



SYDNEY CENTRAL CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-530
DA Number	DA/156/2024
LGA	City of Parramatta Council
Proposed Development	Construction of a 6-10 storey residential flat building (south side of site) and a 6-10 storey residential flat building (north side of site) containing 368 residential units, 3 basement levels providing 501 car parking spaces, earthworks, landscaping, and public domain works. The application is to be determined by the Sydney Central City Planning Panel.
Street Address	29 Hughes Avenue, ERMINGTON & 82-84 Wharf Road, MELROSE PARK NSW (Lot 1 DP1303954)
Applicant	Sekisui House Australia
Owner	SH Melrose PP Land Pty Ltd
Date of DA lodgement	13 March 2024
Number of Submissions	5
Recommendation	Approval
Regional Development Criteria	Pursuant to Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, the development has a capital investment value of more than \$30 million.
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• SEPP (Resilience and Hazards) 2021• SEPP (Transport and Infrastructure) 2021• SEPP (Planning Systems) 2021• SEPP (Biodiversity and Conservation) 2021• SEPP (Industry and Employment) 2021• SEPP (Housing) 2021• Parramatta Local Environmental Plan 2023• Parramatta Development Control Plan 2023• Council Voluntary Planning Agreement• State Voluntary Planning Agreement
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Conditions of Consent Attachment 2 – Plans used for Assessment Attachment 3 – Design Review Panel Comments
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none">• Non-compliance with FSR control;• Front setback control does not allow for sufficient deep soil zone;• Development does not exhibit design excellence;• Dwelling mix non-compliant and adaptable dwellings should be in the same ratio;• Carparking provision low;• Requires more affordable housing to be in public interest;• Tree species selection is inadequate.• Tree removal impact on bee keeping; and• Construction impact on the nearby school including traffic/dust, etc.
Report prepared by	Darren Wan Executive Planner, City Significant Development
Report date	26/11/2024

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? **No**

Special Infrastructure Contributions

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

Conditions

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

1. Executive Summary

The proposal provides for construction of a 6-10 storey residential flat building (south side of site) and a 6-10 storey residential flat building (north side of site) above a shared basement. The complex will contain 368 residential units, 3 basement levels with a total of 501 spaces.

The proposed buildings generally follow the form for the site envisaged by Parramatta LEP 2023 and Parramatta DCP 2023. Of note, the Parramatta LEP provides for 1.85:1 floorspace ratio across this precinct, with the site specific DCP allocating floorspace to each development lot. The proposal complies with the gross floor area allocated for the site in the DCP prescribed for the Melrose Park North precinct and a clause 4.6 variation request is not required as the site is currently located on a larger interim lot. This is considered to be acceptable based on the desired future strategic plan for the locality.

The development on Lot F will provide a range of housing stock close to the future Central Park and Town Centre and will provide an appropriately located publicly accessible east-west through site link.

The development has been subject to review by Council's Design Review Panel (DRP) and is considered to be consistent with State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG), providing future occupants with good amenity.

The site constraints include overland flow flooding and contamination, and the applicant has demonstrated that the design adequately accounts for and addresses these risks.

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

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, consent is recommended subject to conditions.

2. Key Issues

State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design of Residential Apartment Development

- Natural Ventilation (4Q)
 - The proposal does not achieve technical compliance with the control. However, given the shape of the buildings (as defined by the DCP), which limits opportunities for natural cross ventilation, the proposal is considered to maximise compliance by use of alternative strategies (clerestory windows to breezeway).

Parramatta Development Control Plan 2023

- Sustainability (8.2.6.5)
 - Heat rejection on balconies and not on roof. Can be resolved by way of condition.

3. Site Description, Location and Context

3.1 Site

The subject site is known as 29 Hughes Street, Ermington & 82-84 Wharf Road, Melrose Park. The site is part of a larger interim lot, with a current property description of Lot 1 DP 1303954. The site is known as Lot F of the Melrose Park North Masterplan, is rectangular in shape and will be bound by NSR-2 (Bundil Boulevard) to the east, EWR-4 (Golden Champion Street) to the north, NSR-1 (Woodcock Street) to the west and EWR-5 (Putt Putt Lane) to the south. The final lot is anticipated to have a total site area of approximately 10,097m².

