

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

Panel Reference	PPSSCC-495
DA Number	DA/582/2023
LGA	City of Parramatta
Proposed Development	Lot consolidation, demolition of existing dwellings, tree removal and construction of a four-storey affordable housing residential flat building pursuant to State Environmental Planning Policy (Housing) 2021, comprising 28 units with basement car parking for 12 vehicles and associated landscaping.
Street Address	Lot 24 DP 35120, Lot 26 DP 35120, Lot 25 DP 35120 153-155 Pennant Street and 2 Collett Parade, PARRAMATTA NSW 2150
Applicant	New South Wales Land and Housing Corporation
Owner	New South Wales Land and Housing Corporation
Date of DA lodgement	28 September 2023
Number of Submissions	One (1) Submission
Recommendation	Approval
Regional Development Criteria	Development with a capital investment value of more than \$5 million and is to be carried out by the Crown. (\$10,900.00)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Housing) 2021. • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Sustainable Building) 2022 • Parramatta Local Environmental Plan 2023 (PLEP 2023) • Parramatta Development Control Plan 2023 (PDCP 2023) • Apartment Design Guide
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 – Draft Conditions of Consent • Attachment 2 – Architectural Plans • Attachment 3 – Clause 4.6 variation request – Height
Clause 4.6 requests	Clause 4.3 – Height
Summary of key submissions	<ul style="list-style-type: none"> • Car parking impacts • Overshadowing • Visual privacy impacts • Tree Removal
Report prepared by	Caitlin Hopper - Development Assessment Officer
Report date	6 December 2024

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes.
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes.
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes.
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	N/A
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes.
Conditions Have draft conditions been agreed to by the applicant for comment? (CROWN DA)	Yes.

1 EXECUTIVE SUMMARY

Development Application DA/582/2023 was lodged on 28 September 2023 for lot consolidation, demolition of existing dwellings, tree removal and construction of a four-storey residential flat building pursuant to State Environmental Planning Policy (Housing) 2021, comprising 28 affordable housing units with basement car parking for 12 vehicles and associated landscaping.

The application has a Capital Investment Value of \$10,900.00 and is to be carried out by the Crown. Therefore, the application is being referred to the Sydney City Central Planning Panel for determination.

The application is proposing to use all the residential units for the purpose of 'affordable housing' as defined by SEPP (Housing) 2021.

In accordance with Council's Consolidated Notification Procedures the application was notified and advertised between 11 October 2023 and 1 November 2023. In response one (1) unique submission was received. The issues raised in that submission have been addressed in this report.

Section 4.15 Assessment Summary

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. Consideration of technical matters by Council's Engineering and Landscaping departments has not identified any fundamental issues of concern.

The proposed development seeks a variation to Clause 4.3 Height of Buildings pursuant to Clause 4.6 of the Parramatta Local Environmental Plan (LEP) 2023. The proposed development proposes a maximum building height of 13.93m, thereby exceeding the maximum building height on the site (11m) by 2.93m or 26.6%. Notwithstanding, it is considered that the variation to the building height control is supportable in this instance noting the existing and emerging character of the locality and the development's minimal environmental impact on neighbouring properties.

The proposal demonstrates reasonable compliance with the statutory requirements with minor variations to some controls contained within the Parramatta Development Control Plan (DCP) 2023 and Apartment Design Guide (ADG) that can be supported.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, it is recommended Development Application No. DA/582/2023 be approved. In its context, this development proposal is supported in terms of the development's broader strategic context, function and overall public benefits.

2 SITE DESCRIPTION AND CONTEXT

The subject site is known as 153-155 Pennant Street and 2 Collett Parade, Parramatta. The legal property description is Lot 24, 25 and 26 DP 35120. The site consists of three irregular allotments and is located on the corner of Pennant Street and Collett Parade. The site has a minor slope from the northwest to the southeast with levels ranging from RL 26.32 to RL 24.40 AHD (1.92m) over a distance of approximately 57.6m.

The subject site has the following area and dimensions:

Area – 1,552.1 square metres

Frontage (Pennant Street) – 29.9 metres

Frontage (Collett Parade) – 50.34 metres

North – 47.94 metres

East – 29.78 metres

The site is zoned R4 High Density Residential under the Parramatta Local Environmental Plan 2023.

The surrounding properties to the north, south and east are also zoned R4 High Density Residential. However, land opposing the site on Pennant Street is zoned R3 Medium Density Residential and Pennant Street, located west of the subject site is zoned SP2 Classified Road. See Figure 1 below.

The site currently accommodates three (3) single storey dwelling houses with associated structures such as sheds and fences. All existing structures on the site are proposed to be demolished as part of the development application.

The site is located within an established residential area denoting various types of medium and high-density residential developments such as townhouses and residential apartment buildings. However, adjoining the site to the east is a two-storey dwelling house and to the north is a single storey dwelling house. See Figure 2 below.

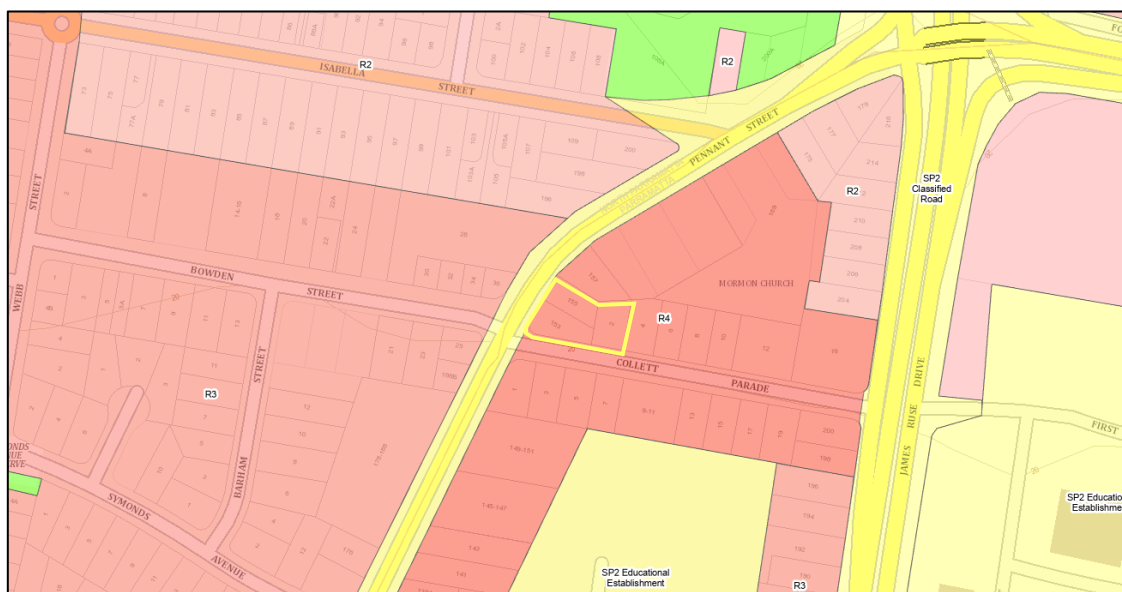


Figure 1: Zoning Map (Source: Parramatta LEP 2023)



Figure 2: Aerial Photo (Source: NearMaps)



Figure 3: View of 2 Collett Parade facing north-east (Source: Site Inspection Photos)



Figure 4: View of 153 Pennant Street, Parramatta facing east (Source: Site Inspection Photos)



Figure 5: View of 155 Pennant Street, Parramatta facing south (Source: Site Inspection Photos)

3 THE PROPOSAL

The proposal seeks consent for demolition of existing dwellings, lot consolidation, tree removal and construction of a four-storey affordable housing residential flat building pursuant to State Environmental Planning Policy (Housing) 2021, comprising the following works:

- Demolition of existing structures (including three (3) dwelling houses and two (2) existing vehicular access driveways off Pennant Street and Collett Parade);
- Removal of 10 trees within the site;
- Construction of a 4 storey residential flat building, to be used for the purposes of general housing, providing a total of 28 self-contained dwellings; consisting of:
 - 20 x one-bedroom dwellings, and;
 - 8 x two-bedroom dwellings;
- Basement car parking for 12 vehicles, including 4 accessible spaces, and 16 bicycle parking spaces/racks;
- Consolidation of the three (3) existing lots into one (1) allotment.

- Civil works including the provision of stormwater drainage, gas and water hydrant metres, fire hydrant booster and driveway construction from Collett Parade.
- Associated landscaping works, including planting twenty (20) 45L trees.



Figure 6: Street perspective from the intersection of Pennant Street and Collett Parade (Source: DTA Architects)

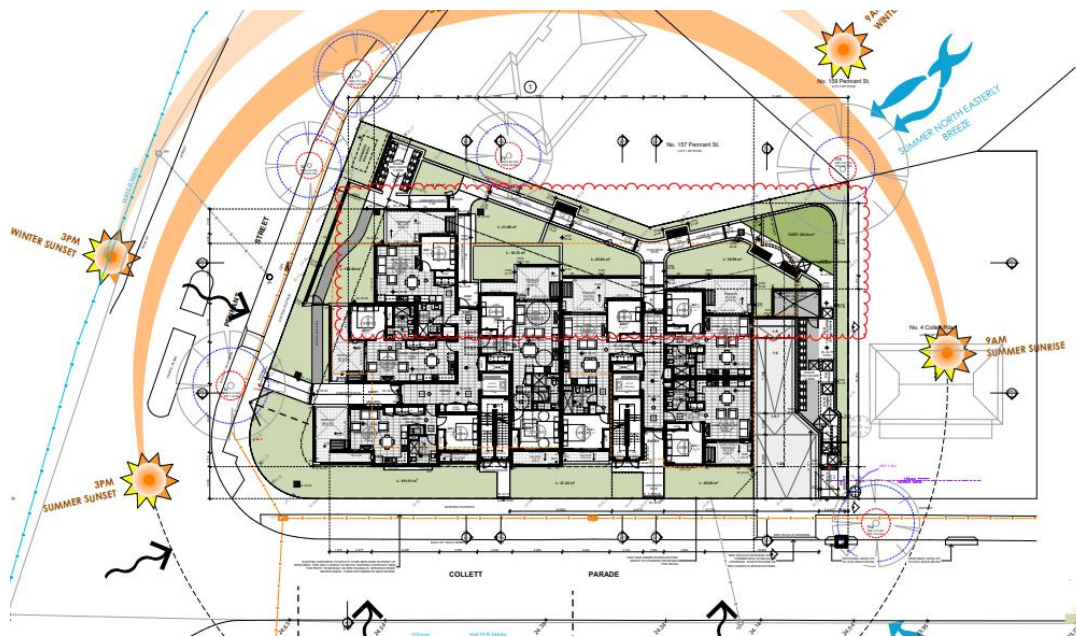


Figure 7: Site Plan (Source: DTA Architects)



Figure 8: North Elevation (Source: DTA Architects)



Figure 9: South Elevation (Source: DTA Architects)



Figure 10: West Elevation (Source: DTA Architects)

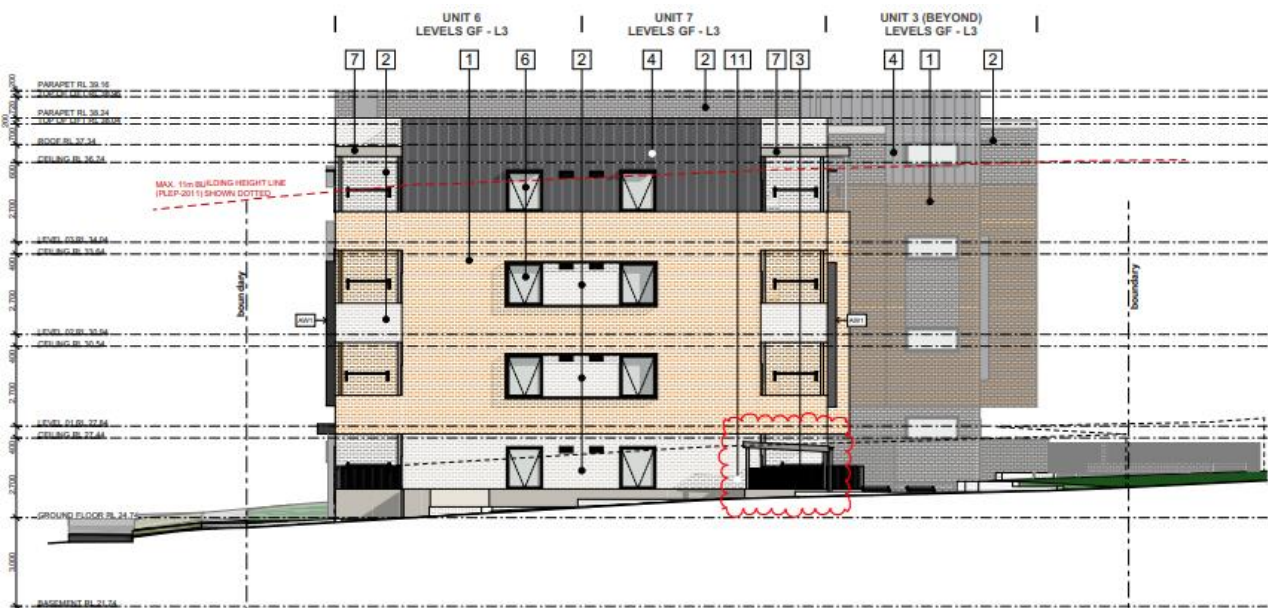


Figure 11: East Elevation (Source: DTA Architects)

4 APPLICATION HISTORY

Date	Comments
31 January 2023	Pre-lodgement Advice (PL/126/2022) was provided for an affordable housing residential flat building comprised of 28 units with a mix of 20 x 1-bedroom units, 8 x 2-bedroom units, and 1 level of basement to accommodate 12 residential car parking spaces.
28 September 2023	DA/582/2023 was lodged with Council.
11 October 2023 – 1 November 2023	The application was advertised in accordance with Council's Consolidated Notification Procedures.
26 October 2023	Preliminary Briefing meeting held with SCCPP.
23 November 2023	The application as referred to the Parramatta Design Excellence Advisory Panel.
19 December 2023	A request for additional information letter was provided to the applicant via the NSW Planning Portal. The letter raised concerns regarding. <ul style="list-style-type: none"> • Stormwater • Landscaping • Urban Design • Planning
30 April 2024	Additional information was provided by the applicant.
4 July 2024	A request for additional information letter was provided to the applicant via the NSW Planning Portal. The letter raised concerns regarding. <ul style="list-style-type: none"> • Stormwater/ Engineering • Urban Design • Planning
13 August 2024	Additional information was provided by the applicant.
16 October 2024	Additional information requested via the NSW Planning Portal for engineering matters.
29 October 2024	Additional information was provided by the applicant.

