4.3 Strategic Precincts	<ul style="list-style-type: none"> Does not comply with the off-street car parking requirement. This non-compliance forms the primary reason for refusal. Does not provide adequately designed bicycle parking spaces. This non-compliance forms a reason for refusal.

11. Response to Sydney Central City Planning Panel Briefing Minutes

Key Concern	Comment
Public Transport Assessment – Details of proximity, frequency, and destination of nearby bus services	Refer Attachment 6.

12. Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance, the proposal has not demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

Accordingly, refusal of the development application is recommended.

13. Recommendation

That the Sydney Central City Planning Panel, exercising the function of the Consent Authority:

- A. **Refuse** development consent to DA/56/2022 for the construction and use of a Residential Flat Building three (3) to four (4) storeys in height containing a total of twenty-one (21) residential units with basement parking and associated landscaping works on land at 18-22 Sophie Street, Telopea, for the following reasons:

1. State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development

- 3J Parking Provisions: Insufficient off-street car parking has been provided. As such, this Clause of the State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development is unable to be satisfied.
- 3J Parking Provisions: Inadequate bicycle parking spaces have been provided. As such, this Clause of the State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development is unable to be satisfied.

2. Parramatta Development Control Plan 2011

- Section 4.3.9.1 Traffic and Transport. Insufficient off-street car parking has been provided. As such, this Clause of the Parramatta Development Control Plan 2011 is unable to be satisfied.
- Section 4.3.9.1 Traffic and Transport. Inadequate bicycle parking spaces have been provided. As such, this Clause of the Parramatta Development Control Plan 2011 is unable to be satisfied.

3. The Public Interest

The insufficient and inadequate provision and design of off-street car and bicycle parking is not in the public interest.

ATTACHMENT 1 – PLANNING ASSESSMENT

Panel Reference	PPSSCC-335
DA Number	DA/56/2022

1. Overview

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

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

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

1.2 Referrals

1.2.1 Design Excellence Advisory Panel

The application was initially considered by Design Excellence Advisory Panel (DEAP) at a meeting on 28 April 2022. The panel was not supportive of the application in its current form, issuing the design an **Amber Light**, and provided the following advice:

The Design Excellence Advisory Panel makes the following comments in relation to the scheme:

DEAP Comments	Response
<p>1. The panel acknowledges the site is steeply sloping and understands the difficulty in:</p> <ul style="list-style-type: none"> locating apartment fronting Sophie Street to achieve a desired outcome at street level addressing the amenity of partially subterranean apartments at the rear. 	Noted
<p>2. The panel suggest further consideration is given to the relationship of the floor level of the units at their immediate outdoor open space, the communal open space and the sequence of proposed retaining walls.</p>	<ul style="list-style-type: none"> 2 metre wide landscape planter proposed to include screen planting: <ul style="list-style-type: none"> Murraya orange jessamine (<i>Murraya paniculata</i>) – Mature 1.5m Crepe Myrtle (<i>Lagerstroemia indica</i>) – Mature 6m 1.5 metre high horizontal metal batten fence proposed at edge of unit POS to minimise opportunities for overlooking.
<p>3. The proposed sectional arrangement illustrated in section 1</p> <ul style="list-style-type: none"> will allow overlooking from the communal open space to these subterranean apartments Locates two planters - one substantial relatively high and a small lower planter close to the private outdoor space of apartments 101 102 	

	 <p>Figure 6: Extract of Section 1 (ar-2200) showing planter and fencing</p>
4. A better solution would be to remove G01 and lower the RL of the communal open space. This would enable the communal ops space level to be lower to that of the ground floor lobby thereby eliminating the need for the ramps.	The relationship between the proposed communal open space, ground floor dwellings and common lobby are considered to provide an appropriate balance of amenity, useability, access and privacy.
5. The panel also expressed concern about the width of the narrow planter inboard of the larger planter.	The planters located within the POS of Units G01 and G02 are approximately 600mm wide with soil depth capable of accommodating Indian Hawthorn (<i>Rhaphiolepis indica</i>) as proposed.
6. The panels preference is to locate the basement driveway under or in place of G03 This will allow for the provision of a landscaped side set back more consistent with desired future character.	In this instance, Council supports the location of the basement entrance being on the lowest point of the site.
7. The northern side of the basement extends beyond the external wall of the ground floor. The basement perimeter walls should align with or remain within the footprint of the ground floor. In this regard, there may be opportunity to extend the basement slightly further west as it currently sits behind the external walls of the level above.	<p>Council supports the extent of the basement, however, does not support the provision of off-street parking spaces.</p> <p>A second level of basement parking may result in a smaller basement footprint to alleviate this issue; however, this does not form a reason for refusal.</p>
8. The panel suggests that the stepping the built form massing to the street making it more deliberate stepping following the horizontal road alignment - as did existing dwellings illustrated in the survey drawings.	The proposed setbacks generally comply with the Telopea Precinct controls in the DCP 2011. The stepping form along the street frontage assists in reducing the visual bulk of the building and allows solar access to the living rooms and POS of street facing units.
9. The panel requires the montage to reflect what is illustrated in the floor plans e.g., the louvres illustrated in plan is angled to the north. On the montage they shown to angled to the southwest. Consequently, their intended solidity or transparency in elevation and the elements are not reconcilable. There needs to be consistency between drawings.	Corrected on the amended plans
10. The louvers also appear to be an afterthought – an attempt to address privacy between adjoining units and to provide screening for condensers and the like.	Noted. The applicant contends that the louvres have been positioned to provide screening for clotheslines and maintain privacy to units from the public domain. The louvres have been orientated to allow sunlight to reach the living areas of Units G04, 107 & 207 to achieve solar access requirements.
11. Provide sun shading to all north, east and west facing windows.	Sun hoods included in amended plans
12. The panel appreciates the solar panels as shown on the roof plan for lighting lobbies and the like. Panel seeks clarification as to the KWs and whether battery storage is provided.	Photovoltaic system will have an output of 12.0 park kW.

13. Further, the panel would like to see to the incorporation of grey water for irrigation of the landscape area.	Dual reticulation infrastructure provided.
14. The panel would like to see more detail on the communal open space. While the applicant notes that in this particular development the communal open space will not be used for small gatherings, the panel notes that there are examples of communal open space in other similar projects where the space has been designed to cater for variety of activities. The panel would like the applicant to give greater thought to the uses or provide substantive evidence to Council as to why this development should be considered different. A covered (with a pergola) outdoor BBQ would be a useful communal amenity in this area.	<p>LAHC does not provide communal facilities such as outdoor BBQ as they are difficult to manage and have on-going maintenance costs including vandalism.</p> <p>Council is satisfied with the design of the communal open space based on LAHC's requirements.</p>

Assessing Officer Comment

Additional information was received on 22 August 2022 addressing Council's DEAP's concerns.

Council Officers are satisfied that the amended plans address relevant concerns raised by the Design Excellence Advisory Panel.