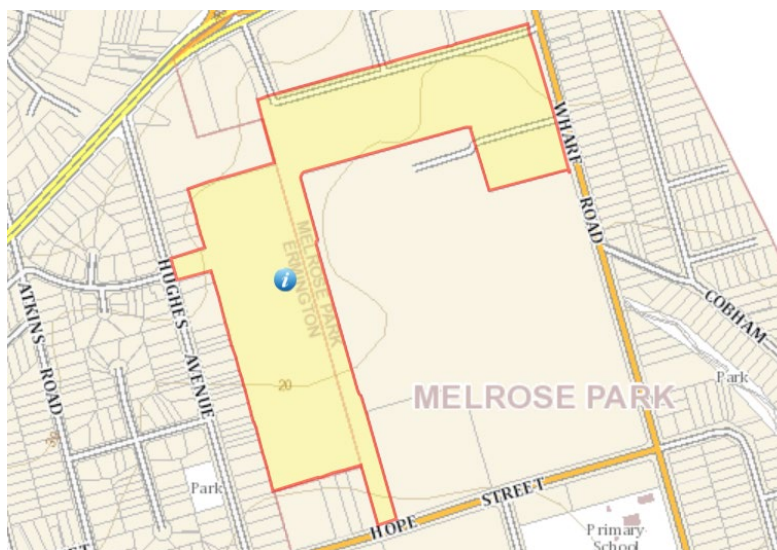


Figure 1. Interim lot known as Lot 1 DP 1303954 with general location of Lot F indicated with blue marker

The block is located within the western portion of the lot and as per the DCP will allow for two U shaped buildings ranging from 6-10 storeys with 32,103m² of GFA. To the east of the site will be the central park and to the west will be the western parklands (which will continue to accommodate the existing high voltage electricity transmission lines in this location). The existing low density residential zone is beyond this along Hughes Avenue. The site is currently vacant.

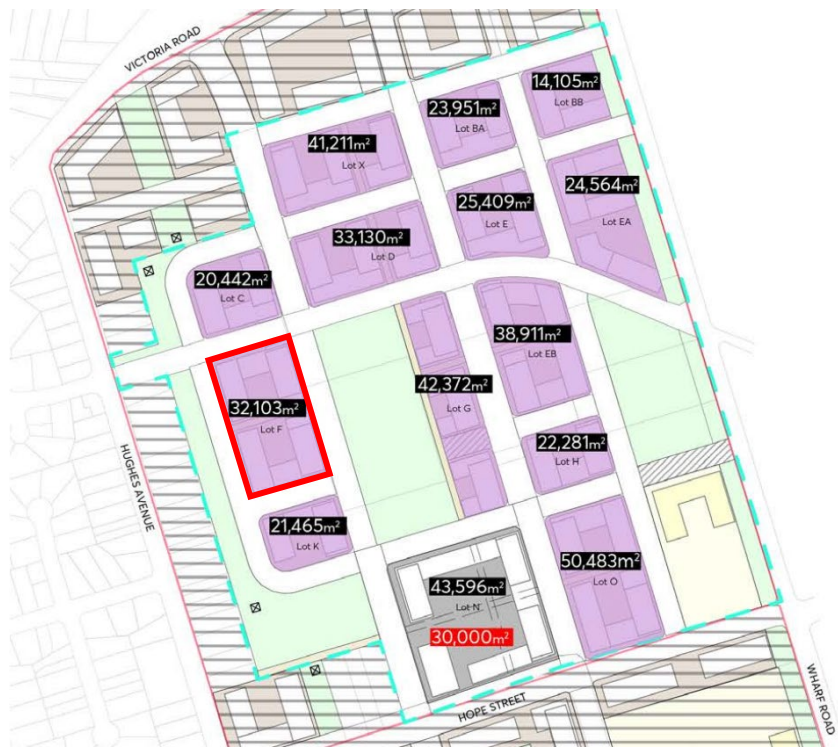


Figure 2 Locality Map with subject site outlined in red

3.2 Site History

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

3.3 Site Improvements & Constraints

The area the subject of the proposed works has been cleared of the warehouses that previously occupied the site.

The site is affected by overland flow flooding.

The site is likely contaminated due to its previous industrial use, remediation is approved under DA/1100/2020.

The land is likely to contain Class 5 acid sulphate soils.

The immediately surrounding land is currently high density residential to the north, low density residential to the west and industrial to the south.