5 REFERRALS

5.1 INTERNAL REFERRALS

Specialist	Comment
Tree and Landscape	<p><i>Supported, subject to conditions of consent.</i></p> <p>Council's Tree and Landscape Officer has reviewed the application and notes that the landscape plans and arborist report are satisfactory and can be supported subject to conditions of consent. In addition, the following issues are to be addressed via conditions of consent to be completed as part of the construction documentation:</p> <ol style="list-style-type: none"> 1. The TPZ is shown incorrectly on all plans. It is shown half the size. All plans need to be adjusted to ensure all works within the TPZ's will be carried out using non-destructive constructive method. 2. The wall & ramp is to be relocated away from T5. 3. Some plant species are required to be altered. 4. Sun-loving plants are located in the shady part of the site which is required to be changed. 5. Trees need to be relocated away from the building min 3m. 6. Stormwater pipes on the civil plans are to move closer to the building to avoid clashing with the trees along Collett Parade setback. 7. As per the comments from public domain amended street tree species are required.
Traffic and Transport	<i>Supported, subject to conditions of consent.</i>

	Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds subject to the following conditions.
Development Engineering	<i>Supported, subject to standard and special conditions of consent.</i>
Catchment Management	<i>Supported, subject to a condition requiring that the depths and locations of underground utilities are to be shown on a plan and longitudinal section and submitted to Council to demonstrate that the development avoids any adverse impacts to the services during the pipe system works.</i>
Public Domain	<i>Supported, subject to conditions of consent.</i>
Universal Access	<i>Supported, subject to conditions of consent.</i>
Waste and Cleansing	<i>Supported, subject to conditions of consent.</i>
Environmental Health (Acoustic)	<i>Supported, subject to conditions of consent.</i>
Environmental Health (Waste Management)	<i>Supported, subject to conditions of consent.</i>
Design Excellence Advisory Panel	See DEAP comments and applicant's response below.

5.1.1 DESIGN EXCELLENCE ADVISORY PANEL

On 23 November 2023, the application as referred to the Parramatta Design Excellence Advisory Panel. The Panel's comments and the applicant's response are provided below.

DEAP Comment	Applicant and Council Response
Panel Comments	
<p>1. The documentation submitted for review by the Panel is comprehensive and generally satisfies the requirements for DEAP consideration.</p> <p>Further information that would assist in the consideration of the proposal includes;</p> <ul style="list-style-type: none"> a. Dashed lines on the ground floor plan to show the outline of the basement below. b. Sections and elevations extended to include the ground lines and structures on adjacent properties, including existing and potential future development where necessary. c. Street elevations including existing and potential future development where necessary. 	<p>Noted. Amended plans were submitted demonstrating the outline of the proposed basement and section and elevations of the site and adjoining properties.</p>
<p>2. The applicant seeks to benefit from the full bonus FSR for affordable housing. This places additional constraints on the design of the development with regard to bulk and scale, setbacks and overall fit relative to existing site conditions.</p>	<p>Noted.</p>

3. The Panel also acknowledges that the irregularity of the northern boundary of the site impacts the setbacks and open space at the rear.	Noted.
4. Whilst the proposed site layout is generally well considered in response to the surrounding context, street pattern, and the abovementioned site configuration, the Panel raised the following issues;	
a. The social/ functional constraints encountered in the design of communal open spaces in similar developments was explained to the Panel. However, the Panel believes that quality and useability of the communal open space, in particular at the rear, could be improved. The open space on the northeast corner of the site has potential to be opened up and increased to accommodate a large tree for screening and shading along with seating.	<p>Applicant Response: The north-eastern corner COS has been enlarged in area and designed to be more accessible by being at the same RL as the adjoining pedestrian pathway. Additional bench seating is also designed to encourage use of the space. Two new Sunset Pittosporum trees are also proposed adjoining the COS.</p> <p>Council Response: The communal open space area was amended to provide more usable space for residents including providing additional seating. The proposed communal open space area has been designed to meet the needs the tenants of the NSW Land and Housing Corporation, providing sufficient amenity.</p>
b. The open common open space in the middle section is narrow due to the boundary indent, most of which is taken up by a concrete ramp. If the ramp was to be removed in this part of the open space (see Item 'e' – bin access) a softer and more densely landscaped area could be provided with more deep soil and more casual seating.	<p>Applicant Response: The COS pathway/pedestrian link in the middle of the site is retained as this is crucial for inter-site linkages and connections. New shrub planting and garden beds are proposed in this location.</p> <p>Council Response: It is noted that the proposed communal open space area has been designed to meet the need of the NSW Land and Housing Corporation's tenants. The proposed inter-site linkages provide connections to building facilities such as waste and communal open space, thereby ensuring an appropriate level of amenity for residents.</p>
c. The position of the entrance from Pennant Street proximity to the corner is considered problematic. The relocation of the entrance to Collett Parade was discussed to mirror the eastern entrance. The applicant advised the Panel that this was proposed in the original scheme and that the Council's pre-lodgement advice was for the building to address Pennant Street as well, hence the entry in Pennant Street.	<p>Council Response: As recognised by the DEAP Panel, Council's preference was for the provision of an entrance from Pennant Street. Due to the topography of the site, this has meant that the point of entry from Pennant Street is located nearer to the corner. Notwithstanding, Council Public Domain Team has reviewed the application and raised no objections to the proposed entrance scheme.</p>
d. The Panel considers that the proposal to orientate unit 03 on the ground floor and above towards the side boundary creates amenity issues, dead space within the setback zone on the eastern side and missed opportunity to activate the street. Instead, the units should be orientated towards Pennant Street to improve the relationship of the	<p>Applicant Response: This was considered to better activate and provide passive surveillance to the Pennant Street frontage, however in doing so it would involve a significant encroachment beyond the primary road front setback. Given feedback from Council and the Design Excellence Panel on setbacks generally, Homes NSW considered that a lesser encroachment into this primary road front setback would be more favourable in the determination of the DA.</p>

<p>development to the street, to contribute to the streetscape, street activation and surveillance.</p>	<p>Council Response: While it is acknowledged, that the DEAP Panel recommended re-configuring Unit 3 on the ground floor to address Pennant Street, due to the site's irregular allotment, this would have involved a further encroachment into the front setback of Pennant Street which is inconsistent with the streetscape. Therefore, in this instance, Council agrees with the applicant that orientating Unit 03 to the north and providing a lesser encroachment into the Pennant Street setback is preferred.</p>
<p>e. Access to the bin storage for the apartments on the western side of the development is via a lengthy and convoluted pathway adjacent to private balconies on the northern side or via Collett Parade. This is not an acceptable arrangement. The Panel suggest either splitting the bin area into 2 by providing a bin area on the northwest corner of the site in Pennant Street adjacent to the substation and overcoming the site level constraints or moving the bins to the basement.</p>	<p>Applicant Response: In addition to the proposed waste storage area located in the south-east site corner on Collett Parade, a second temporary waste storage area is proposed in the north-west site corner. The provision of two waste storage areas will provide greater accessibility and convenience for residents, reducing the required travel distance for residents to access these facilities and dispose of household waste. It should be noted that the future building management will be responsible for transporting all waste from the north-western temporary storage area to the south-east waste storage area which is where it will be collected by Council.</p> <p>Council Response: The bin/waste area has been redesigned to include a second temporary waste storage area in the north-western corner of the site. The provision for a second waste area allows for greater accessibility and connectivity for tenants who may occupy the building. The application was referred to Council Waste and Cleansing Team who raised no objections to the proposed development provided that the future building management is responsible for transporting the bins from the north-western waste area to the primary waste area for collection by Council.</p>
<p>f. The location of the OSD adjacent to the waste storage is considered a potential hazard by Council. There is also a lack of planting on the eastern side of the pathway from the bins to the street. The applicant is encouraged to reconfigure the bin area, access and landscaping. This may also require increasing the setback of the driveway to allow for more boundary screen planting towards the street end.</p>	<p>Applicant Response: The eastern pathway/waste storage area has been increased the side setback to allow for a wider landscape strip to run along the eastern boundary.</p> <p>Waste storage has been reconfigured and the OSD below is protected from any contaminants by sealed concrete and Class B sealed access lids.</p> <p>Waste drainage points will be designed within the waste enclosure, which connects to sewer.</p> <p>Council Response: As stated above, the bin/waste area has been redesigned which has allowed for more landscaping along the eastern boundary of the site. Further, as stated by the applicant, the OSD system below the waste area is to be protected by sealed concrete and Class B sealed access lids which is considered to be supportable.</p>
<p>g. The width of the driveway in the basement parking level is 6.6m. It is understood that this could readily be reduced to 6m or less to gain at least 600mm of deep soil along northern side of the development. There may also be the opportunity to shave/round off the</p>	<p>Applicant Response: The driveway has been reduced to 5.8m in width measured to the inside edge of the kerb.</p> <p>The trellis structure with climbable landscaping was considered by Homes NSW. However, given potential ongoing maintenance and safety issues with tenants this design was not pursued.</p>

<p>northeast corner of the basement following the swept path of vehicles to add deep soil to the common open space. A trellis structure with appropriate climbing plants should also be considered over the basement carpark opening to reduce the impact of the basement driveway opening on the streetscape and Unit 6.</p>	<p>Council Response: The minor reduction to the proposed width of the driveway allows for greater opportunity for landscaping along the eastern boundary of the site.</p>
<p>h. The terrace of Unit 06 on the ground floor encroaches on the setback area adjacent to Collett Parade. The terrace should be reconfigured to adhere to the required setback and provision of deep soil landscaping.</p>	<p>Applicant Response: The ground floor U06 POS has been amended so that it achieves the minimum 3m secondary frontage setback to Collett Parade.</p> <p>New deep soil landscaping is designed at this frontage now that the built form setback is complaint.</p> <p>Council Response: The private open space of Unit 6 on the ground floor has been amended so that a compliant front setback is proposed for the length of the development at Collett Parade.</p>
<p>i. The Panel notes that a substantial number of existing trees have to be removed as a result of the proposal . More needs to be done to either protect existing and/or to replace trees, where possible. There are opportunities at the rear to increase the number and size of trees by removing paved areas and by reducing the footprint of the basement garage level, as discussed above.</p>	<p>Applicant Response: The landscape plan at lodgement proposed 15 new trees (mix of; Smooth Leaved Quandong, Crepe Myrtle, Capital Callery Pear, and Red Maple). The amended landscape plan proposes 20 new trees (mix of; Smooth Leaved Quandong, Crepe Myrtle, Capital Callery Pear, Sunset Pittosporum, Water Gum and Waterhausia),</p> <p>Council Response: Council's Tree Management and Landscape Officer has reviewed the application and raised no objections to the proposed landscape plan and planting schedule subject to conditions of consent.</p>
<p>j. The location of seating should be paired with trees for shade.</p>	<p>Applicant Response: New seating has been provided around the COS and pedestrian linkage pathways.</p> <p>Council Response: The location of seating has been designed to ensure appropriate shading is provided within the communal open space area.</p>
<p>k. To address the loss of trees, the Panel also recommend planting 2 or 3 large canopy type street trees in the verge on Collett Parade. This will need to be undertaken in liaison with Council.</p>	<p>Applicant Response: Three new street trees are proposed at the Collett Parade frontage. The species of these trees are open for Council to specify via conditions of consent.</p> <p>The two existing trees at Pennant Street are retained.</p> <p>Council Response: Council's Tree Management and Landscape Officer has reviewed the application and raised no objections to the proposed landscape plan and planting schedule subject to conditions of consent including the species of the proposed street trees.</p>
<p>l. The Panel encourages the applicant to provide at least one 3 x bed unit, preferably on the ground floor to complement the proposed unit mix of 1 and 2 bed units only. The Panel suggested combining units 6 and 7 on the ground floor to address the issue of</p>	<p>Applicant Response: Homes NSW had considered a 3-bedroom unit at the ground floor by consolidating Unit 6 and Unit 7. However, the brief for this project is tailored to 1- and 2-bedroom units. In the case of this particular site, the retention of the 1-bedroom unit outweighs the benefit compared to 1 additional bedroom but 1 less unit.</p>