1.2.2 Internal Referrals

Referral	Comment
Traffic Engineer	<p>Council's Traffic Engineer reviewed the proposal and is unable to support the application due to the shortfall in car parking noting:</p> <ul style="list-style-type: none"> • <i>Sophie Street is a narrow (approximately 7.0 metres) along the site frontage of the proposed development, which only allows one (1) vehicle to pass at any one time when vehicles are parked on both sides of the street.</i> • <i>Based on the Parramatta DCP 2011, the proposed development is required to provide minimum 22 off-street parking spaces including 17 parking spaces for residents and five (5) parking spaces for visitors. However, the proposed development will provide only 17 parking spaces which is equal to 5 parking shortfall.</i> • <i>The submitted plans (CM ref. D08658728) does not show the allocation of the parking spaces (i.e. it is unknown whether a parking space will be allocated to the residential units or visitors). On this basis, it is assumed that all off-street parking spaces will be allocated to residential units and the required visitor parking spaces for the proposed development is totally relied on the on-street parking along Sophie Street.</i> • <i>It is expected that the use of on-street parking along Sophie Street will adversely impact on traffic flow and increasing traffic congestion in surrounding local roads.</i> • <i>It is also expected that the surrounding roads, including Sophie Street, will have increased parking demand due to increasing population in the area, and increased pedestrian and traffic volumes during peak periods.</i> • <i>It is noted that approval of the proposed development with parking shortfall will set a precedent for other developers to not provide visitor parking spaces and just rely on the use of on-street parking for</i>

	<i>visitors, which in turn will worsen the parking situation and traffic flow on the road network within the precinct.</i>
Development Engineer	Council's Development Engineer concluded that, subject to the imposition of the recommended conditions, the proposal will satisfy the requirements of Council's controls and can be supported.
Landscape and Tree Management Officer	Supported, subject to conditions of consent.
Urban Design (Accessibility)	Supported, subject to conditions of consent.

1.2.3 External Referrals

Referral	Comment
Department of Planning and Environment (DPE)	DPE has reviewed the proposal and have issued a Secretary's Certificate certifying that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.

2. Planning Assessment

2.1 Environmental Planning Instruments

Overview

The instruments applicable to this application are:

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

Compliance with these instruments is addressed below.

Consolidated State Environmental Planning Policies - 1 March 2022.

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

Old SEPP/SREP	New SEPP	New Location
State and Regional Development	(Planning Systems) 2021	• Schedule 6
(Vegetation in Non-Rural Areas) 2017	(Biodiversity and Conservation) 2021	• Chapter 2
Sydney Regional Environmental Plan (Sydney)	(Biodiversity and Conservation) 2021	• Chapter 10

Harbour Catchment) 2005 (Deemed SEPP)		
No 55—Remediation of Land (Infrastructure) 2007	(Resilience and Hazards) 2021 (Transport and Infrastructure) 2021	<ul style="list-style-type: none"> • Chapter 4 • Chapter 2

2.2 State Environmental Planning Policy (Planning Systems) 2021

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

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

2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

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

The application also includes the removal of eleven (11) trees; ten (10) within the proposed building footprint and one (1) within the road reserve. The proposed planting scheme includes the provision of up to 35 mature trees, shrubs, ground covers and grasses to be planted throughout the site.

Council’s Landscape Tree Management Officer raised no objections to the removal of the eleven (11) trees as follows:

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

Were the application recommended for approval, tree and landscaped related conditions would have been recommended.

2.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 Sydney Harbour Catchment

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The development is consistent with the objectives and controls contained with the SEPP.

Were the application recommended for approval, conditions of consent relating to any matters of general relevance (erosion control, etc) would have been recommended.

2.5 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

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

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

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

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

Were the application recommended for approval, conditions of consent would have been recommended for appropriate measures to be taken during construction if the contamination status of the site changed.

2.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

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

Transport for NSW

Clause 2.18: Development with a frontage to a Classified Road

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

Clause 2.122 Traffic Generating Development

Clause 2.122 applies to the development of a new premises of a relevant size or capacity. For the purpose of defining traffic generating development, which is of a relevant size and capacity, the SEPP

refers to Schedule 3. In accordance with Schedule 3, the proposal is defined as residential accommodation, and is located within 90m of a road that connects to a classified road however, the proposed development is not for more than 75 dwellings. As such, a referral to TfNSW was not required. Despite this, the following is noted:

A Traffic Impact Assessment (TIA), prepared by Transport and Traffic Planning Associates Pty Ltd (dated November 2021) was submitted as part of this Development Application. The TIA concluded that a total of four (4) vehicle trips per hour during the AM peak hour, and three (3) vehicle trips per hour during the PM peak hour is projected.

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

The Traffic and Parking Assessment report states that based on RMS's traffic generation rates for high density residential development, the projected peak traffic generation is 4 vtph and 3 vtph in the AM and PM peaks respectively. site development yields a traffic generation potential of 11vtph during the weekday peak periods and the proposed development yields a traffic generation potential of 10vtph during the weekday peak periods. Therefore, the proposal will generate 1 less vehicle trip during peak periods.

The report then concludes that the development proposal generates less traffic than the existing site development and the proposed development has no unacceptable traffic implications.

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

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

A BASIX Certificate (see Certificate No. 1230653M_02 dated 10 January 2022) has been submitted with the application.

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

Commitment	Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	35	48

Were the application recommended for approval a standard condition would have been included requiring compliance with the submitted BASIX certificate.

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

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

- The advice (if any) obtained from a design review panel
- The design quality of the development when evaluated in accordance with the nine design quality principles and

- The design quality assessed against the Apartment Design Guide (ADG).

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

Design Quality Principles

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposal is considered to respond to and enhance the qualities of the area including the adjacent sites streetscape and neighbourhood.</p> <p>The development is considered to satisfy this principle.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The built form bulk and siting is successfully mitigated, and the building height breach does not result in significant effect on the visual appearance of the building or amenity of surrounding properties. The building will not appear to be overly dominant or out of character with the surrounding environment when viewed by the public.</p> <p>The development is considered to satisfy this principle.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public</p>	<p>The form and massing of the proposed building is akin to a high-density residential development and has been architecturally designed to sit comfortably within the streetscape. A mix of well-articulated façade elements, setbacks and landscape planting will ensure a sympathetic relationship between the form and massing of the proposed building, the site conditions and surrounding development.</p> <p>The development is considered to satisfy this principle.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
transport, access to jobs, community facilities and the environment.	
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>A suitable BASIX Certificate has been supplied with the amended plans, which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential properties receive sufficient solar access.</p> <p>The agreement to the installation of dual reticulation pipes as well as electric vehicle infrastructure will ensure a positive environmental outcome.</p> <p>The development is considered to satisfy this principle.</p>
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.</p>	<p>Viable, sustainable landscaping is proposed within the communal open space areas and along the perimeters of the site.</p> <p>The development is considered to satisfy this principle.</p>
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p>	<p>Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved through the design.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public</p>	<p>The proposal has been designed to reduce crime risk and opportunities for crime.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
<p>domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The development is considered to satisfy this principle.</p>
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed development provides housing choice which meets the needs of the community now and into the future.</p> <p>The development is considered to satisfy this principle.</p>
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The design development of the proposal is supportive and is resulting in an interesting series of buildings that will enhance the neighbourhood.</p>