3.4 Statutory Context

Melrose Park North

The site is part of a wider precinct that was subject to a Planning Proposal (PP) process which resulted in the desired future character of the area transitioning from its current industrial character to high density residential and mixed use. The PP (Council Ref: RZ/1/2016), known as Melrose Park North, resulted in revised LEP zoning, height and FSR controls as well as a new DCP, which contains the following masterplan for the site:



Figure 3. Parramatta DCP Masterplan for Melrose Park North (subject site in red)

A Transport Management and Accessibility Plan (TMAP) was developed as part of the Planning Proposal. The TMAP outlines upgrades to road infrastructure in the vicinity of the site that will be necessary as the number of new dwellings passes certain trigger points in order to ensure the new development is appropriately supported and will have no significant impacts on the wider road network.

The roads, infrastructure (inc. stormwater basins) and remediation for Melrose Park North were approved under DA/1100/2021. These works are due to commence in late 2024.

4. The Proposal

4.1 Summary of the Proposal

The proposal seeks consent for the following works

- Construction of two U-shaped residential flat buildings on the site ranging from 6-10 storeys.
- The residential flat building will contain a total of 368 units;
 - The unit mix is as follows:
 - 86 x 1 bedroom units (23%);
 - 246 x 2 bedroom units (67%);
 - 36 x 3 bedroom units (10%);
 - The development will also include 58 (15.8%) adaptable units.
- 3 levels of basement parking as follows:
 - 412 x residential car parking spaces including 58 accessible spaces;
 - 89 x visitor parking spaces;
 - 7 x motorcycle spaces;
 - 368 bicycle spaces;
 - 37 bicycle visitor spaces;
 - 1 carwash bay; and
 - 3 loading bays.
- Communal open spaces as follows:
 - 3,389m² of total communal open space located on the ground floor and level 6 rooftop and level 8 rooftop terraces.
- Publicly accessible through site link (east-west, centre of site)

4.2 List of Amendments During Assessment

During the course of assessment, the applicant submitted revised drawings in response to concern's raised by internal and external stakeholders. These amendments include, but are not limited to, the following:

- Numerous amendments to the ground floor integration with the street level including relocation of lobbies, creating ground floor access to the units on the eastern and western elevations, and additional access from the internal courtyards;
- Reconfiguration of the east-west through site link;
- Façade articulation changes;
- Changing horizontal plenums to clerestory windows;
- Addition of step-free access to all entries;
- Additional geotechnical details to support a drained basement.

5. Referrals

The following referrals were undertaken during the assessment process:

5.1 Design Review Panel

Parramatta's Design Review Panel reviewed the application on one occasion. The applicant proactively responded to the Panel's recommendations and had multiple discussions with Council's internal Urban Design. The Design Review Panel's comments are provided in full at Attachment 2.

5.2 External

Authority	Comment
Transport for NSW (Traffic Generation Development)	No objection raised.
Ausgrid	Acceptable subject to conditions.
Endeavour Energy	Acceptable subject to conditions.
Sydney Water	Acceptable subject to conditions.
Quantity Surveyor	The QS Report submitted an estimated development cost of \$162,470,000 (inc. GST). The independent review estimated the EDC to be \$289,664,804 (inc. GST), a significant difference of \$127,194,804 (78%). While the applicant did not agree with this figure, Council adopted that figure for the purpose of determining application fees. Contributions for this application are payable through a VPA mechanism which is not based on the EDC figure.
Wind Consultant	Acceptable subject to conditions.
Environmentally Sustainable Design Consultant	Acceptable subject to conditions.
Hydrogeological Consultant	Acceptable subject to conditions.

5.3 Internal

Authority	Comment
Development/Catchment Engineer	Acceptable subject to conditions.
Tree & Landscape Officer	Acceptable subject to conditions.
Traffic and Transport	Acceptable subject to conditions.
Environmental Health – Acoustic	Acceptable subject to conditions.
Environmental Health – Contamination	Acceptable subject to conditions.
Environmental Health – Waste	Acceptable subject to conditions.
Public Domain	Acceptable subject to conditions.
Civil Assets – Alignments	Acceptable subject to conditions.
Civil Assets – Waste	Acceptable subject to conditions.
Accessibility	Acceptable subject to conditions.
Land Use (Strategic) Planning	Acceptable.

6. Environmental Planning and Assessment Act 1979

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

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

The site is not known to be inhabited by any threatened species, populations or ecological communities, or their habitats.