unit mix and to overcome some of the building setback, footprint size and open space issues raised elsewhere in this report.	Homes NSW is contributing dwelling diversity within the LGA, through the redevelopment of other sites such as the recently completed and now occupied 178 - 188 Pennant Street, which is in close proximity to the development site. This development at 178 - 188 Pennant Street is comprised of 3 x 1 bedrooms, 2 x 13 bedrooms and 15 x 3-bedroom dwellings. Council Response: The application does not provide any 3-bedroom units in the housing mix. Although typically this would not be supported, in this instance, the specific requirements of the NSW Land and Housing Corporation and demand statistics provided indicate a significantly higher demand for 1- and 2-bedroom units rather than 3 bedrooms. Therefore, in this instance the proposed dwelling mix is considered to be supportable.
General Comments	
1. The panel commends the applicant for incorporating the use of critical sustainability initiatives including solar PV panels on the roof and ceiling fans for natural ventilation. Rainwater tanks for landscape irrigation are encouraged as well.	Noted.
2. The Panel also notes the drawings show roof drainage, dp's and HWU's	Noted.

5.2 EXTERNAL REFERRALS

Agency or Concurrence Authority	Comment
Transport for NSW	Supported subject to conditions.
Endeavour Energy	Supported subject to conditions.
Sydney Water	Supported subject to conditions.

6 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

The Sydney Central City Planning Panel is the consent authority for this application as the proposed development is to be carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) and has an estimated development cost of more than \$5 million.

6.2 Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to Section 7
Section 4.15 (1)(a)(iii) – Development control plans	Refer to Section 8
Section 4.15 (1)(a)(iv) - The Regulations	Refer to Section 9
Section 4.15 (1)(d) – Any submissions	Refer to Section 10
Section 4.15 (1)(b) – The likely impacts of the development	Refer to Section 11
Section 4.15 (1)(c) – The suitability of the site for development	Refer to Section 12

7 ENVIRONMENTAL PLANNING INSTRUMENTS

7.1 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

The proposed development is to be carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) and has an estimated development cost of more than \$5 million. As such, Schedule 6 of this Policy states that the application is 'regionally significant development' and thus the Sydney Central City Planning Panel (SCCPP) is the consent authority for the application.

7.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

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.

✓	A site inspection and a review of Council records reveals 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.

Pursuant to Clause 4.6 of SEPP Hazards, Council is satisfied that the site is suitable for the proposed development.

7.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY) 2022

The State Environmental Planning Policy (Sustainable Buildings) 2022 came into effect on 1 October 2023. However, pursuant to *Clause 4.2 Savings and transitional provisions* of the SEPP, the policy is not applicable to a development application made but not finally determined before 1 October 2023. As the subject development application was lodged on the 28 September 2023, the SEPP is not applicable and an assessment against the State Environmental Planning Policy (Sustainable Buildings Index: BASIX) 2004 is provided below.

7.4 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

A condition has been imposed to ensure such commitments are fulfilled during the construction of the development.

7.5 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2022

7.5.1 CHAPTER 2 – VEGETATION IN NON-RURAL AREAS

The application has been assessed against the requirements of Chapter 2 of SEPP (Biodiversity and Conservation) 2022. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application proposes the removal of 10 trees from the site identified in the table below. Council's Tree and Landscape Officer has reviewed the application and raise no objections to the removal of the vegetation from the subject site subject to conditions.

Tree Number	Species	Common Name	Reason
4	Callistemon viminalis 'Hanna Ray'	Hanna Ray Bottlebrush	To facilitate development.
6	Citrus Lemon	Lemon	To facilitate development.
7	Viburnum tinus	Viburnum	To facilitate development.
8	Melaleuca armillaris	Bracelet Honey Murtle	To facilitate development.
9	Cinnamomum camphora / Ligustrum sp.	Camphor Laurel / Privet	To facilitate development.
10	Jacaranda mimosifolia	Jacaranda	To facilitate development.
11	Callistemon citrinus	Crimson Bottlebrush	To facilitate development.
12	Pittosporum undulatum	Native Daphne	To facilitate development.
13	Cupressus sp.	Cypress Pine	To facilitate development.
14	Spathodea campanulate	African Tulip Tree	To facilitate development.

7.5.2 CHAPTER 6 – WATER CATCHMENTS

This Chapter applies to the entirety of the Parramatta Local Government Area as identified on the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Sydney Harbour Catchment Map.

The subject site is not located within the Zoning Map, Critical Habitat Map, Wetlands Protection Area, Strategic Sit Foreshore Map or the Foreshore Area and Boundary Map. Therefore, there are no specific development standards that directly apply to the proposal.

7.6 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Clause	Comment
Clause 2.48 – electricity infrastructure	The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
Clause 2.77 – Development adjacent to a pipeline corridor	The subject site is not within the vicinity of a pipeline corridor that would trigger the concurrent of the pipeline operator.
Clause 2.98 – Development adjacent to rail corridors	The subject site is not adjacent to a rail corridor.
Clause 2.119 – Development with frontage to classified road.	The subject site adjoins Pennant Street to the west which is identified as a classified road. It is noted that vehicle access via Collett Parade is proposed as part of the subject development application. A referral was sent to Transport for NSW who raised no objections subject to conditions of consent which will be imposed. Additionally, it is noted that Council's Traffic and Transport Engineer has reviewed the proposed development and raised no objections subject to conditions of consent.
Clause 2.120 – Impact of road noise or vibration on non-road development	<i>Pennant Street</i> is identified as having an average daily traffic volume of more than 20,000 vehicles per day. Council's Environmental Health Officer (Acoustic) has reviewed the application and raised not objections to the proposal subject to conditions of consent.
Clause 2.122 – Traffic-generating development	Whilst the subject site has access to a road that connects to a classified road within 90m, the proposed development does not include the construction of 75 or more dwellings and as such Clause 2.122 is not applicable to the proposed development.

7.7 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The development application has been made under the provisions of the State Environmental Planning Policy (Housing) 2021 (SEPP (Housing) 2021), which applies to all land within the City of Parramatta and aims to facilitate affordable housing within New South Wales.

On the 14 December 2023, the *State Environmental Planning Policy Amendment (Housing) 2023* came into effect. However, pursuant to Clause 8 of *Schedule 7A Savings and transitional provisions*, the amending policy is not applicable to a development application made but not finally determined before the commencement date. As the subject development application was lodged on the 28 September 2023, the amendments made under the amending policy to the SEPP (Housing) 2021 are not applicable. Therefore, the applicable clauses of the SEPP (Housing) 2021, prior to the amending policy have been assessed below:

7.7.1 CHAPTER 2 – AFFORDABLE HOUSING

The application proposes the construction of a residential flat building for the purpose of affordable housing.

Development Standard	Comment	Compliance
Part 2 Development for affordable housing		
Division 1 In-fill affordable housing		
16 Development to which Division applies		
(1) This Division applies to residential development if— (a) the development is permitted with consent under another environmental planning instrument, and	The proposed development being for a residential flat building (RFB) is a permissible use in a R4 High Density Zone under the PLEP 2023.	Yes.
(b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and	100% of the proposed gross floor area is to be used for affordable housing.	Yes.
(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and	The subject site is located within Greater Sydney and an accessible area.	Yes.
(d) for development on other land—all or part of the development is within 800m walking distance of land within 1 or more of the following zones or an equivalent land use zone—	The subject site is located within Greater Sydney.	N/A.
(2) In this Division, residential development carried out by, or on land owned by, a relevant authority is taken to be used for the purposes of affordable housing.	The subject site is owned by the Land and Housing Corporation and is to be used for the purposes of affordable housing.	Yes.
17 Floor space ratio		
(1) The maximum floor space ratio for development to which this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an additional floor space ratio of— (a) if the maximum permissible floor space ratio is 2.5:1 or less— (i) if at least 50% of the gross floor area of the building resulting from the	As 100% of the GFA of the proposed development is to be used for the purposes of affordable housing, the maximum permissible floor space ratio (FSR) for the site is 1.3:1 or 2,017.73m² This is based on the maximum FSR of 0.8:1 under the PLEP 2023 and the additional FSR of 0.5:1 under the SEPP (Housing) 2021.	Yes.

development will be used for affordable housing—0.5:1, or	The proposed development seeks an FSR of 1.27:1 or 1,975.79m² and is therefore considered to be compliant.	
(2) The additional floor space ratio must be used for the purposes of affordable housing.	As stated previously, 100% of the GFA of the development is proposed to be used as affordable housing.	Yes.
18 Non-discretionary development standards—the Act, s 4.15		
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted.	Yes.
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies— (a) a minimum site area of 450m ² ,	The subject site has an area of 1,552.1m ² .	Yes.
(b) for a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling,	<p>Required: 35m² per dwelling (980m²) Proposed: 17.57m² per dwelling (491.96m²)</p> <p>Note: Whilst the site does not comply with the requirement for 35m² of landscaped area per dwelling, it is acknowledged that the proposed landscaped area covers 31.7% of the site area. For development applications made by non-social housing providers a minimum 30% of the site is to be landscaped, which this application would comply with if applicable.</p> <p>Further, the proposed development exceeds the deep soil requirements to ensure appropriate amenity is provided.</p> <p>The proposal provides landscaping that is commensurate with social housing delivered in a higher density residential flat building format. The landscaped area is adequately dimensioned, located and contoured to be suitably functional for future residents.</p>	No – Supportable on merit.
(c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,	The proposed development is made and to be undertaken by a social housing provider.	N/A.
(d) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	<p>Required: 232.815m² or 15%. Proposed: 255.77m² or 16.48%</p> <p>Note: It is noted that the proposal does not meet the requirement for 65% of the deep soil zone to be located at the rear of the site. The proposal provides 68.78m² or 26.9% of the required deep soil zone at the rear of the site. Due to the</p>	Yes.

	irregular and corner allotment of the site and that the proposed variation is not expected to noticeable deter from the amenity of the site, it is considered that the requirement would not be practicable in this instance.	
(e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Required: 19.6 dwellings (70%) Proposed: 20 dwellings (71.4%)	Yes.
(f) for a development application made by a social housing provider for development on land in an accessible area— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, or (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, or (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space,	Required: <ul style="list-style-type: none"> 20 x 1 Bedroom Dwellings @ 0.4 spaces = 8 spaces 8 x 2 Bedroom Dwellings @ 0.5 spaces = 4 spaces Total = 12 spaces. Proposed: 12 spaces.	Yes
(g) if paragraph (f) does not apply—	The proposed development is made and to be undertaken by a social housing provider.	N/A.
(h) for development for the purposes of residential flat buildings—the minimum internal area specified in the Apartment Design Guide for each type of apartment, Required: <ul style="list-style-type: none"> 1 bedroom = 50m² 2 bedrooms = 70m² 	The proposed units meet the respective minimum internal area specified in the ADG.	Yes.
(i) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low-Rise Housing Diversity Design Guide,	As the proposed development is for a RFB, the development is subject to subclause (h).	N/A.
(j) if paragraphs (h) and (i) do not apply, the following minimum floor areas—	As the proposed development is for a RFB, the development is subject to subclause (h).	N/A.
19 Design Requirements		
(1) Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent to which they are not inconsistent with this Policy— (2) Subsection (1) does not apply to development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies.	State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development is applicable to the development.	Yes.
(3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with—	Council has approved four storey residential flat buildings and boarding houses within the area. The proposed development would be consistent with the existing and emerging character of the area.	Yes.

(a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.		
20 Continued application of SEPP 65		
Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development to residential development to which this Division applies.	Refer to assessment under SEPP 65	See below.
21 Must be used for affordable housing for at least 15 years		
(2) Subsection (1) does not apply to development on land owned by a relevant authority or to a development application made by, or on behalf of, a public authority.	The land is owned, and the development application has been made by a public authority. Therefore, Clause 21 is not applicable to the development.	N/A.
22 Subdivision permitted with consent		
Land on which development has been carried out under this Division may be subdivided with development consent.	The land is not proposed to be subdivided.	N/A.