Apartment Design Guide (ADG)

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

Clause	Proposal	Compliance
<p>Part 2 - Development Controls</p> <p>Note: This part explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls. It is used here only to ascertain degrees of compliance with the most applied controls under Parts 3 and 4 later in this table.</p>		

Clause	Proposal	Compliance												
2E - Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	The proposed building ranges in depth from 18m to 20m. The proposed building depth allows for appropriately sized rooms with sufficient solar access and natural ventilation. Further, the building will not appear to be overly dominant or out of character with the surrounding environment or the desired future character.	N/A												
2F - Building Separation Minimum separation distances for buildings up to 4 storeys should be: <ul style="list-style-type: none"> 12m between habitable rooms / balconies 9m between habitable / balconies and non-habitable rooms 6m between non-habitable rooms. As the adjoining site to the rear is an R3 Medium Density Residential zoning, a minimum building separation of 9m is required.	<table border="1"> <thead> <tr> <th>Separation</th><th>Control</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>Rear</td><td>9m</td><td>12m</td></tr> <tr> <td>East</td><td>9m</td><td>15m</td></tr> <tr> <td>West</td><td>9m</td><td>9.1m</td></tr> </tbody> </table> Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved.	Separation	Control	Proposed	Rear	9m	12m	East	9m	15m	West	9m	9.1m	Yes
Separation	Control	Proposed												
Rear	9m	12m												
East	9m	15m												
West	9m	9.1m												
2G – Street Setbacks Determine street setback controls relative to the desired streetscape and building forms, for example: <ul style="list-style-type: none"> Define a future streetscape with the front building line Match existing development Step back from special buildings Retain significant trees In centres the street setback may need to be consistent to reinforce the street edge Consider articulation zones accommodating balconies, landscaping etc. within the street setback Use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street Manage corner sites and secondary road frontages 	It is considered that the proposed building is of a high architectural quality and will define the street frontage for this portion of Sophie Street. The building is well-articulated at all levels, with a mix of balcony elements and façade treatments. The proposed building will sit within a landscaped setting, creating opportunities for lower level planting and an active street frontage.	Yes												
Part 3 - Siting the Development This part provides guidance on the design and configuration of apartment development at a site scale. Objectives, design criteria and design guidance outline how to relate to the immediate context, consider the														

Clause	Proposal	Compliance												
interface to neighbours and the public domain, achieve quality open spaces and maximise residential amenity. It is to be used during the design process and in the preparation and assessment of development applications														
3B Orientation Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.	The building layout has been orientated to predominantly face Sophie Street and is not out of character with the existing streetscape.	Yes												
3C Public domain interface Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	The building has well defined private and communal open spaces that transition adequately from the public domain.	Yes												
3D Communal & public open space Provide communal open space to enhance amenity and opportunities for landscaping & communal activities. <ul style="list-style-type: none"> Provide communal open space with an area equal to 25% of site Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June. 	The ADG requires that the site provide 24% (547.02m ²) as communal open space. Communal Open Space Provided: 36% (786m ²). 50% of the usable area of communal open space achieves direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June. Equitable, clear and safe access to all communal open space is accessible to all residents. The size, location and design of the proposed communal open space provides a functional, landscaped area which encourages social interaction for future occupants.	Yes												
3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. <ul style="list-style-type: none"> Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 6m. 	7% (153.17m ²) of the site area is to be deep soil. The development has provided 23% (503.21m ²) of deep soil zones within the throughout the site. This is considered satisfactory.	Yes												
3F Visual Privacy Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	<table border="1"> <thead> <tr> <th></th><th>Control</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>Rear</td><td>9m</td><td>12m</td></tr> <tr> <td>East</td><td>9m</td><td>15m</td></tr> <tr> <td>West</td><td>9m</td><td>9.1m</td></tr> </tbody> </table>		Control	Proposed	Rear	9m	12m	East	9m	15m	West	9m	9.1m	Yes
	Control	Proposed												
Rear	9m	12m												
East	9m	15m												
West	9m	9.1m												

Clause			Proposal	Compliance
Building Height	Habitable rooms & balconies	Non habitable rooms	Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved.	
Up to 12m (4 storeys)	6m	3m		
3G Pedestrian Access & entries				
Pedestrian access, entries and pathways are accessible and easy to identify.			The development proposes a pedestrian entry to the building from Sophie Street. The entry is accessible and well defined.	Yes
3H Vehicle Access.				
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.			Vehicle access and egress is proposed to be provided toward the south-eastern corner of the site. The proposal provides for well-designed and safe vehicle and pedestrian access and loading area.	Yes
3J Parking Provisions.				
<u>Car parking</u> For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less. <u>Bicycle Parking</u> Provide adequate motorbike, scooter and bicycle parking space (undercover).			Council's Parramatta Development Control Plan 2011 (PDCP 2011) requires a minimum of 22 off-street car parking, and a minimum of 23 off-street bicycle parking spaces be provided. 17 car parking spaces and 32 bicycle parking spaces have been provided. The proposed shortfall in car and bicycle parking is not supported and forms the primary reason for refusal of this application. Note: It is proposed to use personal storage cages in the basement for 21 of the proposed bicycle parking spaces. This is not supported.	No
The development does not propose affordable housing pursuant to SEPP (Housing) 2021 and therefore does not benefit from the reduced parking rates under that instrument. For clarity, if the application were made pursuant to SEPP (Housing) 2021, a total of 17.5 (18) car spaces would have been required.				
Part 4 - Designing the Building This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications				
4A Solar & daylight access				
Living rooms and private open spaces of at least 70% of apartments in a building				Yes

Clause	Proposal	Compliance
<p>receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.</p> <p>Design should incorporate shading and glare control, particularly for warmer months</p>	<p>15 (71%) of the proposed units will receive the required 2 hours of direct sunlight between 9am and 3pm midwinter.</p> <p>The BASIX Certificate is included with the application demonstrating that the proposal achieves required thermal comfort levels. Materials and finishes which incorporate shading and glare control measures including awnings are proposed.</p>	
<p>4B Natural Ventilation</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p>	<p>61.9% of apartments are cross ventilated.</p>	<p>Yes</p>
<p>4C Ceiling Heights</p> <p>Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.</p>	<p>All of the floors will have a floor to ceiling height of 3.3m in all habitable rooms and a 2.4 minimum ceiling height in all non-habitable rooms, complying with this provision.</p>	<p>Yes</p>
<p>4D Apartment size and layout</p> <p>Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> • Studio = 35m² • 1 bedroom = 50m² • 2 bedroom = 70m² • 3 bedroom = 90m² • 4 bedroom = 102m² <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window.</p> <p>Master bedrooms – minimum area 10m² Excluding wardrobe spaces.</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments 	<p>The proposed apartments have the following minimum internal areas:</p> <ul style="list-style-type: none"> • 1 bed units: 53m² - 63m² • 2 bed units: 72m² – 83m² <p>All of the apartments exceed the minimum requirements.</p> <p>All habitable rooms have a window compliant with the rates. All habitable room depths are no greater than 8m from a window.</p> <p>The master bedrooms, where proposed, have a minimum area of 10m², excluding wardrobe space.</p> <p>Living rooms/combined living/dining area have a minimum 4m width for 2 and 3 bedrooms, respectively.</p>	<p>Yes</p>