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

The Sydney Central City Planning Panel is the consent authority for this application as the proposal has a Capital Investment Value of more than \$30 million.

6.3 Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) – Environmental planning instruments	Refer to section 7
Section 4.15(1)(a)(ii) – Draft environmental planning instruments	Not applicable
Section 4.15(1)(a)(iii) – Development control plans	Refer to section 8
Section 4.15(1)(a)(iiia) – Planning Agreement	Refer to section 9
Section 4.15(1)(a)(iv) – The Regulations	Refer to section 10
Section 4.15(1)(a)(v) – Coastal zone management plan	Not applicable.
Section 4.15(1)(b) – Likely impacts	Refer to section 11
Section 4.15(1)(c) – Site suitability	Refer to section 12
Section 4.15(1)(d) – Submissions	Refer to section 13
Section 4.15(1)(e) – The public interest	Refer to section 14

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

- SEPP (Transport and Infrastructure) 2021
- SEPP (Planning Systems) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Industry and Employment) 2021
- SEPP (Sustainable Buildings) 2022
- SEPP (Housing) 2021 – Chapter 4 Design of Residential Apartment Development
- Parramatta Local Environmental Plan 2023

Compliance with these instruments is addressed below.

7.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal meets the following triggers which constitute ‘traffic generating development’ (per Schedule 3 of the SEPP):

- 200 or more car parking spaces
- >300 dwellings

As such, the proposal was referred to TfNSW, who advised that they had no further comment than what was provided for the roads and infrastructure approval for Melrose Park Precinct North (DA/1100/2021).

Accordingly, no further comments are required.

7.3 State Environmental Planning Policy (Planning Systems) 2021

As this proposal has a Capital Investment Value of more than \$30 million, Part 2.4 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

7.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of this Policy, which applies to the whole of the Paramatta local government area, controls clearing of vegetation in non-rural areas. The proposal includes no tree removal.

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

Provision	Comment
6.6 Water Quality and Quantity	As outlined later in this report: <ul style="list-style-type: none">• The proposal will improve the quality of water leaving the site (which eventually makes its way to Sydney Harbour).• The proposal will not result in an increase to the amount of stormwater running off the site.• The proposal incorporates on-site stormwater retention.• The proposal includes adequate sediment controls.• The proposal will not have an unacceptable impact on the level or quality of the ground water table.• The proposal will not affect water flow in a natural body.
6.7 Aquatic Ecology	The site is considered to be adequately separated from Sydney Harbour so as not to have any impact on aquatic ecology, subject to the proposed water quality treatments and erosion controls.
6.8 Flooding	The proposal will not have an adverse impact on the natural recession of floodwater into wetlands or other riverine ecosystems.
6.9 Recreation and Public Access	The proposal does not result in any loss of recreational land or loss of access to foreshores lands.
6.10 Total Catchment Management	The proposal does not have an adverse impact on downstream local government areas and as such no consultation is required.

7.5 State Environmental Planning Policy (Resilience and Hazards) 2021

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

The site was part of a site audit statement as part of the larger precinct. This statement outlined all required investigations and included remediation plans to ensure the site (including Lot F) would be suitable for the intended use. The report was assessed and approved under DA/1100/2021 and remediation works are currently underway.

Accordingly, the provisions of this SEPP are considered to be satisfied subject to a condition requiring the approved remediation works be completed and the site appropriate certified, prior to works.

7.6 State Environmental Planning Policy (Sustainable Buildings) 2022

The application is accompanied by a BASIX certificate that lists sustainability commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

7.7 State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design of Residential Apartment Development

Chapter 4 of the SEPP applies to the development as the proposal is for a new building, is more than 3

storeys in height and has more than 4 dwellings. Clause 147 requires that residential flat buildings satisfactorily address 9 design quality principles, consider any advice from a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

Design Quality Principles

A design statement addressing the quality principles prescribed under Schedule 9 of the SEPP was prepared by the project architect and submitted with the application. The proposal is considered to be consistent with the design principles for the reasons outlined below:

Requirement	Council Officer Comments
Principle 1: Context and Neighbourhood Character	<p>The area is currently characterised by industrial and low-density residential uses. The site is zoned R4 High Density Residential and the proposal is consistent with this desired future character of the area.</p> <p>The buildings have been reviewed by Council's Design Review Panel, a trio of architectural and landscaping experts, who outlined concerns with the application which were subsequently sufficiently rectified in the opinion of Council officers. As such the proposal is considered to establish a good precedent for the future residential buildings in the precinct.</p> <p>The proposal provides for high quality landscape treatments that would provide for an upgrade to the neighbourhood character.</p>
Principle 2: Built Form and Scale	<p>The built form is consistent with the built form anticipated by the DCP.</p> <p>The buildings are considered to be sufficiently modulated to add visual interest and reduce apparent bulk.</p> <p>Council's Urban Design and Public Domain team consider the development to have an acceptable presentation to each street frontage.</p>
Principle 3: Density	<p>The density of the proposal is consistent with the floor space distribution anticipated under the DCP GFA Allocation map.</p> <p>The associated infrastructure DA and VPAs applicable to the site set out appropriate supporting infrastructure for the proposal, including roads, school land and open space.</p>
Principle 4: Sustainability	<p>The proposal meets the relevant BASIX requirements.</p> <p>The application was referred to an external ESD consultant who raised no objection to the application, subject to the imposition of conditions of consent.</p>
Principle 5: Landscape	<p>This development proposed is consistent with the objectives of the Parramatta DCP and provides internal courtyard, on-structure planting and planting along the through-site link to create an appropriate landscape setting.</p>
Principle 6: Amenity	<p>Generally, the proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.</p>
Principle 7: Safety	<p>The proposal is considered to provide appropriate safety for occupants and the public for the following reasons:</p> <ul style="list-style-type: none"> • The proposal provides additional passive surveillance to the surrounding street network. • The vehicular entries have security gates. • The entry lobbies will provide appropriate access. • Landscaping is used to demarcate public and private spaces.
Principle 8: Housing Diversity and Social Interaction	<p>The proposal provides additional housing choice in close proximity to planned public transport.</p> <p>The proposal provides adaptable and liveable accommodation in a variety of sizes.</p> <p>The large internal courtyards would provide for social interaction, including a communal multi-purpose space.</p>
Principle 9: Aesthetics	<p>The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered to aesthetically respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.</p>

Design Review Panels

The proposal was referral to Council's Design Review Panel. See Attachment 2 for their comments.

Apartment Design Guide

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

Standard	Requirement	Proposal	Compliance						
Part 3									
3B-1: Orientation	The preferred location and orientation of towers is set out in the Melrose Park North DCP. The layouts were developed to maximise sunlight protection whilst minimising wind and noise impacts. The proposal is generally consistent with these controls. The proposed development will provide a new through site connection and reinforce a high-density urban streetscape. A variety of communal and public open spaces at street level receive solar access in mid-winter at different times of the day between 9am and 3pm. The podium form generally steps down with the land.								
3B-2: Overshadowing	The development's heights and setbacks are generally consistent with the Melrose Park North DCP, which has identified where buildings are to be located and orientated to ensure the overshadowing impacts on the adjoining buildings and the future open spaces will be minimised.								
3C: Public Domain Interface	<p>The building would contribute positively to Melrose Park by maximising activation and providing high quality materials, street trees and direct residential ground floor access along the Central Park interface.</p> <p>Further, the public domain materials are in keeping with the requirements of Parramatta's Public Domain Guidelines.</p> <p>There are also strategically placed residential entrances along the internal through-site link to promote more movement through that space.</p>								
3D: Communal & Public Open Space	Min. 25% of site area (2,524.25m ²)	33% (3,389m ²) of residential communal open space is provided within the internal courtyard, on level 6 and on level 7.	Yes						
	Min. 50% direct sunlight to main communal open space for minimum two (2) hours 9:00am & 3:00pm, June 21 st	Only 1,457m ² (43%) of the provided Communal Open Space will receive 2 hours of sunlight in midwinter between 9am and 3pm.	No, but acceptable.						
	<p>The non-compliance is a result of the u-shaped building envelope of the development. This means the development itself would overshadow the ground level open space (measuring 1,952m²). This building envelope is consistent with the built form envisaged in the DCP so the overshadowing is considered to be unavoidable.</p> <p>In addition, the proximity of the availability of rooftop COS on Level 6 and Level 7, along with the proximity of Lot F to Central Park, provides future occupants with more COS options.</p>								
3E: Deep Soil	Min. 7% with min. dimensions of 6m (706.8m ²)	545m ² (5.3%) with min dimensions of 5m	No, but acceptable.						
	<p>The non-compliance is considered to be acceptable for the following reasons:</p> <ul style="list-style-type: none">The DCP, in setting the desired density for the site, acknowledged difficulty in achieving the 6m dimension and allows for the inclusion of smaller spaces within the deep soil zone (DSZ) calculation.The 5.3% only includes the DSZ within the 5m setback along the northern and eastern boundaries. If the DSZ within the 3m side setback along the southern and western boundary is included, an additional 256m² of DSZ would be provided, equating to a total of 7.9% of the site.Alternative forms of on-structure planting has been provided.The proposed development is located in a planned dense urban environment where ADG compliant deep soil zones are not necessarily appropriate/achievable.								
3F: Visual Privacy	Height (storeys)	Hab	Non-Hab		Buildings	Req.	Prop.		
	<4	6m	3m		FN1-FN3	18m	26m		Yes
	5-8	9m	4.5m		FS1-FS3	18m	26m		Yes
	>9	12m	6m		FN1-FS1	18m	12m		No, but acceptable
					FN3-FS3	9m	12m		Yes
	The building envelope maintains the required 5m setback to the northern and eastern boundaries, and the 3m setback to the western and southern boundaries throughout each level.								