7.8 STATE ENVIRONMENTAL PLANNING POLICY No. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

As stated above, on the 14 December 2023, the State Environmental Planning Policy Amendment (Housing) 2023 came into effect. This amending policy repealed the requirements of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and consolidated the requirements of SEPP 65 in Chapter 4 Design of residential apartment development of SEPP (Housing) 2021.

However, pursuant to Clause 8 of *Schedule 7A Savings and transitional provisions*, the amending policy is not applicable to a development application made but not finally determined before the commencement date. Therefore, as the subject development application was lodged on the 28 September 2023, the amendments made under the amending policy to the SEPP (Housing) 2021 are not applicable to the proposal and an assessment against the relevant provisions of SEPP 65 is provided below:

7.8.1 PART 4 APPLICATION OF DESIGN PRINCIPLES

Development Standard	Comment	Compliance
28 Determination of development applications		
(1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.	The application was referred to the Parramatta Design Excellence Advisory Panel. Refer to Section 5.1.1 of this report.	Yes.
(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration)—		
(a) the advice (if any) obtained from the design review panel, and	The application was referred to the Parramatta Design Excellence Advisory Panel. Refer to Section 5.1.1 of this report.	Yes.

	<i>(City of Parramatta does not have a Design Review Panel as defined by SEPP 65)</i>	
(b) the design quality of the development when evaluated in accordance with the design quality principles, and	An assessment against the Design Quality Principles is provided below in Section 7.8.2 of this report.	Noted.
(c) the Apartment Design Guide.	An assessment against the Apartment Design Guide is provided below in Section 7.8.3 of this report.	Noted.
(5) A consent authority is not required to obtain the advice of a relevant design review panel under subclause (1) if an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development.	Architectural design competition was not held for the proposed development. Therefore, comments from Parramatta Design Excellence Advisory Panel are provided in Section 5.1.1 of this report below.	N/A.
30 Standards that cannot be used as grounds to refuse development consent or modification of development consent		
(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters— (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide, (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide, (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	The proposed development is not recommended for refusal. Notwithstanding, the proposed development features car parking, internal apartment areas and ceiling heights which are compliant with the Apartment Design Guide.	N/A.

7.8.2 SCHEDULE 1 DESIGN QUALITY PRINCIPLES

Schedule 1 of SEPP 65 lists 9 Design Principles for residential apartment developments. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions.

As required by the Environmental Planning and Assessment Regulation, the application was accompanied by a response to those design principles.

Principle	Comment
Principle 1: Context and neighbourhood character	The proposed residential flat building is located at the intersection of Collett Parade & Pennant Street, Parramatta. The site consists

<p><i>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.</i></p> <p><i>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.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>of three individual lots, each with a single storey dwelling. The combined site area is 1,552.1 m² and it is noted that the site has an irregular allotment shape. The site has an approximate frontage of 50m frontage to Collett Parade and 30m frontage to Pennant Street.</p> <p>The immediate neighbourhood is experiencing re-development with lot consolidation and the construction of new three and four storey apartment developments replacing existing single dwellings. Notably 3-4 storey developments have been approved at the following locations (See Figure 12 below):</p> <ul style="list-style-type: none"> • 8-10 Collett Parade, Parramatta • 12-14 Collett Parade, Parramatta • 16-18 Collett Parade, Parramatta • 161-163 Pennant Street, Parramatta • 165-167 Pennant Street, Parramatta <p>Therefore, it is noted that a residential flat building development with an appropriate scale and design could meet the context and neighbourhood character of the precinct. It is noted that the developments approved at the above listed locations have variations to the permissible heights on the sites. Therefore, the proposed development, being a residential flat building, is considered to meet this principle and is consistent with the context and neighbourhood character.</p>
<p>Principle 2: Built form and scale</p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>The proposed development has been designed to demonstrate compliance with the required setbacks, articulation and solar access to ensure the proposal limits environmental impacts whilst also reducing the appearance of bulk and scale.</p> <p>The proposed scale, bulk and height is considered appropriate for the area. The proposal does exceed the maximum building height allowable under the Parramatta LEP 2023, however, as stated above, the additional height is in character with the current and emerging context of the immediate locality.</p>
<p>Principle 3: Density</p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public</i></p>	<p>The proposed gross floor area does not exceed the floor space ratio permitted by the SEPP (Housing) 2021.</p> <p>With the exception to building height, the design and density of the development is consistent with the requirements of the Parramatta LEP 2023 and Parramatta DCP 2023. Notwithstanding, as stated about the proposed building height is consistent with the locality and other neighbouring four storey RFB developments.</p>

<p><i>transport, access to jobs, community facilities and the environment.</i></p>	<p>Additionally, the site is in close proximity to a public transport bus network that is located along Pennant Street. Located 400m to the south of the site is Collett Park, 350m to the north of the site is Barton Park & Parramatta City Tennis complex, and 1 km to the south is Western Sydney University Parramatta campus.</p> <p>The proposed density on the site is appropriate in the context as the proposal achieves a high level of amenity for the residents and is well located.</p>
<p>Principle 4: Sustainability</p> <p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>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.</i></p>	<p>The proposed development was accompanied by a BASIX Certificate pursuant to SEPP (BASIX) 2004.</p> <p>The design of the proposed development is consistent with best practice design criteria for cross ventilation and solar access under the ADG.</p> <p>Therefore, the proposed development is considered to provide sufficient sustainability.</p>
<p>Principle 5: Landscape</p> <p><i>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.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>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.</i></p>	<p>The proposal provides sufficient and appropriate landscaping within the site with opportunities for the planting of trees within the side setbacks and at the rear.</p> <p>Council's Landscape and Tree Management Officer has reviewed the application and raises no objections to the proposed development subject to conditions of consent relating to the landscape works including requirements for tree removal, tree retention, and replacement planting</p> <p>The application adequately meets the requirements of the Landscaping Principle.</p>
<p>Principle 6: Amenity</p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p>	<p>The proposal achieves the requirements of the ADG with respect to solar access and ventilation.</p> <p>The internal amenity of each unit is generally acceptable with no acute angles and unusable corners within bedrooms and living spaces. Adequate storage and private open space have been</p>

<p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>provided for each unit and the proposed development has been designed to include four (4) adaptable units.</p> <p>The common internal circulation corridors are legible without many corners and an adequate communal open space area has been provided to meet the needs of the NSW Land and Housing Corporation's clientele.</p> <p>Therefore, the development is considered to achieve the Amenity Principle.</p>
<p>Principle 7: Safety</p> <p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>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.</i></p>	<p>Windows and units are generally orientated outward to Pennant Street and Collett Parade to increase the potential for passive surveillance of the existing and future public domain within the roadway.</p> <p>The landscaping on site is designed to provide a clear delineation between public and private spaces without blocking views to the public domain from the site.</p> <p>Therefore, the development is considered to achieve the Safety Principle.</p>
<p>Principle 8: Housing diversity and social interaction</p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>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.</i></p>	<p>The application does not provide any 3 bedroom units in the housing mix. Although typically this would not be supported, in this instance, the specific requirements of the NSW Land and Housing Corporation and demand statistics provided indicate a significantly higher demand for 1 and 2 bedroom units rather than 3 bedrooms.</p> <p>The proposed development provides opportunities for social interact on the site by providing an adequate communal open space area.</p> <p>Therefore, the proposal is considered to achieve the Housing Diversity and Social Interaction principle.</p>
<p>Principle 9: Aesthetics</p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>As stated above, the scale of the proposed development is consistent with that of the immediate locality which features several four (4) storey residential apartment buildings.</p> <p>The proposed development uses a range of materials and textures such as brick, timber look elements, Colourbond cladding and aluminium framed projections to create richness and interest within the streetscape.</p> <p>The proposed development provides two street frontages; one to Pennant Street and one to Collett Parade to ensure the development responds to its setting and local character.</p>

	Therefore, the proposed development achieves the objectives of the Aesthetic Principle.
--	---

7.8.3 APARTMENT DESIGN GUIDE (ADG)

SEPP 65 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.

The application is supported by a detailed table demonstrating consistency with the design criteria in the ADG. The table below considers the proposal against key matters:

Provision	Comment	Compliance																									
Part 2 – Developing the controls																											
Note: This part explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls. It is used here only to ascertain degrees of compliance with the most applied controls under Parts 3 and 4 later in this table.																											
2E Building Depth																											
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	<p>The proposed building ranges in depth generally between 7m to 13m.</p> <p>The proposed building depth allows for appropriately sized rooms with sufficient solar access and natural ventilation. Further, the building will not appear as overly dominant or out of character with the surrounding environment or the desired future character.</p>	Yes																									
2F Building Separation																											
<table><tr><th>Building Height</th><th>Habitable to Habitable</th><th>Non-habitable to Habitable</th><th>Non-habitable to Non-habitable</th></tr><tr><td>up to 12m (4 storeys)</td><td>12m</td><td>9m</td><td>6m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>18m</td><td>9m</td><td>13.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>24m</td><td>12m</td><td>18m</td></tr></table>	Building Height	Habitable to Habitable	Non-habitable to Habitable	Non-habitable to Non-habitable	up to 12m (4 storeys)	12m	9m	6m	Up to 25m (5-8 storeys)	18m	9m	13.5m	Over 25m (9+ storeys)	24m	12m	18m	<table><tr><th>Separation</th><th>Control (half the separation distance)</th><th>Proposed</th></tr><tr><td>Rear (North)</td><td>6m</td><td>6m</td></tr><tr><td>East</td><td>6m</td><td>8.84m</td></tr></table> <p>Note: As the building is in and surrounded by land zoned R4 High Density, half the required distance is expected to be provided by adjoining sites. Therefore, proposal is considered acceptable in this instance.</p>	Separation	Control (half the separation distance)	Proposed	Rear (North)	6m	6m	East	6m	8.84m	Yes.
Building Height	Habitable to Habitable	Non-habitable to Habitable	Non-habitable to Non-habitable																								
up to 12m (4 storeys)	12m	9m	6m																								
Up to 25m (5-8 storeys)	18m	9m	13.5m																								
Over 25m (9+ storeys)	24m	12m	18m																								
Separation	Control (half the separation distance)	Proposed																									
Rear (North)	6m	6m																									
East	6m	8.84m																									
2G Street Setbacks																											
<p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none">Define a future streetscape with the front building lineMatch existing developmentStep back from special buildingsRetain significant trees	<p>It is considered that the proposed building will define the street frontage for this portion of Pennant Street and Collett Parade. The building is well-articulated at all levels, with a mix of balcony elements and façade treatments.</p> <p>The proposed development features a 5m front setback to Pennant Street and 3m front setback to Collett Parade.</p>	Yes.																									

Provision	Comment	Compliance
<ul style="list-style-type: none"> 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 	The proposed building will sit within a landscaped setting, creating opportunities for lower-level planting and an active street frontage.	
2H Side and rear setbacks		
<p>Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces:</p> <ul style="list-style-type: none"> building separation and visual privacy communal and private open space deep soil zone requirements 	<p>The proposal achieves compliant side and rear building setbacks, with the exception of a portion of Level 1 which facilitates the roof of the ground floor below. It is noted that this space is not habitable and as such meets the 3m separation that is required for non-habitable rooms. Additionally, it is noted that the bulk waste and bin wash bay located on the eastern side of the site encroaches into the 3m setback required for non-habitable spaces. However, as the bulk waste and bin wash bay is located on the ground floor and is setback 2.5m from the eastern boundary, the minor encroachment is not expected to reduce visual privacy, communal and private open space and deep soil zone requirements and is considered to be supportable on merit grounds.</p> <p>Overshadowing of adjoining properties is limited where possible while appropriate building separation results in sufficient visual privacy and suitable deep soil zones.</p>	No – Supportable
<p>Part 3 - Siting the Development</p> <p>This part provides guidance on the design and configuration of apartment development at a site scale. Objectives, design criteria and design guidance outline how to relate to the immediate context, consider the interface to neighbours and the public domain, achieve quality open spaces and maximise residential amenity. It is to be used during the design process and in the preparation and assessment of development applications</p>		
3B Orientation		
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 Pennant Street and Collett Parade 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 with an area equal to 25% of site	Required: 388.025m ² or 25% Proposed: 391.9m ² or 25.25%	Yes.