Clause	Proposal	Compliance																		
<ul style="list-style-type: none">4m for 2 and 3 bedroom apartments																				
<p>4E Private Open Space and balconies</p> <p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Min area</th><th>Min depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>N/A</td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr><tr><td>Ground or podium</td><td>15m²</td><td>3m</td></tr></table>	Dwelling type	Min area	Min depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	Ground or podium	15m ²	3m	<p>The proposed apartments have the following minimum balcony areas:</p> <ul style="list-style-type: none">1 bed units: 8m²2 bed units: 10m² <p>All of the apartments also exceed the minimum requirements for balcony depth. Balconies meet the minimum size requirements.</p> <p>Ground level courtyards meet the required 15m² and minimum dimensions.</p>	Yes
Dwelling type	Min area	Min depth																		
Studio apartments	4m ²	N/A																		
1 bedroom	8m ²	2m																		
2 bedroom	10m ²	2m																		
3+ bedroom	12m ²	2.4m																		
Ground or podium	15m ²	3m																		
<p>4F Common circulation and spaces.</p> <p>The maximum number of apartments off a circulation core on a single level is 8.</p>	<p>The development proposes a maximum of seven (7) units to be accessed from the circulation space.</p>	Yes																		
<p>4G Storage</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table><tr><th>Dwelling type</th><th>Storage volume size</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom apt</td><td>6m³</td></tr><tr><td>2 bedroom apt</td><td>8m³</td></tr><tr><td>3 + bedroom apt</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage volume size	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	<p>The storage provided consists of both storage space within the units and storage cages within the basement.</p> <p>In each unit, more than 50% of the storage is provided within the apartment.</p>	Yes								
Dwelling type	Storage volume size																			
Studio	4m ³																			
1 bedroom apt	6m ³																			
2 bedroom apt	8m ³																			
3 + bedroom apt	10m ³																			
<p>4H Acoustic privacy</p> <p>Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.</p> <p>Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>Appropriate acoustic privacy will be provided for each apartment. Living rooms and balconies have generally been orientated away from res areas.</p> <p>Noisy areas within buildings (such as the entrance) are not located next to bedrooms.</p>	Yes																		

Clause	Proposal	Compliance
4K Apartment mix A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.	<p>The development has incorporated the following apartment mix:</p> <ul style="list-style-type: none"> • 1 Bedroom (33.3%) • 2 Bedroom (66.7%). <p>The proposed development provides housing choice which meets the needs of the community now and into the future.</p>	No but acceptable based on demand for affordable housing provided by LAHC.
4M Facades Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents. Building facades are expressed by the façade.	<p>The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass. The development will reinforce the desired future character of the area and enhance the amenity of the locality.</p>	Yes
4N Roof design Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use the roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability features.	<p>The development has proposed a flat roof which is integrated with the overall development. All plant equipment is adequately screened and located toward the centre of the roof.</p>	Yes
4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	<p>A total of 919m² of landscaped areas are provided throughout the site. In addition, a total of 503m² of deep soil landscaping is proposed along the rear setback area.</p> <p>Viable, sustainable landscaping is proposed within the communal open space areas and along the perimeters of the site.</p> <p>The majority of proposed species are appropriate locally endemic species.</p> <p>Council's Landscape Management Officer has advised that the proposed landscaping scheme is satisfactory.</p>	Yes
4P Planting on structures Appropriate soil profiles are provided.		Yes

Clause	Proposal	Compliance
	<p>Planter boxes are proposed above the basement car park footprint. Soil profiles have been provided.</p> <p>Council's Management Landscape Officer has reviewed the proposed planting scheme and has raised no objection.</p>	
<p>4Q Universal design</p> <p>Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.</p>	<p>18 universal design "silver" units (Livable Housing Guidelines)¹ are required to be provided.</p> <p>The access report submitted with the application indicated that the proposed development is capable of achieving this.</p>	Yes
<p>4U Energy efficiency</p> <p>Development incorporates passive environmental design measures – solar design, natural ventilation etc.</p>	<p>The development complies with solar access and natural ventilation requirements.</p> <p>A BASIX certificate is submitted with the application which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p>	Yes

2.9 Parramatta Local Environmental Plan 2011 (PLEP 2011)

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

Clause 1.2 Aims of Plan

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage a range of development, including housing, employment and recreation, that accommodates the needs of the existing and future residents, workers and visitors of Parramatta,*
- (b) to foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city,*
- (c) to identify, conserve and promote Parramatta's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,*
- (d) to improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling,*
- (e) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,*
- (f) to protect and enhance the natural environment, including areas of remnant bushland in Parramatta, by incorporating principles of ecologically sustainable development into land use controls,*
- (g) to improve public access along waterways where natural values will not be diminished,*
- (h) to enhance the amenity and characteristics of established residential areas,*

- (i) to retain the predominant role of Parramatta's industrial areas,*
- (j) to ensure that development does not detract from the economic viability of Parramatta's commercial centres,*
- (k) to ensure that development does not detract from the operation of local or regional road systems,*
- (l) to ensure development occurs in a manner that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependant ecosystems,*
- (m) to protect and enhance the viability, identity and diversity of the Parramatta City Centre and recognise it as the pre-eminent centre in the Greater Metropolitan Region,*
- (n) to encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.*

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

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

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

Clause 2.3 Zone objectives and Land Use Table

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

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

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

Standards and Provisions	Compliance
Part 4 Principal development standards	
Cl. 4.3 Height of buildings Allowable: 11m Proposed: 12.47m	Does not comply.
Cl. 4.4 Floor Space Ratio Site area: 2,188.1m ² Max FSR allowable: 0.8:1 Max GFA allowable: 1,750.48m ² Ground Floor: 367.88m ²	