Standard	Requirement	Proposal	Compliance
	<p>This is acceptable as the development takes up the entire block and will not have privacy impacts to sites across the road.</p> <p>The building separation between buildings has been assessed above and is generally satisfactory.</p>		
3G: Pedestrian Access and Entries	<p>The proposal includes clearly demarcated, easily identifiable, at-grade pedestrian entrances.</p> <p>Where steps and ramps are included, they are integrated into the overall building and landscape design.</p> <p>The site also provides a pedestrian through-site link that is direct, has clear sight lines, and is overlooked by habitable rooms.</p>		
3H: Vehicle Access	The entry/exit point for the basement carpark is located on Putt Putt Lane on the southern elevation. Vehicles will directly access B2 which will have ramps up to B1 or down to B3.		
3J: Bicycle and car parking	Bicycle storage assessment is located in the DCP section below.	See DCP bicycle parking assessment.	N/A
Part 4			
4A: Daylight / Solar Access	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	<p>257 out of 368 apartments (70%) receive 2 hours to balcony and internal between 9am and 3:30pm.</p> <p>On merit, the applicant was permitted to extend the required solar hours by 30 minutes in order to achieve the solar access requirements. This is due to the off-north orientation of the street network in the DCP, as well as the prescriptive built forms required by the DCP.</p>	Yes
	Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (<56)	44 out of 368 apartments (12%)	Yes
4B: Natural Ventilation	Min. 60% of apartments below 9 storeys naturally ventilated (>220)	186 out of 368 apartments (51%)	No, but acceptable
	<p>The proposed built form is in accordance with the prescribed building envelope controls as set out in the Masterplan and PDCP23. This includes large U-shaped buildings, which limits opportunities for units with dual frontages.</p> <p>The initial design proposed to include horizontal plenums in some units in order to provide natural cross ventilation. Upon having a discussion with Council's external ESD consultant, it was concluded that it would be a better outcome if these units were naturally ventilated by way of clerestory windows that open up onto breezeways.</p> <p>This was suggested as an alternative to horizontal plenums as they are more maintainable and easier to use for residential occupants.</p> <p>However, the change from plenums to clerestory windows reduced the total units achieving the cross-ventilation requirement. Nevertheless, it is acknowledged that the applicant has attempted to maximise the number of naturally cross ventilated units given the parameters of the building envelope.</p> <p>In that regard, 51% is considered to be acceptable.</p>		
4C: Ceiling heights	Min. 2.7m habitable	3.2m floor to floor, 3.0m ceiling height	Yes
	Min 2.4m non-habitable	3.0m	Yes
	Min 3.3m for mixed use	N/A	N/A
4D: Apartment size & layout	1B – Min 50m ²	1B–min 51m ²	Yes
	2B – Min 75m ² (2 baths)	2B–min 75m ²	Yes
	3B – Min 95m ² (2 baths)	3B–min 96m ²	Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the	Complies	Yes