Provision	Comment	Compliance																								
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.	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.	Yes.																								
3E Deep Soil Zone																										
<p>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.</p> <p>Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 6m for sites areas greater than 1500m².</p>	<p>Required: 108.65m² or 7% (with 6m dimensions) Proposed: 255.77m² or 16.48% (with 3m dimensions)</p> <p>Note: It is noted that the subject site has an area of 1,552.1m² and would therefore require 6m dimensions for deep soil zone under the ADG. However, Clause 18 of the SEPP (Housing) 2021, prevents the consent authority from requiring more onerous standards for the matters listed under the clause. This includes deep soil zone, where the development is required to provide a deep soil zone on at least 15% of the site with dimensions of 3m. Noting the minor variation to the required site area for 3m dimensions under the ADG and the proposed development's compliance with the SEPP (Housing) 2021, the proposal is considered to be acceptable in this instance.</p>	No – Supportable on merit.																								
3F Visual Privacy																										
<p>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:</p> <table border="1"> <thead> <tr> <th>Building Height</th><th>Habitable rooms & balconies</th><th>Non habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12</td><td>6</td></tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12	6	<table border="1"> <thead> <tr> <th></th><th>Control</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>North (Ground Floor)</td><td>3m – Non-habitable</td><td>Min. 4.5m</td></tr> <tr> <td>North (Level 1-3)</td><td>6m</td><td>Min. 6m to habitable room</td></tr> <tr> <td>East</td><td>6m</td><td>8.8m</td></tr> </tbody> </table> <p>Note: There is a minor encroachment to the 6m separation on Level 01 to facilitate a roof on the ground floor. It is noted that this space is not habitable and as such a meets the 3m separation that is required for non-habitable rooms. Therefore, the proposal is considered acceptable in this instance.</p>		Control	Proposed	North (Ground Floor)	3m – Non-habitable	Min. 4.5m	North (Level 1-3)	6m	Min. 6m to habitable room	East	6m	8.8m	Yes
Building Height	Habitable rooms & balconies	Non habitable rooms																								
Up to 12m (4 storeys)	6m	3m																								
Up to 25m (5-8 storeys)	9m	4.5m																								
Over 25m (9+ storeys)	12	6																								
	Control	Proposed																								
North (Ground Floor)	3m – Non-habitable	Min. 4.5m																								
North (Level 1-3)	6m	Min. 6m to habitable room																								
East	6m	8.8m																								
3G Pedestrian Access & entries																										
Pedestrian access, entries and pathways are accessible and easy to identify.	<p>The development proposes a pedestrian entry to the building from Pennant Street as well as two (2) pedestrian entries from Collett Parade.</p> <p>Pedestrian access from Collett Parade to the proposed communal open space has been separated from the waste area.</p>	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-east of the site via Collett Parade.	Yes.																								

Provision	Comment	Compliance
	Council's Traffic and Transport Officer has reviewed the proposed vehicular access and raises no objections subject to conditions of consent.	
3J Bicycle and car parking		
<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.	Twelve (12) car spaces are proposed at Basement level as required under the SEPP (Housing) 2021. Council's Traffic and Transport Officer has reviewed the proposed car parking and raises no objections subject to conditions of consent.	Yes.
<u>Bicycle Parking</u> Provide adequate motorbike, scooter and bicycle parking space (undercover).	The proposal provides sixteen (16) bicycle spaces. Council's Traffic and Transport Officer has reviewed the proposed bicycle parking and raises no objections subject to conditions of consent.	Yes.
Part 4 - Designing the Building This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications		
4A Solar & daylight access		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	Twenty-four (24) of the Twenty-eight (28) proposed units (85.71%) achieve the minimum 2 hours of solar access during winter solstice. Therefore, the proposed solar and daylight access is supportable.	Yes.
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	Four (4) southern facing units (14.28%) do not achieve the minimum 2 hours direct sunlight. Therefore, the proposed solar and daylight access is considered to be supportable.	Yes.
4B Natural Ventilation		
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	Twenty-four (24) of the Twenty-eight (28) proposed units (85.71%) are naturally cross ventilated.	Yes
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	The proposed units do not exceed a depth of 18m.	Yes.
4C Ceiling Heights		
Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.	All floors achieve sufficient height.	Yes.
4D Apartment size and layout		
Apartments are required to have the following minimum internal areas with one bathroom: <ul style="list-style-type: none"> 1 bedroom = 50m² 2 bedrooms = 70m² 3 bedrooms = 90m² Additional internal space required for each additional bedroom or bathroom.	The proposed apartments have the following minimum internal areas: <ul style="list-style-type: none"> 20 x 1 bed units: all units comply 8 x 2 bed units: all units comply 	Yes.

Provision	Comment	Compliance												
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. Daylight and air may not be borrowed from other rooms	All of the apartments exceed the minimum requirements.	Yes.												
Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).	The kitchens in the proposed units are not located as part of the main circulation space.	Yes.												
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.	All habitable rooms depths are compliant with the required rates, except for the open plan living, dining and kitchen areas in proposed Unit 2 on level 1, 2 and 3 which exceed the maximum 8m depth from a window by 300mm. Notwithstanding, the variation is considered to be negligible and is not expected to noticeably reduce the amenity of the bedrooms.	No - Supportable .												
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	The master bedrooms, where proposed, have a minimum area of 10m ² , excluding wardrobe space, except for Units 2 and 3 on each level which do not meet the 10m ² requirement as 9.92m ² is proposed. Notwithstanding, the variation is considered to be negligible and is not expected to noticeably reduce the amenity of the bedrooms.	No - Supportable .												
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	The proposed bedrooms have a minimum dimension of 3m.	Yes												
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and 1-bedroom apartments • 4m for 2 and 3-bedroom apartments 	Living rooms/combined living/dining area have a minimum 3.6m width for 1-bedroom units and 4m width for 2-bedroom units, respectively.	Yes.												
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All units exceed a minimum width of 4m internally.	Yes.												
4E Private Open Space and balconies														
All apartments are required to have primary balconies as follows: <table border="1" data-bbox="114 1458 635 1644"> <thead> <tr> <th>Dwelling type</th><th>Min area</th><th>Min depth</th></tr> </thead> <tbody> <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> </tbody> </table>	Dwelling type	Min area	Min depth	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4m	The proposed apartments have the following minimum balcony areas: <ul style="list-style-type: none"> • 1 bed units: all units comply • 2 bed units: all units comply All of the apartments also exceed the minimum requirements for balcony depth.	Yes
Dwelling type	Min area	Min depth												
1 bedroom	8m ²	2m												
2 bedroom	10m ²	2m												
3 bedroom	12m ²	2.4m												
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	All ground level courtyards meet the required 15m ² and minimum dimensions with the exception of Unit 6 which provides a private open space of 8.83m ² with minimum dimensions of 2m. Whilst it is noted that the private open space of Unit 6 is not compliant with the ground level controls, had the unit been located on the levels above, sufficient private open space would have been considered to be provided. Therefore, the proposed variation is not expected to reduce the	No - Supportable .												

Provision	Comment	Compliance								
	amenity of the unit and is considered to be supportable on merit grounds.									
4F Common circulation and spaces.										
The maximum number of apartments off a circulation core on a single level is 8.	The development proposes a maximum of four (4) units to be accessed from the circulation space on a single level.	Yes.								
4G Storage										
<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 size volume</th></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 size volume	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 located within the basement and all units comply with the total storage requirements prescribed in the ADG.</p> <p>However, Units 6 and 7 on each level provide approximately 32% of the proposed storage within the units themselves and therefore do not meet the requirement for 50% of the required storage to be located within the apartment.</p> <p>Notwithstanding the above, it is acknowledged the proposed basement storage for Units 6 and 7 on each level is accessible from common circulation areas and its location within the basement carpark enables the proposed storage to be convenient and secure. Therefore, although the proposed internal apartment storage for Units 6 and 7 on each level does not comply, the storage scheme as proposed is still expected to provide residents with adequate, convenient and secure storage that meets the objectives of the ADG. Therefore, the proposed storage is considered to be supportable on merit grounds.</p>	No – Supportable .
Dwelling type	Storage size volume									
1 bedroom apt	6m ³									
2 bedroom apt	8m ³									
3+ bedroom apt	10m ³									
4H Acoustic privacy										
<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 services and plant rooms.</p> <p>Council’s Environmental Health (Acoustic) Officer has reviewed the application and raised no objections to the proposed development subject to conditions of consent.</p>	Yes.								
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">20 x 1 bedroom units (71.43%)8 x 2 bedroom units (28.57%)	No – Supportable .								

Provision	Comment	Compliance
	The application does not provide any 3 bedroom units in the housing mix. Although typically this would not be supported, in this instance, the specific requirements of the NSW Land and Housing Corporation and demand statistics provided indicate a significantly higher demand for 1 and 2 bedroom units rather than 3 bedrooms. Therefore, the proposed apartment mix is considered to be supportable on merit grounds.	
4M Facades		
Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents. Building functions are expressed by the façade.	Comments to be provided from the Design Excellence Advisory Panel regarding the adequacy of the proposed façade design.	
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.	The development has proposed a relatively flat roof design which is integrated with the overall development. All plant equipment is adequately screened and located toward the centre of the roof.	Yes.
4O Landscape design		
Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable. Sites greater than 1,500m ² : 1 large tree or 2 medium trees per 80m ² of deep soil zone	A total of 255.77m ² (16.48% of the site) of deep soil areas (including areas with dimensions of 3m) are proposed. Council's Landscape and Tree Management Officer has reviewed the application and raised no objections to the submitted landscape plan and planting design subject to conditions of consent.	Yes.
4P Planting on structures		
Appropriate soil profiles are provided.	Council's Landscape and Tree Management Officer has reviewed the application and raised no objections to the submitted landscape plan and landscape design subject to conditions of consent.	Yes.
4Q Universal design		
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.	A minimum of 20% of the proposed units contain the 7 design measures to achieve a silver level of universal design. Council's Universal Design (Accessibility) Officer has reviewed the application and notes the following: <ul style="list-style-type: none"> An access report by <i>Access i Pty Ltd</i> has been provided. 	Yes.

Provision	Comment	Compliance
	<ul style="list-style-type: none"> Of the four (4) water closets proposed for the accessible units two provide left-hand transfers and two (2) provide right-hand transfer which provides greater amenity for residents. <p>Therefore, the proposed development is considered to provide sufficient universal design.</p>	
4U Energy efficiency		
Development incorporates passive environmental design measures – solar design, natural ventilation etc.	<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
4W Waste Management		
<p>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</p> <p>Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<p>The bin/waste area has been designed to include a second temporary waste storage area in the north-western corner of the site. The provision for a second waste area allows for greater accessibility and connectivity for tenants who may occupy the building. The application was referred to Council Waste and Cleansing Team who raised no objections to the proposed development provided that the future building management is responsible for transporting the bins from the north-western waste area to the primary waste area for collection by Council.</p>	Yes.

Council is satisfied the proposed development meets the requirements of SEPP (Housing) 2021 and is recommended for approval.

7.9 PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

7.9.1 PERMISSIBILITY

The site is located within a R4 High Density Residential Zone pursuant to the Parramatta Local Environmental Plan 2023 (PLEP 2023), as illustrated in Figure 1 above.

The proposed development is for a '*residential flat building*', which is defined under the PLEP 2023 as:

'residential flat building' means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.'

The proposed works are permissible in the R4 High Density Residential zone pursuant to *Part 2 Permitted or Prohibited Development* of the PLEP 2023.

7.9.2 ZONE OBJECTIVES

The objectives of the R4 High Density Residential are:

- 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 for high density residential development close to open space, major transport nodes, services and employment opportunities.

- To provide opportunities for people to carry out a reasonable range of activities from their homes if the activities will not adversely affect the amenity of the neighbourhood.

The proposal complies with the objectives of the R4 High Density Residential zone.

7.9.3 COMPLIANCE TABLE

The relevant matters to be considered under Parramatta Local Environmental Plan 2023 for the proposed development are outlined below.

Development standard	Comment	Compliance
Part 2 Permitted or Prohibited Development		
2.7 Demolition requires development consent	The subject application proposes the demolition of existing structures within the subject site.	Yes.
Part 4 Principal development standards		
Cl. 4.1 Minimum subdivision lot size	No subdivision is proposed.	N/A.
Cl. 4.3 Height of buildings <i>Allowable = 11m</i>	Proposed: 13.93m Variation: 2.93m or 26.64% Note: An RL 39.16 was compared against the NGL below at 25.23 AHD.	No.
Cl. 4.4 Floor space ratio <i>Allowable = 0.8:1 or 1,241.68m²</i>	Proposed: 1.27:1 or 1,975.79m ² Note: The subject application has been lodged under the SEPP (Housing) 2021. As 100% of the GFA is proposed to be used for the purposes of affordable housing, pursuant to Clause 17(1)(a)(i) of the SEPP the maximum permissible floor space ratio for the site is 1.3:1 or 2,017.73m ² . This is based on the maximum FSR of 0.8:1 under the PLEP 2023 and the additional FSR of 0.5:1 under the SEPP (Housing) 2021. The proposed development seeks an FSR of 1.27:1 or 1,975.79m ² and is therefore considered to be compliant.	Yes – Refer to SEPP (Housing) 2021.
Cl. 4.6 Exceptions to development standards	A variation to Clause 4.3 Height of Buildings is sought. Refer to Clause 4.6 Assessment Below.	See Below.
Part 5 Miscellaneous provisions		
Cl. 5.1A Development on land intended to be acquired for public purposes	The proposal is not identified on the map.	N/A.
Cl. 5.6 Architectural roof features	An architectural roof feature is not proposed.	N/A.
Cl. 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.	N/A.