Level 1: 551.73m ² Level 2: 552.29m ² Level 3: 271.45m ² Total: 1,743.55m ² FSR: 0.8:1	
Cl. 4.6 Exceptions to Development Standards	Variation to Clause 4.3 'Height of Buildings' standard. See assessment below.
Part 5 Miscellaneous provisions	
Cl. 5.10 Heritage conservation	The site is not identified as a heritage item and is not located within a heritage conservation area.
Cl. 5.21 Flood Planning	The site is not identified as being flood prone.
Part 6 Additional local provisions	
Cl. 6.2 Earthworks	<p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>Associated earthworks to create a level building platform and enable the construction of the basement car park are proposed. This will result in up to 4m in cut throughout the site.</p> <p>The scale and location of the proposed earthworks will not adversely affect the visual quality and amenity values of the site given the earthworks are localised to the vicinity of the site and are largely required to create a foundation for building works, access and the proposed car park. The proposed earthworks will not change the line of the landscape.</p> <p>In addition, adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.</p> <p>The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>
Cl. 6.12 Design Excellence Telopea precinct	See assessment below.
Cl. 6.16 Height of Buildings for certain land in the Telopea Precinct	<p>The subject site is identified as being located within the Telopea Precinct on the Key Sites Map in the PLEP 2011. As such, Clause 6.16(3) is applicable to the site. Clause 6.16 states that:</p> <p><i>(3) Despite clause 4.3, the maximum height for a building on land identified as "Telopea Precinct" on the Key Sites Map may exceed the maximum building height identified for that land on the Height of Buildings Map, but only if the consent authority is satisfied that—</i></p> <p><i>(a) the building is in Zone B4 Mixed Use or Zone R4 High Density Residential, and</i></p> <p><i>(b) any additional height that exceeds the maximum will be used for or in relation to an open rooftop, and</i></p> <p><i>(c) there will be no additional overshadowing.</i></p> <p>The proposed height exceedance will not be used for an open roof top terrace, as such this Clause is not relevant to the assessment of this Development Application.</p>

Cl. 6.18 Development requiring the preparation of a Development Control Plan	<p>The subject site is identified as being located within the Telopea Precinct on the Key Sites Map in the PLEP 2011. As such, Clause 6.18 is applicable to the site. Clause 6.18 required the preparation of a Development Control Plan specific to the Telopea Precinct.</p> <p>Development Control Plan for the Telopea Precinct came into effect on 25 October 2021 and are contained in Section 4.3.9 of Parramatta Development Control Plan 2011 (PDCP 2011). An assessment of the proposal against this Section of the PDCP 2011 is detailed below.</p>
Cl. 8.1 Arrangements for Designated State Public Infrastructure	<p>The subject site is identified as being located within the Intensive Urban Development Area on the Intensive Urban Development Area Map in the PLEP 2011. As such, Clause 8.1 is applicable to the site. Clause 8.1 states:</p> <p><i>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</i></p> <p><i>(2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.</i></p> <p><i>(3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).</i></p> <p>Department of Planning and Environment has reviewed the proposal and have issued a Secretary's Certificate certifying that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.</p>
Cl. 8.2 Public Infrastructure	<p>The subject site is identified as being located within the Intensive Urban Development Area on the Intensive Urban Development Area Map in the PLEP 2011. As such, Clause 8.2 is applicable to the site. Clause 8.2 states:</p> <p><i>(1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</i></p> <p>The site is required to be serviced with essential infrastructure.</p>

Clause 4.6 Exceptions to Development Standards Building Height

The proposal does not comply with the maximum 11m building height development standard detailed in Clause 4.3 of the PLEP. The proposed maximum building height is **12.47m** (central part of the building).



Figure 7: 3D Height Plane indicating extent of breach

The development proposal exceeds the maximum permissible building height by 1.47m which is a **13.36% variation** to the development standard.

Clause 4.6 of PLEP 2011 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes.

Control	Proposal	Breach	Variation
11 metres	12.47 metres	1.47 metres	13.36%

Clause 4.6(1) – Objectives of Clause 4.6

The objectives of Clause 4.6 of the PLEP 2011 are considered as follows:

“(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(a) to achieve better outcomes for and from development by allowing flexibility in particular circumstances”

Clause 4.6(2) – Operation of Clause 4.6

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

Clause 4.6(3) – The Applicant’s written request 4.6

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the development standard. The request must demonstrate that:

“(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) there are sufficient environmental planning grounds to justify contravening the development standard.”

The applicant has submitted a written request justifying the variation to the height of building development standard. In the justification the applicant states:

- *There are sufficient environmental planning grounds to justify the contravention of the development standard, namely the provision of more social housing in a well serviced location that is consistent with the Parramatta City Council’s Local Housing Strategy, the NSW Government’s Future Directions for Social Housing in NSW, the Greater Sydney Region Plan 2018 and the Central City District Plan 2018;*
- *The proposed development is consistent with the relevant objectives of the height of buildings development standard under the PLEP 2011, despite the non-compliance;*
- *The proposed development is in the public interest as it is consistent with the objectives of the R4 High Density Residential zone under the PLEP 2011 to provide for the housing needs of the community within a high density residential environment;*
- *The design of the development represents a reasonable balance between the height and floor space ratio (FSR) controls for the site;*
- *The variation achieves a better planning outcome for and from the development without significant environmental impacts by providing more social housing, better utilisation of well-located land, efficient use of existing serviced urban land and is consistent with the evolving character of the locality;*
- *The variation sought is limited to localised breaches where they do not have any unacceptable adverse environmental impacts. The building has been designed to step down in response to the site’s sloping topography with the majority of the roof form being under the height limit;*
- *The proposed development is consistent with the emerging character of the locality which was rezoned in 2018 to allow for increased residential density; and*
- *The request satisfies the tests set by the Land and Environment Court for the justification and assessment of variations to development standards, as detailed within this statement.*

Comment: An assessment has been undertaken to determine whether compliance with the standard is ‘unreasonable and unnecessary’ and there are ‘sufficient planning ground’ as follows:

An assessment against the relevant case law established in the NSW Land and Environment Court has been undertaken below. These cases establish tests that determine whether a variation under Clause 4.6 of an LEP is acceptable and whether compliance with the standard is unreasonable or unnecessary.

Wehbe v Pittwater Council

Case law in the NSW Land & Environment Court has considered circumstances in which an exception to a development standard may be well founded. In the case of *Wehbe v Pittwater Council [2007] NSWLEC 827* the presiding Chief Judge outlined the following five (5) circumstances:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

Height of Buildings Objectives

(a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,

Comment: Many sites within this area are expected to be redeveloped in the near future. With respect to scale, the bulk of the building has been designed sympathetically to the surrounding area accounting for the topographical and environmental constraints of the site.

It is considered that the proposed bulk and scale of the building is generally a positive response to the site and is mitigated by appropriate facade modulation. The bulk and scale of the proposal is commensurate and compatible with that of future development within Sophie Street and the Telopea Precinct.

Overall, the building will sit comfortably within the streetscape, further it is considered that the development respects the existing and desired future character of the area and any potential adverse effects on the surrounding environment in respect to building height will be non-existent.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Comment: As shown in **Figure 7** above, the elements of the proposed building which exceed the control are largely toward the mid and front portion of the proposed building.

The encroachment toward the centre of the building is not considered to be overly dominant. The roof elements are quite centralised on the roof of the building such that these elements will not be overly prominent when viewed from Sophie Street.

It is considered that the building will continue to contribute positively to the visual amenity and character of the streetscape, without resulting in any unreasonable adverse amenity impacts. In particular, it is noted that there will be no unreasonable overshadowing, overlooking, loss of views or noise impacts as a result of this breach.

The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass and will provide a contemporary building, reinforce the desired future character of the area and enhance the amenity of the locality.