Standard	Requirement	Proposal	Compliance
	floor area of the room.		
	Habitable room depths max. 2.5 x ceiling height (7.5m)	Complies	Yes
	Max. habitable room depth from window for open plan layouts: 8m.	<8.6m	No (minor)
	Min. internal areas: Master Bed - 10m ²	Complies	Yes
	Other Bed - 9m ²	Complies	Yes
	Min. 3m dimension for bedrooms	>9m ²	Yes
	Min. width living/dining: • 1B – 3.6m • 2B – 4m • 3B – 4m	>3.6m >4m >4m	Yes Yes Yes
	The dimensional non-compliances relate only to a small percentage of units. The non-compliances are considered to be minor and do not unacceptably compromise the amenity of future occupants.		
4E: Private open space & balconies	Min. area/depth: 1B - 8m ² /2m 2B - 10m ² /2m 3B - 12m ² /2.4m Courtyard – 15m ² /3m	Complies Complies Complies Complies	Yes Yes Yes Yes
	Principle private open spaces are provided off living rooms with secondary access from bedrooms where possible	Compliant	Yes
4F: Common circulation & spaces	Max. apartments –off circulation core on single level: 8-12	6-14	No, but acceptable. See discussion below.
	Levels 01-05 in Buildings FN3 and FS3 will have 13-14 units per lift core. This is acceptable as the corridors have open breezeways to allow for high amenity and natural light.		
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	All cores have 2 lifts	Yes
	Corridors >12m length from lift core to be articulated.	Not articulated (all straight)	No (acceptable, due to below)
	The corridors are also provided with extra width and natural light and ventilation.	The cores for Buildings FN2, FN3 and FS3 have open breezeways. The cores for Buildings FN1, FS1 and FS2 have windows for natural light.	Yes
4G: Storage	Min. 50% required in units	Storage provided in apartments and there is space for carpark storage provided in the residential visitor parking level. A condition of consent will be imposed to ensure the adequate quantum of storage is provided.	Yes
4H: Acoustic Privacy	The proposal has generally been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance where possible. Noisier areas such as kitchens and laundries are designed to be located away from bedrooms where possible.		
4J: Noise and pollution	The application includes an acoustic report which recommends construction methods/materials/treatments to be used to meet the criteria for the site, given both internal and external noise sources some unit's proximity to the internal courtyard. A condition is included requiring the implementation of the report's recommendations.		
4K: Apartment Mix	The proposed units vary in size, amenity, orientation and outlook to provide a mix of options for future residents. A variety of apartments sizes are provided across all levels of the apartment building as per the Melrose Park DCP unit mix requirements.		
4L: Ground Floor Apartments	Where possible, ground floor access has been provided for ground floor apartments. Ground level terraces are elevated above the footpath level and will maintain privacy and safety without obstructing casual surveillance.		
4M: Facades	Materials have been selected in response to the local context. Brick, metal cladding and off-form concrete are used within the development to relate to the existing character of the area.		

Standard	Requirement	Proposal	Compliance
4N: Roof design	Roof space has been utilised for communal or private open space with good levels of amenity. Plant areas are appropriately screened.		
4O: Landscape Design	<p>The application includes a landscape plan which demonstrates that the proposed development will be adequately landscaped. The proposal includes ground level internal courtyards, landscaped through-site link, street facing terraced planter boxes, and rooftop communal open spaces.</p> <p>Council's Landscape Officer has raised some concerns regarding location and specific species of plants. These concerns have been addressed by way of imposition of conditions of consent.</p>		
4P: Planting on structures	The landscape drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting. Council's Landscape Officer has raised no objections to the development subject to the imposition of conditions of consent.		
4Q: Universal Design	Universal design features are included in apartment design to promote flexible housing for all community members. Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.	The development achieves 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features. Can be secured by a condition.	Yes
4U: Energy Efficiency	The BASIX Certificate demonstrates the development meets the pass mark for energy efficiency (Score: 67, Target: 60).		
4V: Water management	The BASIX Certificate demonstrates that the development exceeds the pass mark for water conservation (Score: 56, Target: 40).		
4W: Waste management	<p>All units are provided with sufficient areas to store waste/recyclables internally before disposal. Waste chutes, with associated collection rooms in the basement, are provided in each building core. From there waste will be transported to the main waste storage room. Recycling bins will be located on each floor, adjacent each waste chute. From there recycling will be transported to the main waste storage room. Waste will be collected off-street from the servicing area. Appropriate conditions are included to ensure smooth maintenance and operations of the waste management system.</p> <p>A waste management plan has been prepared by a qualified consultant, demonstrating compliance with Council's waste controls.</p>		
4X: Building maintenance	The proposed materials are considered to be sufficiently robust, minimising the use of render and other easily stained materials.		