Cl. 5.10 Heritage conservation	The subject site does not contain a heritage item, is not in the vicinity of an item and does not fall within a heritage conservation area.	N/A.
Cl. 5.10(8) Aboriginal places of heritage significance	The subject site is located within a low sensitivity recorded area.	Yes.
Cl. 5.11 Bush fire hazard reduction	The site is not identified as bushfire prone.	N/A.
Cl. 5.21 Flood planning	The site is not identified as flood prone.	N/A.
Part 6 Additional local provisions		
Cl. 6.1 Acid sulphate soils	The site is identified as containing Class 5 Acid Sulphate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared.	Yes.
Cl. 6.2 Earthworks	<p>The subject site slopes to the south-eastern corner of the site. The proposed development seeks consent for earthworks predominantly located towards the rear. The development proposes approximately 650mm of cut in the north western corner of the site and 700mm of cut in the north-eastern corner of the site to accommodate the proposed communal open space area.</p> <p>Additionally, the eastern module of the proposed residential flat building is stepped down to respond to the slope and minimise the need for cut and fill on the site. The proposed FFL of the units on the ground floor do not exceed more than 400mm above the natural ground level, however Units 5 and 7 denote FFLs approximately 900mm below the natural ground level. The proposed FFLs are not expected to create any adverse effects to adjoining properties and are considered to be supportable.</p> <p>The proposed earthworks are not expected to result in adverse impacts to adjoining properties nor are the proposed earthworks expected to affect any future re-development of the site. Therefore, the proposed earthworks are considered to be in keeping with the objectives of the clause.</p>	Yes.
Cl. 6.4 Biodiversity protection	The site is not identified on this map.	N/A.
Cl. 6.5 Stormwater Management	The proposed development drains to the street via a Council pipe extension. Council's Development Engineer is satisfied that the proposed stormwater drainage design would minimise the impacts of urban stormwater on adjoining properties, native vegetation and receiving waters.	Yes.
Cl. 6.6 Foreshore Area	The site is not located in the foreshore area.	Yes.
Cl. 6.8 Landslide risk	The site is not identified on this map.	N/A.

7.9.4 SECTION 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

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.

The proposal does not comply with the maximum 11m building height development standard detailed in Clause 4.3 of the PLEP. The proposed building height is 13.93m located at the front of the building from Collett Parade.

The development proposal exceeds the maximum permissible building height by 2.93m which is a 26.6% variation to the development standard.

Standard	Proposed	Variation
----------	----------	-----------

11 metres	13.93 metres	2.93 metres or 26.64%
-----------	--------------	-----------------------

Clause 4.6(1) – Objectives of Clause 4.6

The objectives of clause 4.6 of the PLEP 2023 are considered as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) 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:

“The NSW Land and Housing Corporation requests that the consent authority grant consent to the proposed development at 153-155 Pennant Street and 2 Collett Parade, Paramatta, despite the proposed development contravening the Height of buildings development standard within the Parramatta Local Environmental Plan 2023 (PLEP 2023)...

The extent of variation sought to the Height of Buildings development standard (11 m) is 23.2%, or 2.55m, with overall height proposed of 13.55m.”

Comment: As stated above, the proposed height of the development as calculated by Council is 13.93m resulting in a variation of 2.93m or 26.64%. Council’s calculation compared the top of building ridge level at RL 39.16 AHDm and the natural ground level at RL 25.23 AHDm.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

“Compliance with the height of buildings standard is considered unreasonable and unnecessary given the following circumstances of this case:

- The proposed development achieves the objectives of the height of buildings standard and is consistent with the objectives of the zone notwithstanding non-compliance with the standard.*
- The height variation is necessary to facilitate provision of an additional 7 affordable housing units in accordance with [NSW Land and Housing Corporation]’s plans for the site, on the top-most floor. Strict compliance with the standard would prevent LAHC from achieving the Government’s affordable housing goals and reduce the number of affordable housing units available to the local community.*
- There is a considerable public and social benefit arising from the provision of affordable housing.*

- *There are numerous existing and approved four storey buildings in Collett Parade and Pennant Street, and the building height is in keeping with the prevailing streetscape.*
- *The proposed development complies with the FSR control under the Housing SEPP.*
- *The non-compliance would not result in any unreasonable environmental impacts."*

Sufficient environmental planning grounds that are particular to the circumstances of the proposed development

"It is considered that there are sufficient environmental planning grounds to justify contravening the height of buildings development standard under the PLEP 2023. The development is considered to be consistent with:

- *The objectives of Clause 4.3 Height of buildings.*
- *Relevant plans and strategies"*

The matters addressed by the applicant have been summarised below:

- *"The development provides appropriate height transitions between buildings, owing to:*
 - *the provision of large setbacks to side boundaries providing a physical separation between the subject development and neighbouring buildings;*
 - *The proposed building height is compatible in scale to immediately surrounding development including residential developments along Pennant Street and Collett Parade.*
 - *The adoption of the building heights do not negatively impact neighbouring developments access to sunlight.*
 - *the retention of some of the existing mature trees along the front boundary of Collett Parade and Pennant Street and the adoption of a comprehensive landscaping scheme for the entire site... will enhance the appearance of both the site and streetscape softening and buffering the development."*
- *"The proposed development is compatible with the height of existing and desired future development in the surrounding area.*
 - *The height of the proposed development is 13.55m, being 4 stories in height. This is similar, and in some instances lower, than residential flat buildings, and boarding houses located near the site.*
 - *The height of the building is also compatible with the desired future development in the surrounding area, which is identified for the purposes of higher density residential developments, such as that proposed."*
 - *Much of the lower density housing stock in the immediate area is old, and close to reaching the end of their lifespan becoming economically unviable to maintain. Given the age of the dwellings and the demand for increased housing, these will likely be demolished and replaced with newer, modern, higher density forms of residential development, as permitted under PLEP 2023. This includes that adjoining the development to the north and east, as well as that directly opposite."*
- *"The development minimises visual impact through the adoption of a contemporarily designed architectural building, that is consistent with bulk, height, scale and setbacks of other modern developments in the immediate area."*
- *"The development does not result in the loss, or disruption of any views. The site and surrounding area sits within generally undulating terrain, where no unique vistas dominate, or are required to be preserved."*
- *"The development does not result in the loss of privacy to existing development. Privacy impacts from those elements that breach the building height control are mitigated using side and rear setbacks that meet or exceed compliance with relevant setback controls, careful consideration of the number, size and placement of windows and balconies to side & rear boundaries, incorporation of privacy screens to balconies and orientation of rooms to Collett Parade, Pennant Street, and rear boundaries."*

Comment: An assessment has been undertaken to determine whether compliance with the standard is 'unreasonable and unnecessary' and whether there are 'sufficient planning grounds.' Given the above, Council concurs with the following matters:

- The development proposes a height breach of 2.93 meters or 26.64% at the highest point. As the proposal is for a four (4) storey residential flat building, the proposed bulk and scale is not considered to be inconsistent with the site's R4 High Density Residential zoning.
- The proposed height of the development is considered to be consistent with existing and emerging developments within the immediate locality. Surrounding developments also denote variations to height controls with one such variation at 8-10 Collett Parade exceeding the variation for the proposed development. These developments include higher density residential accommodations such as residential flat buildings and a boarding house. The Table and Figure below denote the approved variations of developments within the immediate locality of the subject site:

DA Reference	Property Address	Approved Height of Buildings	Approved Variation	Did the application benefit from a FSR bonus under a SEPP?
DA/279/2019	8-10 Collett Parade, Parramatta	14.01m	27.4%	Yes – SEPP (Affordable Rental Housing) 2009.
DA/249/2019	12-14 Collett Parade, Parramatta	12.9m	17.3%	Yes – SEPP (Affordable Rental Housing) 2009.
DA/81/2015	16-18 Collett Parade, Parramatta	13.7m	24.5%	Yes – SEPP (Affordable Rental Housing) 2009.
DA/1045/2016	161-163 Pennant Street, Parramatta	12.8m	16.4%	Yes – SEPP (Affordable Rental Housing) 2009
DA/940/2015	165-167 Pennant Street, Parramatta	12.82m	16.5%	Yes – SEPP (Affordable Rental Housing) 2009



Figure 12: Aerial view of the area indicating location of approved and constructed high density residential accommodations with variations to Clause 4.3 Height of Buildings.

Therefore, the proposed variation is considered to align with the pattern of development in the neighbourhood.

- The proposal complies with the maximum Floor Space Ratio (FSR) allowable under the State Environmental Planning Policy (SEPP) for Housing 2021. This indicates that while there is a variation to the height control, the overall density and scale of the development aligns with the intended land use for affordable housing pursuant to the SEPP (Housing) 2021.
- Further, it is noted that on the 14 December 2023, the *State Environmental Planning Policy Amendment (Housing) 2023* came into effect which included a provision for additional building height for affordable housing pursuant to Section 18 of the amending policy. However, as stated previously pursuant to Clause 8 of *Schedule 7A Savings and transitional provisions*, the amending policy is not applicable to the subject development application as the application was lodged on the 28 September 2023. Notwithstanding if the application had been lodged after the commencement date of the amending policy, the proposed development being for the purpose of affordable housing would have been entitled to an additional building height of 30%. This would have allowed for a maximum building of 14.3m and the proposed development would have subsequently complied with the provisions of the amending policy. Therefore, while the proposed development is not compliant with the applicable building height control, the proposed variation is considered to be consistent with the desired future character of developments for affordable housing.
- Given the scale of development within the area, the proposed development's compliance with the applicable floor space ratio controls and the extensive landscaping schedule that will soften appearance of the development when viewed from the street, the proposal is not expected to have an adverse impact on the existing streetscape or existing and emerging character of the area.
- The proposed development maintains compliance with the applicable planning controls concerning setbacks, privacy and solar access, ensuring the amenity of adjoining properties is maintained.

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.

In determining the adequacy of the applicant's statements to satisfy the requirements set under clause 4.6(3), assistance offered from the relevant case law has been employed. The following case law and their respective key points have been addressed in detail below:

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.***

The objectives of Clause 4.3 Height of Buildings are as follows:

- (a) *to provide appropriate height transitions between buildings,*

Comment: The subject site and surrounding properties have a maximum building height of 11m pursuant to Section 4.3 of the PLEP 2023, however opposing the site on Pennant Street is land with a maximum building height of 9m. It is noted that the subject site is located within an area which denotes high-density residential developments. The proposal is consistent with the height of the buildings that are also located on R4 High Density Residential land. It is noted that the proposed development complies with the required building setbacks and is considered to be of a scale which is responsive to the local character of the area. Therefore, the proposed development is considered to provide appropriate height transitions between buildings.

(b) to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,

Comment: As stated above, the subject site and surrounding properties have a maximum building height of 11m pursuant to Section 4.3 of PLEP 2023. Whilst the proposed development denotes a non-compliant building height, the proposed building remains consistent with the heights of the buildings on the adjoining properties as stated in the table and figure above.

Additionally, had the application been lodged after the 14 December 2023, the changes to the SEPP (Housing) 2021 which came into force with the adoption of the *State Environmental Planning Policy Amendment (Housing) 2023* would have resulted in a compliant building height. While the standards of the SEPP Amendment (Housing) 2023 are not applicable, the provisions outlined in the SEPP demonstrate a future character of increased building heights for the purpose of affordable housing.

Therefore, the proposal being for a 4-storey residential flat building, constitutes a general scale which is compatible with the existing streetscape, the height of existing buildings and the desired future development in the area.

(c) to require the height of future buildings to be appropriate in relation to heritage sites and their settings,

Comment: The subject site is not a heritage item nor is it located within a heritage conservation area. The nearest heritage item to the subject site is located approximately 275m south-west of the site. Therefore, the development will not impact upon and heritage items or their settings.

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

Comment: The subject site is not located within a low-density residential area nor does the site share a boundary with a low-density residential area. Notwithstanding, the proposed development is considered to be of a scale which is consistent with the site's R4 High Density Residential zoning. As discussed previously, the existing character of the immediate locality features 3-4 storey residential accommodation developments which denote a contemporary aesthetic. The proposed development is consistent with the pattern of development within the area. The design of the proposed development including materials and finishes is also consistent with the streetscape so as to not make the building a monument within the streetscape. Further, the development proposes an extensive planting schedule to soften the appearance of the building. Therefore, the proposed development is considered to reinforce and respect the existing character of the immediate locality.