(c) to require the height of future buildings to have regard to heritage sites and their settings,

Comment: The scale of the development will be larger than the current situation, but the changes are considered positive and will not result in adverse cumulative effects on heritage sites or their settings.

(d) to ensure the preservation of historic views,

Comment: Future development will not dominate or detract from private views. The visual integrity and coherence of the historic views are maintained.

(e) to reinforce and respect the existing character and scale of low density residential areas,

Comment: The site is located within a high-density residential area, however for completeness, this objective has been considered.

Although the level of built form, in terms of the building height, will be slightly increased by the proposed re-development, the general bulk of the built form is more considerate of the natural topography of the site, and will contribute positively to the future character of the area.

The proposal is consistent with the objectives of the High Density Residential zone

(f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Comment: The proposed height breach will not lead to a reduction in solar penetration on site nor will it lead to sunlight loss or overshadowing to key areas of the public domain which are considered unreasonable.

2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.

Comment: The applicant does not challenge that the underlying objectives are not relevant, only that proposed height breach should be assessed on its merit with regards to the LEP standard and its objectives.

3. The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.

Comment: The applicant does not challenge that the development standard is unreasonable.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

Comment: The applicant does not challenge that the development standard is abandoned.

5. The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.

Comment: The applicant does not challenge that the zoning is inappropriate or that the standard is unreasonable or unnecessary.

Clause 4.6(4) - Consent Authority Assessment of Proposed Variation

Clause 4.6(4) of PLEP 2011 outlines that development consent must not be granted for development that contravenes a development standard unless:

“a) the consent authority is satisfied that:

- i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

b) the concurrence of the Secretary has been obtained.”

Comment: The matters of clause 4.6(4)(a)(ii) and Clause 4.6(4)(b) have been dealt with in the preceding section.

Public Interest

Clause 4.6(4)(a)(ii) of PLEP 2011 states:

“The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out”.

Comment:

Although the subject site can accommodate a development of a residential flat building of this scale as the site required services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding properties and is ideally located close to public transport links, services and facilities, the non-compliance with the car parking provision is not supported.

As such, the proposed development is consistent with the objectives of this standard, however, is not in the public interest solely due to the reduced availability of on-site parking.

Concurrence

Clause 4.6(4)(b) of PLEP 2011 states:

“The concurrence of the Secretary has been obtained”.

Comment: Such concurrence is assumed (refer to the Planning Circular PS 20-002, 5 May 2020).

Conclusion: It is considered that the applicant’s written request has adequately addressed the matters required to be demonstrated and that the request to vary the height development standard within Parramatta LEP 2011 can be supported as the proposal achieves the objectives of the height development standard and zone, there are sufficient site-specific reasons for the breach, reaching this conclusion, regard has been given to the relevant Judgements of the LEC.

Clause 6.12: Design Excellence Telopea Precinct

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

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

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

Requirement	Comment
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposed development has been designed by DEM Architecture and accompanied by a Design Statement, and SEPP 65 Statement. DEAP provided some comments with respect to the design of the development, Council is of the opinion that the amended plans submitted to address these comments have explained the design intent and achieves a high standard of architectural design, materials and detailing.

(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The proposed development responds to the existing and future local context. The quality and amenity of the public domain will be improved.
(c) whether the development detrimentally impacts on view corridors,	The proposed development is not considered to impact on any view corridors.
(d) whether the development detrimentally impacts on any land protected by solar access controls established in the Parramatta Development Control Plan,	Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential properties receive sufficient solar access and comply with the requirements of the PDCP 2011.
(e) the requirements of the Parramatta Development Control Plan,	An assessment of the proposal the PDCP 2011 is detailed below.
(f) how the development addresses the following matters— (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain.	<p>The proposed development is considered to be a suitable development for the site, being permissible in the zone.</p> <p>The proposed use is consistent with the zoning and surrounding development.</p> <p>N/A</p> <p>The proposed development is adequately setback from neighbouring sites. Neighbouring amenity is maintained.</p> <p>The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass</p> <p>The proposed development exceeds the prescribed building height. A Clause 4.6 has been submitted as part of this Development Application.</p> <p>The development complies with solar access and natural ventilation requirements.</p> <p>A BASIX certificate is submitted with the application which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>Vehicle access and egress is proposed to be provided toward the south-eastern corner of the site.</p> <p>The proposal provides for well-designed and safe vehicle and pedestrian access and loading area.</p>

	Minor public domain works are proposed, including the construction of a new footpath. The quality and amenity of the public domain will be improved as a result.
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3. Draft Environmental Planning Instruments

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

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

Control	PLEP 2011	Draft LEP 2022
Zoning	R4 High Density Residential	R4 High Density Residential
Height	11m	11m
FSR	0.8:1	0.8:1

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

4. Development Control Plans

4.1 Parramatta Development Control Plan 2011 (PDCP 2011)

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

Development Control	Comment	Compliance
<i>Part 2 Site Planning</i>		
Views and Vistas	The site is not identified as containing significant views.	N/A
Water Management	Refer to assessment under PLEP 2011.	Yes
Soil Management	The erosion and sediment control plan submitted is considered to be sufficient.	Yes
Land Contamination	Refer to assessment under SEPP Resilience and Hazards 2021.	Yes
Air Quality	The proposal is not likely to result in increased air pollution.	Yes
Development on Sloping Land	The development responds to the topography of the site. The building is stepped, and appropriate excavation and fill is proposed enabling an adequate building platform.	Yes
Biodiversity	The site does not adjoin bushland or land zoned E2 or W1 and the proposal satisfies this clause.	Yes
Public Domain	The building appropriately addresses the public domain along Sophie Street. Were the application recommended for approval, the applicant would be requested to address the footpath width and street tree	Yes

	planting details provided by Council's Urban Design – Public Domain team.	
Part 3 Development Principles		
Building Form and Massing	<p>It is considered that the proposed bulk and scale of the building is generally a positive response to the site and is mitigated by appropriate facade modulation. The bulk and scale of the proposal is commensurate and compatible with that of the nearby development.</p> <p>Overall, the building will reinforce, complement and enhance the visual character of the street.</p>	Yes
Building Façade and Articulation	The proposed building façade is well articulated toward Sophie Street providing an attractive design.	Yes
Roof Design	The proposed roof design is integrated with the building's composition and form. The character of the streetscape is maintained in this regard.	Yes
Energy Efficient Design	BASIX Certificate has been submitted.	Yes
Streetscape	It is considered that the proposed building is of a high architectural quality and will define the street frontage for this portion of Sophie Street. The building is well-articulated at all levels, with a mix of balcony elements and façade treatments and will sit comfortably within the streetscape defining and improving the street frontage.	Yes
Landscaping	Viable, sustainable landscaping is proposed within the communal open space areas and along the perimeters of the site.	Yes
Private and Communal Open Space	The communal open space has been designed to facilitate opportunities for recreational and social activities, passive amenity and landscaping.	Yes
Visual and Acoustic Privacy	<p>With regard to visual and acoustic privacy, the proposed development has been designed to minimise the likelihood of any adverse overlooking or intrusion of aural privacy of adjoining properties. This has been achieved by providing sufficient setbacks, screening elements, and highlight windows</p> <p>Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved.</p>	Yes
Solar Access and Cross Ventilation	The applicant has demonstrated that the proposal would ensure adequate daylight to the main living areas of neighbours in the vicinity and adequate sunlight to all areas of private open space.	Yes
Water Sensitive Urban Design	<p>The proposal also incorporates an on-site detention system. Council's Development Engineer has reviewed the proposal with regard to the proposed OSD and noted:</p> <p><i>Proposal is for an RFB with one basement level carpark. OSD has been designed to 4th edition and incorporates filter cartridges to meet WSUD targets. Basement pump out has been designed to pump the driveway runoff. In terms of earthworks, site is an export job approx. -4,300 m3 of cut/fill. Terraced retaining walls provide step downs totalling 4.2m.</i></p>	Yes