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

Comment: As stated previously, the height of the proposed development is consistent with the scale of developments along Pennant Street and Collett Parade. The proposed development minimises the visual impact of the height breach through designing a building that is consistent with the contemporary architectural style of the locality. In doing so, the proposed development is consistent with the bulk, height and setbacks of the other high-density residential accommodation development along Pennant Street and Collett Parade. Visual impacts are also mitigated through the inclusion of an extensive landscape plan and schedule to ensure the appearance of the building is softened within the streetscape.

The subject site is not identified as being located within any view corridors. As such the proposed development is not expected to result in the disruption or loss of any views or unique vistas which have been identified for preservation.

Additionally, the proposed development is not expected to result in the loss of privacy of neighbouring properties as the proposed development complies with the visual privacy and setback controls prescribed by the Apartment Design Guide. Due to the site's corner allotment, generally the visual gaze from the proposed units is directed

towards the street. It is acknowledged that some of the proposed balconies direct the visual gaze to the rear, however as previously mentioned the development proposes complaint setbacks to limit undue overlooking.

Finally, given the orientation of the site, shadows casted by the proposed development generally cover Collett Parade. Notwithstanding, the primary living areas and private open space of the subject site, as well as neighbouring properties, will receive a minimum of 3 hours sunlight from 9am to 3pm during the winter solstice. Therefore, the proposed development is considered to maintain an appropriate level of solar access to existing development.

(f) *to preserve historic views,*

Comment: The applicant states that no historic views are impacted by the proposed development. Pursuant to Appendix 1 of the PDCP 2023, the subject site is not located along any view corridors. Therefore, the proposed development is not expected to impact on any historic views.

(g) *to maintain satisfactory sky exposure and daylight to—*

- i. existing buildings in commercial centres, and*
- ii. the sides and rear of tower forms, and*
- iii. key areas of the public domain, including parks, streets and lanes.*

Comment: Given the scale and location of the proposed development, the proposal is not expected to impact on the sky exposure or daylight of any existing buildings in commercial centre, the side and rear of tower forms or key areas of the public domain, including parks, streets and lanes.

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. However, the Applicant does note that despite the proposed variation, the proposed dwelling is able to achieve the objectives of the development standard as the proposal is not considered to have any adverse impacts on the street character or the amenity of the surrounding properties.

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 objectives or purpose of Section 4.3 of the PLEP 2023 would be defeated or thwarted if compliance was required.

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.

Al Maha v Huajun Investments & Baron Corporation v Council of the City of Sydney

The proposal has been assessed on merit and having regard to the principles in *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245 and *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61.

Al Maha provides that the consent authority (or Commissioner in that instance) “had to be satisfied that there were proper planning grounds to warrant the grant of consent, and that the contravention was justified” [21].

Baron elaborates on *Al Maha* in that “the consent authority’s consideration of the applicant’s written request, required under cl 4.6(3), is to evaluate whether the request has demonstrated the achievement of the outcomes that are the matters in cl 4.6(3)(a) and (b). Only if the request does demonstrate the achievement of these outcomes will the request have “adequately addressed the matters required to be demonstrated” by cl. 4.6(3), being the requirement in cl. 4.6(4)(a)(i) about which the consent authority must be satisfied. The request cannot “adequately” address the matters required to be demonstrated by cl 4.6(3) if it does not in fact demonstrate the matter” [78].

Comment: In this instance, Council is satisfied that the applicant’s Clause 4.6 Statement adequately addresses the matters in Clause 4.6(3) of the PLEP 2023. It has proven that strict compliance in this case is not necessary to maintain the existing character of the street and compliance with Clause 4.3 of the PLEP 2023 would reduce the ability of the NSW Land and Housing Corporation to provide adequate affordable housing for the social benefit of the community.

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

Clause 4.6(4) of PLEP 2023 outlines that “the consent authority must keep a record of its assessment carried out under subclause (3).”

Comment: The matters of clause 4.6(4) have been dealt with in the preceding section.

Conclusion: It is considered that the applicant’s written request has adequately addressed the matters required to be demonstrated. Additionally, the request to vary the height development standard within Parramatta LEP 2023 can be supported as the proposal achieves the objectives of the height development standard and zone and there are sufficient site-specific reasons for the breach. In reaching this conclusion, regard has been given to the relevant Judgements of the LEC.

8 DEVELOPMENT CONTROL PLANS

8.1 PARRAMATTA DEVELOPMENT CONTROL PLAN 2023

The relevant matters to be considered under Parramatta Development Control Plan 2023 for the proposed development are outlined below.

Development Control	Comment	Compliance
Part 2 – Design in Context		
2.3 Preliminary Building Envelope	The proposed building envelope is considered to be acceptable in this instance given the character of the area.	Yes.
2.4 Building Form and Massing	The bulk and scale is suitable for the site and positively responds to the surrounding context.	Yes.
2.5 Streetscape and Building Address	The overall form of the development and design is considered suitable for the site and is conducive of the site constraints.	Yes.
2.6 Fences	Front fencing is to be a mixture of 1.2m and 800mm high aluminium picket fencing with 40mm spacing between slats.	Yes.
2.8 Views and Vistas	There are no significant views and vistas from the subject site identified in Appendix 1 of PDGP 2023.	N/A.
2.9 Public Domain	Council’s Public Domain team has reviewed the application and raised no objections subject to conditions of consent regarding the preparation of Public Domain Construction Drawings, street trees, lighting and footway specifications.	Yes.
2.10 Accessibility and Connectivity	The proposed front setback includes three (3) pathways for pedestrian access and one point of vehicular access. The proposed	Yes.

	<p>design scheme is not considered to dominate the front setback with stairs, ramps, level changes, handrails and other servicing structures.</p> <p>Pedestrian access from Collett Parade to the proposed communal open space has been separated from the bin/waste area.</p> <p>Therefore, the proposed development is considered to be provide sufficient accessibility and connectivity.</p>	
2.11 Access for People with Disabilities	<p>The proposed development provides four (4) accessible units. This represents 14.29% of the total proposed units.</p> <p>Council's Universal Design (Accessibility) Officer has reviewed the application and notes the following:</p> <ul style="list-style-type: none"> • An access report by <i>Access i Pty Ltd</i> has been provided. • Of the four (4) water closets proposed for the accessible units two provide left-hand transfers and two (2) provide right-hand transfer which provides greater amenity for residents. <p>Therefore, the proposed development is considered to provide sufficient universal design.</p>	Yes.
2.14 Safety and Security	<p>Opportunities for casual surveillance of public domain are possible from the proposed balconies and terraces that face the street.</p>	Yes.
Part 3 – Residential Development		
3.1 Housing Diversity and Choice		
3.1.2 Dwelling Mix <i>The following dwelling mix is required for RFBs, containing 10 or more dwellings:</i> (a) 10-20% of dwellings to have 3 or more bedrooms. (b) 60-75% of dwellings to have 2 bedrooms. (c) 10-20% of dwellings to have 1 bedroom/studio.	<p>The development has incorporated the following apartment mix:</p> <ul style="list-style-type: none"> • 20 x 1-bedroom units (71.43%) • 8 x 2-bedroom units (28.57%) <p>The application does not provide any 3-bedroom units in the housing mix. Although typically this would not be supported, in this instance, the specific requirements of the NSW Land and Housing Corporation and demand statistics provided indicate a significantly higher demand for 1- and 2-bedroom units rather than 3 bedrooms. Therefore, the proposed apartment mix is considered to be supportable on merit grounds.</p>	No – Supportable.
3.1.3 Accessible and Adaptable Housing <i>Residential flat buildings are to provide adaptable housing in accordance with the below:</i> <ul style="list-style-type: none"> • 10 or more apartments = 15% total dwellings 	<p>The proposed development provides four (4) accessible units. This represents 14.29% of the total proposed units.</p> <p>Council's Universal Design (Accessibility) Officer has reviewed the application and notes the following:</p> <ul style="list-style-type: none"> • An access report by <i>Access i Pty Ltd</i> has been provided. • Of the four (4) water closets proposed for the accessible units two provide left-hand transfers and two (2) provide right-hand transfer which provides greater amenity for residents. <p>Therefore, whilst it is acknowledged that 15% of the proposed units is not provided, the variation to the control is considered to be minor and the proposed development is considered to provide sufficient universal design.</p>	No – Supportable.
3.2 General Residential Controls		

3.2.1 Solar Access and Ventilation	<p>The development achieves the solar access requirements specified in the SEPP (Housing) 2021, providing at least 3 hours of direct solar access between 9am and 3pm at mid-winter to living rooms and private open spaces in at least 70% of the dwellings.</p> <p>Further the development also complies with the applicable solar access (Section 4A) and natural ventilation (Section 4B) provisions of the ADG.</p> <p>Therefore, the proposed solar access and natural ventilation is supportable.</p>	Yes.
3.2.2 Visual and Acoustic Privacy	The proposed development complies with the minimum building separation distances between habitable rooms as specified in Section 3F of the ADG to provide adequate visual and acoustic privacy in a high-density residential environment.	Yes.
3.5 Apartment Buildings		
3.5.1 Key Development Standards for Apartment Buildings		
3.5.1.1 Minimum Site Frontage		
<i>Min. 24m site frontage at building line</i>	Proposed: Min 30m (Pennant Street) Min. 50m (Collett Parade)	Yes.
<i>Corner lots must have a minimum site frontage width of 18m for the shortest street frontage.</i>	Proposed Min. 30m (Pennant Street)	Yes.
3.5.1.2 Preliminary Building Envelope		
Building Height		
<i>11m (Three storeys)</i>	Proposed: 13.93m (4 storeys) Note: Refer to comment above regarding the proposed variation to Clause 4.3 Height of Buildings.	No – Supportable on merit.
<i>Any part of a basement or subfloor area that projects greater than 1m above NGL comprises a storey.</i>	No part of the proposed basement protrudes more than 1m above NGL.	N/A.
Street Setback		
<i>6m front setback (including 3m setback for landscape)</i>	Proposed: 5m (Pennant Street) The proposed 5m front setback ensures that the proposed setback aligns with the prevailing streetscape and does not disrupt the established urban fabric. Note: The proposed front setback is considered to be consistent with the prevailing setbacks along Pennant Street: <ul style="list-style-type: none"> 161-163 Pennant Street was approved with a minimum 5m front setback under DA/1045/2016) 165-167 Pennant Street was approved with a minimum 5m front setback under DA/940/2015) The 1m reduction to the front setback is still able to accommodate sufficient space for landscaping, pedestrian access, and visual amenity. Thereby not significantly compromising the streetscape's quality or pedestrian experience.	No – Supportable on merit.

	Therefore, the proposed setback to Pennant Street is considered to be acceptable as it aligns consistently with the surrounding development and complies with objectives of the setback control.	
<i>Buildings must be set back a minimum of 3 metres from the secondary street.</i>	Proposed: 3m to Collett Parade.	Yes.
Side and Rear Setbacks		
<i>Side and rear setback are to be provided to ensure compliance with the residential privacy and separation requirements of the ADG.</i>	Proposed: 6m Note: The proposed development complies with the 6m building separation setback for a building height of 4 storeys as specified in Section 3F-1.1 of the ADG.	Yes.
3.5.1.3 Streetscape and Building Address	The proposed front setback includes three (3) pathways for pedestrian access and one point of vehicular access. The proposed design scheme is not considered to dominate the front setback with stairs, ramps, level changes, handrails and other servicing structures. Opportunities for casual surveillance of public domain are possible from the proposed balconies and terraces that face the street. The building is stepped and no external wall facing the street extends beyond 45m. At the street, the FFL of the ground floor level is a maximum of 300mm above the natural ground level.	Yes.
3.5.1.4 Open Space and Landscape		
<u>Deep Soil Zone</u> <i>Required: Min. 30% of the site (50% to be located at the rear)</i> <i>On sites over 1,500m², a min. dimension of 6m will be required for at least 7% of the total site area in accordance with the ADG.</i> <i>The remaining 23% of the deep soil zone may be provided with a minimum dimension of 4m x 4m.</i>	Required: 465.63m ² or 30% Proposed: 255.77m ² or 16.48% (with 3m dimensions) Note: It is noted that the subject site has an area of 1,552.1m ² and would therefore require 465.63m ² of deep soil zone under the PDCP 2023. However, Clause 18 of the SEPP (Housing) 2021, prevents the consent authority from requiring more onerous standards for the matters listed under the clause. This includes deep soil zone, where the development is required to provide a deep soil zone on at least 15% of the site with dimensions of 3m. Therefore, the proposal is considered to be acceptable in this instance.	No – Refer to SEPP (Housing) 2021.
<u>Basements</u> <i>Where basements are provided and extend beyond the building envelope, a min. soil depth of 1.2m is to be provided, measured from the top of the slab, and will not be calculated as part of the deep soil zone.</i>	Noted.	N/A.
<u>Communal Open Space</u> <i>Residential flat buildings must provide communal open space to meet the</i>	Required: 388.025m ² or 25% Proposed: 391.9m ² or 25.25%	Yes.