	<p><i>Stormwater calculations have been assessed against 4th ed UPRCT and are considered satisfactory. BEW plan is also satisfactory.</i></p> <p>Council's Development Engineer concluded that, subject to the imposition of the recommended conditions with respect to the proposed OSD system, the proposal will satisfy the requirements of Council's controls and can be supported.</p>	
Waste Management	<p>The waste management plan is satisfactory, detailing the types and amounts of waste generated by the development and the methods of removal and disposal.</p> <p>The proposed waste service area will ensure all waste can be transferred and collected without compromising the amenity of residents or adjoining sites.</p>	Yes
Culture and Public Art	<p>An arts plan is not required as the application does not have a CIV of more than \$5,000,000.00 and is not located within:</p> <ul style="list-style-type: none"> - A local town centre - Land zoned B2 Local Centre or B4 Mixed Use - Land with a site area greater than 5000m² 	N/A
Access for People with Disabilities	<p>The proposed development has been designed and sited to ensure an appropriate level of accessibility so that all people can enter and use these premises is achieved.</p> <p>Further, Council's Urban Designer (Accessibility) reviewed the proposal and raised no objections subject to compliance with the recommended conditions.</p> <p>Were the application recommended for approval appropriate conditions of consent will be imposed to ensure compliance with the Disability Discrimination Act, 1992 (DDA), the relevant Australian Standards and the Building Code of Australia (BCA) would have been recommended.</p>	Yes
Amenities in Buildings Available to the Public	The proposal is not a public building.	N/A
Safety and Security	The proposal has been designed to reduce crime risk and opportunities for crime.	Yes
Heritage	Refer to 'Clause 5.10 Heritage Conservation' comments under 'PLEP 2011' section above.	Yes
Sustainable Transport	A Travel Plan is not required.	N/A
Accessibility and Connectivity	The site is not considered to be of a size or suitable location that would require a pedestrian through site link.	N/A
Subdivision	No subdivision is proposed.	N/A
Site Consolidation and Development on Isolated Sites	The development will not result in isolation of the adjoining allotments.	Yes
4.3 Special Precincts		
4.3.9 Telopea Precinct		
4.3.9.1 Traffic and Transport		
<u>Vehicle Access</u>		

<p><i>Car Parking</i> Minimum car parking rates as per the relevant State Environmental Planning Policy.</p> <p><i>Bicycle Parking</i> Minimum 23 bicycle spaces required.</p> <p><i>Electric Vehicle Charging Infrastructure</i> Minimum 3 electrical bicycle spaces required.</p> <p>All residential and visitor car parking spaces must be provided Electric Vehicle Ready Connections.</p>	<p>Complies – The proposed driveway has been located to the southern edge of the site to ensure impacts to the existing services within the road services are minimised. The driveway can enable vehicles to enter and exit the basement carpark in a forward direction.</p> <p>Non-Compliant – Council's Parramatta Development Control Plan 2011 (PDCP 2011) requires a minimum of 22 off-street car parking, and a minimum of 23 off-street bicycle parking spaces be provided.</p> <p>17 car parking spaces and 8 bicycle parking spaces have been provided.</p> <p>Note: It is proposed to use personal storage cages in the basement to offset additional bicycle parking. This is not supported.</p> <p>Non-compliant. If the additional bicycle spaces were provided, there would likely be opportunities for electrical bicycle spaces to be provided.</p> <p>Complies LAHC has agreed to install the infrastructure required to allow for the installation of EV charging spaces in the future. This would have been included as a condition of consent should the application have been recommended for approval.</p>
<p>4.3.9.2 Development and Design <u>Street Frontages and Access</u> C.18 Buildings must:</p> <p>a. address a street.</p> <p>b. be articulated with depth, relief and shadow on the street façade. A minimum relief of 150mm between the masonry finish and glazing face must be achieved.</p> <p>c. Utilise legible architectural elements and spatial types such as doors, windows, loggias, reveals, pilasters, sills, plinths, frame and infill. Plinths are particularly encouraged in Telopea so that the topography is emphasised.</p> <p><u>Development within Precincts</u> C.2 Development of a residential flat building should have a minimum site frontage of 24 metres, except 18 metres for sites with two street or lane frontages.</p> <p>C.3 New development must provide between a 4 to 6 metre setback to the street as outlined in Figure 4.3.9.4.</p>	<p>Complies – The building layout has been orientated to predominantly face Sophie Street.</p> <p>Complies – It is considered that the proposed building is of a high architectural quality and will define the street frontage for this portion of West Parade. The building is well-articulated at all levels, with a mix of balcony elements and façade treatments. The proposed building will sit within a landscaped setting, creating opportunities for lower level planting and an active street frontage.</p> <p>Complies – 50m (approx.) site frontage</p> <p>Complies – Minimum 4.6m front setback (including articulation zones)</p>

<p>C.4 The minimum setback to the side boundaries is 3 metres for part of the length of the building. Where apartments habitable rooms only face the side boundary, allow a 6 metre wide side setback, as outlined in Figure 4.3.9.4.</p> <p>C.5 The rear setback is to be a minimum of 10 metres or 15% of the total length of the site as measured from centre of the rear boundary (whichever is the greater), as shown in Figure 4.3.9.4. The setback can be averaged to align with the building footprint where the rear alignment is not regular.</p> <p>C.7 30% of balconies or architectural elements such as bay windows, may project up to 400mm into front building setbacks only.</p> <p>C.8 Provide a minimum of 30% of deep soil zone on the site area, with the following requirements:</p> <p>a. A minimum of half of the total deep soil area is located at the rear of the site.</p> <p>b. A minimum of 7% of the total site area which is provided as deep soil area shall be designed to have a minimum dimensions of 6 metres (or greater). The remaining deep soil areas shall provide minimum dimensions of 4 metres (or greater). Noting that a deep soil with a minimum dimension of less than 4 metres does not contribute to the deep soil calculation.</p> <p>C.9 Deep soil should be designed to create a contiguous deep soil network formed with adjacent lots.</p> <p>C.10 Removal of existing trees should be avoided, and new trees should be planted, as detailed in Section relating to Tree Preservation and Enhancement of this DCP.</p> <p>C.11 Where significant excavation is required as part of new development, it must be demonstrated that deep soil back fill must comprise constructed horticultural soil profiles in order to support local vegetation communities.</p>	<p>Complies –</p> <p><i>Side (north-west):</i> Min. 9.1m (habitable rooms) Min. 7.4m (balconies)</p> <p><i>Side (south-east):</i> Min. 9.1m (habitable rooms)</p> <p>Complies – Min. 12m</p> <p>N/A Whilst front balconies are provided, none encroach within the front setbacks.</p> <p>Acceptable - The development provides approximately 22.5% (503m²) of deep soil. Although numerically non-compliant, the deep soil zones are in excess of the ADG and are contiguous around the building.</p> <p>Complies</p> <p>Complies – The development has provided approximately 22.5% (503m²) of deep soil area with a minimum dimension of 6m.</p> <p>Complies – Substantial amount of deep soil at the year is provided to form a contiguous deep soil network.</p> <p>Complies – Council's Landscape Tree Management Officer raises no objections to the removal of trees required for development.</p> <p>N/A - Deep soil back fill is not proposed.</p>
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<p>C.12 Basements are to be located predominately under the footprint of the building, as shown in Figures 4.3.9.5 and 4.3.9.6. As detailed in the Design Principles for Sloping Sites contained in this DCP, there may be conditions where basements may extend into the front setback to avoid raising from ground at the rear and/or extending into the rear setback.</p>	<p>Acceptable – Basement design is suitable for the site and the encroachment of the basement beyond the building footprint is acceptable.</p>
<p>C.13 Basement car parking entries are encouraged to be located under the apartment building as shown in Figures 4.3.9.6 and 4.3.9.7. Any above ground car parking structures should be of a solid, masonry construction. Vents to car parking must not be located at the street frontage.</p>	<p>Acceptable – Basement entrance is in the most appropriate position on site.</p>
<p>C.14 Basement car parking structures should be predominantly located below existing ground level. Where the slope conditions mean this is unachievable, the basement structures may project to a maximum of 1 metre above ground, except within the front setback where it may project up to 1.5m above ground where it helps prevent re-grading the site in other locations (see Figure 4.3.9.5 Indicative Street Section).</p>	<p>Acceptable – Given the appropriate location of the basement entrance, the projection on the basement above ground is an inevitable result of the gradient of the site. The basement has been appropriately screened by landscaping where possible and integrates well into the design of the overall building.</p>
<p>C.15 Front setbacks are to be landscaped. Where trees are located in the front setback above a basement structure, a minimum soil depth of 1 metre above drainage layer is to be cut into the slab.</p>	<p>Complies – Adequate landscaping is proposed within the front setback. No planting is proposed above the basement structure within the front setback.</p>
<p>C.16 Impervious surface at ground level must be minimised in all setback areas.</p>	<p>Complies</p>
<p>C.18 Development of 3 and 4 storeys should be designed as a street wall building.</p>	<p>Complies</p>
<p>C.19 Development of 5 and 6 storeys in height may be designed as a street wall building or provide one upper level storey setback of 3 metre from the building line, as outlined in Table 4.3.9.3.</p>	<p>N/A</p>
<p>C.23 Buildings are to occupy approximately 75% of the street frontage to maximise potential for apartments facing the street as outlined in Figure 4.3.9.7.</p>	<p>Complies – Required: 37.5m / Provided: 38m</p>
<p>C.24 Where the length of a perimeter building exceeds 50 metres, it is to be broken into two or more components. Building breaks should be a minimum of 3 metres deep and 3 metres wide.</p>	<p>N/A</p>
<p>C.25 Front fences are to be designed to:</p>	

<p>a. be articulated at any gates and visually permeable in part to enhance the feeling of address and passive surveillance along this edge of the development.</p> <p>C.26 Retaining walls must:</p> <p>a. be located within the lot boundaries on all development lots or on the boundary if the land is within the same ownership;</p> <p>b. be designed in consultation with Council if adjoining existing or future Council owned land;</p> <p>c. retain a horizontal line, with minimal stepping;</p> <p>d. vary to suit the topography with a maximum height of approximately 1500mm.</p> <p>e. be of fully masonry construction or a combination of masonry and timber</p> <p>f. utilise terracing where necessary to subtly manipulate the existing landscape, avoiding large areas of cut and fill.</p>	<p>N/A</p> <p>Acceptable – The proposed retaining walls have been terraces where possible and widened to allow for screen planting or other landscaping to minimise the bulk of the walls.</p>
<p>4.3.9.4 Sustainability Dual Water Systems</p> <p>Urban Heat, Vertical Facades, Awnings, Heating and Cooling Systems – Heat Rejection, Green Roofs & Solar light reflectivity (glare)</p> <p>Water Sensitive Urban Design The proposed development is considered to be in compliance with WSUD Strategy and demonstrates water efficiency.</p>	<p>Complies – Dual Water Systems have been proposed.</p> <p>Complies.</p> <p>Complies – WSUD strategy has been reviewed and is acceptable.</p>

5. The Regulations

In accordance with Council's *City of Parramatta (Outside CBD) Development Contributions Plan 2021*, a Section 7.11 Development Contribution is required to be paid. Were the application recommended for approval a condition would have been imposed requiring the contribution to be paid.

6. The Regulations

Were the application be recommended for approval applicable Regulation considerations would have been addressed by appropriate consent conditions,

7. The likely impacts of the development

The assessment demonstrates that the bulk and scale will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls.

All other relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as built form. In the context of the site and the assessments provided by Council's experts, the development is considered satisfactory in terms of environmental impacts with the exception to traffic and parking.

The proposed shortfall in the provision of off-street car and bicycle parking is not acceptable and would unreasonably burden on-street availability of parking in an area undergoing a substantial transition from low density to high density development and this forms the primary reason for refusal.

8. Suitability of the site

The subject site can accommodate a residential development of this scale as the site is capable of accommodating a compliant development with respect to the availability of off-street car and bicycle parking.

Suitable investigations and documentation have been provided to demonstrate that the site can be made suitable for the proposed development and the development is consistent with the land use planning framework for the locality.

No natural hazards or site constraints exist that are likely to have an unacceptably adverse impact on the proposed development.

Subject to the conditions provided within the recommendation to this report, the site is considered to be suitable for the proposed development.

However, notwithstanding the suitability of the site for a residential flat building of this scale, Council does not support the shortfall in parking provision, and this forms the primary reason for refusal.

9. Public interest and notification

In accordance with the Parramatta Consolidated Notification Procedures, the Development Application was notified and advertised between 4 February 2022 and 25 February 2022. No submissions were received.

10. Public Interest

Based on the assessment contained in this report, approval of the development is contrary to the public interest, and as such shall form a reason for refusal.

11. Conclusion

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

Although Council is satisfied that the bulk and scale of the development, including the variation to building height and numerical variations to the built form controls, is suitable for the site and its context, the proposed shortfall of on-site parking is not acceptable.

Therefore, Council must conclude that the proposal is not suitable for the site and is not in the public interest. As such, the application is recommended for refusal.