<i>requirements of Section 3D of the Apartment Design Guide.</i>	<p>Note: Refer to Assessment under Section 3D of the Apartment Design Guide.</p> <p>The proposed communal open space is visible and directly accessible to the maximum number of dwellings. The space has been designed to allow for circulation through pathways, and to meet the needs of the NSW Land and Housing Corporation.</p>	
<p><u>Private Open Space</u> Private open space with a min. dimension of 2 metres must be provided for each dwelling as follows:</p> <p>a) 1-bedroom/studio units must provide a minimum of 8m² per dwelling.</p> <p>b) 2-bedroom units must provide a minimum of 12m² per dwellings.</p>	The proposal provides sufficient private open space as per Section 3D of the ADG.	No – Supportable.
3.5.1.5 Parking Design and Vehicular Access	<p>Basement carparking is proposed.</p> <p>Council's Traffic and Transport Team have reviewed the proposed parking design and vehicular access and raise no objections subject to conditions of consent.</p> <p>In addition, Council's Urban Design (Public Domain) Team has also reviewed the application and raised no objections to the design of the vehicular access and rubbish collection area to provide a suitable buffer to the neighbouring property.</p>	Yes.
3.5.1.6 Internal Amenity	<p>The development proposes 2.7m ceiling heights and the majority of the proposed units have dual aspects to increase cross ventilation.</p> <p>The proposed FFL of the units on the ground floor do not exceed more than 400mm above the natural ground level, however Units 5 and 7 denote FFLs approximately 900mm below the natural ground level.</p> <p>Notwithstanding the above, Units 5 and 7 receive the required solar access to habitable rooms and private open space.</p> <p>Therefore, the FFLs of the developments are considered to be supportable.</p>	No – Supportable on merit.
3.6 Residential Subdivision		
3.6.1 Site Consolidation and Development on Isolated Sites	The proposed development will not result in the creation of an isolated lot that could not be developed in compliance with the relevant planning controls, including the PLEP 2023 or PDCP 2023.	Yes.
Part 5 – Environmental Management		
5.1 Water Management	The proposed development drains to the street via a Council pipe extension. Council's Development Engineers have reviewed the application and raised no objections to the proposed development subject to conditions of consent.	Yes.
5.2 Hazard and Pollution management		
5.2.1 Control of Soil Erosion and Sedimentation	An adequate sedimentation plan has been provided to ensure adjoining properties are not impacted.	Yes.

5.2.2 Acid Sulfate Soils	The site is identified as containing Class 5 Acid Sulphate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared.	Yes.
5.2.3 Salinity	The proposal is not identified on the map.	N/A.
5.2.4 Earthworks and Development of Sloping Land	<p>The subject site slopes to the south-eastern corner of the site. Accordingly, the eastern module of the proposed residential flat building is stepped down to respond to the slope and minimise the need for cut and fill on the site.</p> <p>The proposed FFL of the units on the ground floor do not exceed more than 400mm above the natural ground level, however Units 5 and 7 denote FFLs approximately 900mm below the natural ground level. The proposed FFLs are not expected to create any adverse effects to adjoining properties and are considered to be supportable.</p>	Yes.
5.2.5 Land Contamination	A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.	N/A.
5.2.6 Air Quality	The proposed development is not expected to impact on air quality. Notwithstanding, appropriate conditions of consent related to construction have been imposed.	Yes.
5.2.7 Bush Fire Prone Land	The site is not identified as bushfire prone.	N/A.
5.3 Protection of the Natural Environment	The proposed development includes the removal of ten (10) trees from the site. Council's Tree Management and Landscape Officer has reviewed the application and raised no objections to the proposed development subject to conditions of consent.	Yes.
5.4 Environmental Performance		
5.4.1 Energy Efficiency	The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition has been imposed to ensure such commitments are fulfilled during the construction of the development.	Yes.
5.4.2 Water Efficiency	The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition has been imposed to ensure such commitments are fulfilled during the construction of the development.	Yes.
5.4.3 Urban Cooling	Development achieves the objectives and controls within 5.4.3 Urban Cooling relating to roof surfaces, open space, façades, heating/cooling systems.	Yes.
5.4.4 Solar Light Reflectivity (Glare)	The proposed development materials are predominantly brick with a dark matte tone cladding or paint finish which is not expected to increase glare beyond acceptable means.	Yes.
5.4.6 Bird Friendly Design	The proposed development is not designed with any of the protruding features identified in Section 5.4.6 which would require glaze treating external windows nor is the subject site located within 100m of a waterway or parkland.	Yes.
5.4.7 Wind Mitigation	The proposed development is less than 20m in height and therefore, Section 5.4.7 is not applicable to the proposed development.	N/A.
5.4.8 Waste Management	A sufficient waste management plans has been submitted with the application. Council's Environmental Health (Waste Management) Officer has reviewed the application and raised no objections to the proposed development subject to conditions of consent.	Yes.
Part 6 – Traffic and Transport		
6.1 Sustainable Transport		
6.1.1 Carshare	No applicable to the proposed development.	N/A.
6.1.2 Travel Plans	No applicable to the proposed development.	N/A.

6.1.3 Electric Vehicle Charging Infrastructure	An updated electrical spatial plan has been provided demonstrating that the Electrical Maximum Demand of 282 Amps will allow for future EV capacity, and that space for future EV Distribution Boards has been provisioned for. Accordingly, the development will be able to accommodate future EV charging should the need be demonstrated.	Yes.
6.2 Parking and Vehicular Access	Council's Traffic and Transport Engineer has reviewed the application and raises no objections subject to conditions of consent.	Yes.
6.3 Bicycle Parking	Council's Traffic and Transport Engineer has reviewed the application and raises no objections subject to conditions of consent.	Yes.
6.4 Loading and Servicing	No applicable to the proposed development.	N/A.

9 EP&A REGULATION 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the National Construction Code, compliance with the Home Building Act, Certifying Authority appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions.

10 PUBLIC CONSULTATION

10.1 NOTIFICATION AND ADVERTISING

The application was notified in accordance with Council's Consolidated Notification Procedures between 11 October 2023 and 1 November 2023. In response one (1) unique submission was received.

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

Issue	Response
Concerns are raised with respect to the amount of car parking within the proposed basement.	The proposed development provides twelve (12) car spaces within the basement level which is compliant with the requirements of the SEPP (Housing) 2021.
Concerns are raised with respect to the solar access of adjoining properties.	Due to the orientation of the site, shadows casted by the proposed development generally cover Collett Parade. Notwithstanding the primary living areas and private open space of the subject site, as well as neighbouring properties, will receive a minimum of 3 hours sunlight from 9am to 3pm during the winter solstice.
Concerns are raised with regard to the removal of existing boundary fencing.	Council raises no objection to the demolition of the existing boundary fencing and the construction of the proposed 1.8m Colourbond boundary fencing. However, given concerns have been raised regarding the fencing, Council has conditioned that the proposed boundary fencing be removed from the application pursuant to the Dividing Fences Act 1991. Should the applicant wish to pursue the proposed boundary fencing, negotiations regarding the height, type, location and cost should be conducted under the Dividing Fences Act 1919 and SEPP (Exempt and Complying Development Codes) 2008
Concerns are raised with respect to increased noise and light pollution from the proposed car parking.	As the car parking for the development is located within the basement level, the proposed development is not expected to increase noise and light pollution from the carparking beyond levels acceptable in a high-density residential area.

Concerns are raised with respect to the privacy of adjoining properties.	The proposed development complies with the minimum building separation distances between habitable rooms as specified in Section 3F of the ADG to provide adequate visual and acoustic privacy in a high-density residential environment. Notwithstanding the visual gaze from the proposed balconies is directed to Pennant Street and Collett Parade as well as the rear of the property. Therefore, the proposed development is not expected to reduce the visual privacy of adjoining properties beyond acceptable levels.
Concerns are raised with respect to the removal of asbestos from the site during construction.	Council's Environmental Health Officer reviewed the application and raised no objections to the proposed development (including the demolition of existing structures on the site) subject to condition of consent to ensure the appropriate removal of any hazardous waste including asbestos.
Concerns are raised with respect to the removal of a Colville's glory tree at the rear of 2 Collett Parade. Concerns included: <ul style="list-style-type: none"> • Loss of habitat for birds; • The tree's role in the local ecosystem, and; • The reduction of shade from the tree. 	Council's Landscape and Tree Management Officer has reviewed the application, including the removal of Tree No. 14 and has raised no objection to the removal of the tree subject to conditions of consent.

10.2 CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."

Conciliation Conference – Not Required

The application received one (1) unique submission during the formal notification period and as a result a Conciliation Conference was not required to be held.

11 LIKELY IMPACTS OF THE DEVELOPMENT

As discussed in this report, Council is satisfied that the proposed development would not have unreasonable environmental impacts on either the natural or built environments and would, on balance, have a positive social and economic impact in the locality.

12 SUITABILITY OF THE SITE

Council is satisfied that the site is suitable for the proposed development, noting the following:

- The proposal's bulk and scale responds to the current and future density of residential flat buildings in the area.
- The proposal satisfies the objectives of Clause 4.3 Height of Buildings of the Parramatta LEP 2023;
- The proposed development achieves reasonable compliance with the SEPP (Housing) 2021, SEPP 65 and ADG, the PLEP 2023 and the PDCP 2023.

13 DEVELOPMENT CONTRIBUTIONS

13.1 SECTION 7.12 CONTRIBUTIONS

The City of Parramatta (Outside CBD) Development Contributions Plan 2021 commenced on 20 September 2021. It was prepared by the City of Parramatta Council under section 7.11 of the Environmental Planning and Assessment Act 1979.

A section 7.11 contribution is applicable since the proposed development is identified on land to which this contribution plan applies and results in a net population increase.

However pursuant to Section 1.3 of the City of Parramatta (Outside CBD) Development Contributions Plan 2021, the proposed development is exempt from paying development contributions as the proposed development is for affordable housing by a social housing provider.

13.2 HOUSING PRODUCTIVITY CONTRIBUTION

The proposed Housing and Productivity Contribution (HPC) is an integrated approach for growth planning and infrastructure provision to support the delivery of new housing and jobs.

The *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* came into effect on the 1 October 2023 and applies to all development applications lodged on or after 1 October 2023. In this case as the subject development application was lodged on the 28 September 2023, the HPC is not applicable.

14 BONDS

In accordance with Council's Schedule of Fees and Charges 2024/2025, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the commencement of any works.

15 PUBLIC INTEREST

Council is satisfied that the proposed development is in the public interest for the following reasons:

- The development meets the Aims of the Parramatta LEP 2023.
- The development is permissible within the R4 High Density Residential Zone;
- The development achieves the objectives of the R4 High Density Residential zone;
- The development achieves the objectives of State Environmental Planning Policy (Housing) 2021;
- The development achieves the objectives of Section 4.3 Height of Building of the Parramatta LEP 2023; and
- The development achieves the objectives of the Parramatta DCP 2023.

16 CONCLUSION

Conditional consent

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal *is* suitable for the site and *is* in the public interest. Therefore, it is recommended that the application be approved subject to the appropriate amendment of conditions.

17 RECOMMENDATION

- A. That the Sydney Central City Planning Panel, support the Clause 4.6 variation to the Height of Buildings for the following reasons:
- (a) The departure representing a variation of 26.64% from the standard is reasonable and consistent with the existing locality whilst providing good urban design.
 - (b) The departure does not result in adverse amenity impacts to adjoining developments.

- (c) Despite the departure the development remains generally consistent with the controls and provisions of PDCP 2023.
- (d) The variation to the height does not result in unreasonable perception of bulk and scale.
- (e) The submitted Clause 4.6 Statement adequately demonstrates that compliance with the development standard is unreasonable and unnecessary, and there are sufficient environmental planning ground to justify the variation to Clause 4.3 Height of Buildings.

B. Further, that the Sydney Central City Planning Panel, exercising the function of the consent authority pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, grant development consent to DA/582/2023 for lot consolidation, demolition of existing dwellings, tree removal and construction of a four-storey affordable housing residential flat building pursuant to State Environmental Planning Policy (Housing) 2021, comprising 28 units with basement car parking for 12 vehicles and associated landscaping on land at 153-155 Pennant Street and 2 Collett Parade, Parramatta, subject to conditions of consent for the following reasons:

- (a) The development complies with the provisions of the relevant State Environmental Planning Policies, Local Environmental Plan and consistent with the applicable Development Control Plans.
- (b) The development would provide 28 affordable housing units owned and operated by a social housing provider.
- (c) The development will be compatible with the emerging and planned future character of the area.
- (d) For the reasons given above, approval of the application is in the public interest.

Therefore, it is recommended that the application be approved subject to conditions in **Attachment 1**.

Note: As the application forms part of a Crown Development, a Construction Certificate (CC) is not required within the conditions of consent.