7.8 Parramatta Local Environmental Plan 2023

Development standard	Proposal	Compliance
2.3 Zoning R4 High Density Residential	The proposal seeks to develop a residential flat building, which is permissible with consent within the R4 High Density Residential zone.	Yes
Zone Objectives	<p>The proposal is considered to be in keeping with the objectives of the R4 High Density Residential zone for the following reasons:</p> <ul style="list-style-type: none"> The proposal provides for the housing needs of the community within a high density residential environment. The proposal provides a variety of housing types within a high density residential environment. The proposal provides high density residential development close to open space, major transport nodes, services and employment opportunities. 	Yes
4.1 Minimum Subdivision Lot Size No minimum specified for site	N/A	N/A
4.3 Height of Buildings 41m	38m	Yes

Development standard	Proposal	Compliance
4.4 Floor Space Ratio 1.85:1	<p>The GFA proposed on Lot F complies with the anticipated density outlined in both the Masterplan and PDCP23.</p> <p>The FSR prescribed to Lot F under PLEP23 is a density of 1.85:1 projected for the entire Melrose Park North Precinct and was anticipated to be read in conjunction with the GFA requirements written into PDCP23.</p> <p>The development provides a total GFA of 32,063m² which is 40m² less than the maximum GFA permitted under the Melrose Park masterplan.</p> <p>Currently, the precinct is separated into 2 larger interim lots. The GFA for Lot F complies with the FSR development standard as the lots are currently configured. In that regard, a Clause 4.6 variation request is not required.</p>	Yes
4.6 Exceptions to Development Standards	N/A	N/A
5.10 Heritage conservation	<p>The site is not heritage listed but is within proximity to a heritage item of local significance known as <i>'Landscaping, including millstones at Reckitt'</i>.</p> <p>The assessment of this heritage item was assessed under DA/1100/2021. The assessment included a Statement of Heritage Impact report that established the development lots (including Lot F).</p> <p>This application will be undertaken in accordance with the relevant recommendations made in the Statement of Heritage Impact, and the conditions imposed by DA/1100/2021.</p>	N/A
5.21 Flood Planning	<p>The site is not directly affected by fluvial flooding but is subject to overland flow.</p> <p>The applicant has undertaken overland flow analysis and has designed the proposed floor levels to be at or above the adopted flood planning level. As such the proposal is considered to adequately respond to the risk.</p>	Yes
6.1 Acid Sulfate Soils	The proposal is above 5m AHD and is not likely to lower the water table.	N/A
6.2 Earthworks	<p>A significant drop in elevation occurs between Victoria Road and Hope Street. The intervening block, of which the subject site is a part, has historically been locally flattened into a series of steps to provide for large warehouses and factory buildings. The future residential character of the development, and the associated road network, requires that this stepping be flattened to achieve a consistent shallower gradient to maximise accessibility. As part of the associated infrastructure development application, the road levels were set. This proposal matches the levels approved for the surrounding roads.</p> <p>The applicant has demonstrated that the proposal would have an acceptable impact on drainage patterns.</p> <p>The fill is sufficiently setback from the nearest adjoining residential properties so as not to impact their amenity. The closest residential properties are located on Hughes Avenue over 30m from the western extent of the site. As such, the proposal is considered to have an acceptable impact on the amenity of adjoining and nearby properties.</p> <p>The proposal includes the relevant sediment controls plans. Further sediment control conditions are included in the consent.</p>	Yes

Development standard	Proposal	Compliance
9.2 GFA for Residential and Non-Residential Purposes		
Residential GFA all Area 1 buildings <434,023sqm	Area 1 total residential GFA total after development: 75,690m ² (subject development is the second development with residential GFA in the area)	Yes
9.4 Design Excellence	The proposal was referred to Council's Design Review Panel. See Attachment 2 for their comments. In that regard, the proposal satisfies the requirements of this clause and consent can be granted.	Yes
9.5 Concurrence		
Concurrence of Planning Secretary required	Concurrence is not required at this stage as there are less than 11,000 dwellings proposed.	N/A

8. Development Control Plans

8.1 Parramatta Development Control Plan 2023

Development Control	Proposal	Comply
Part 2 – Design in Context		
2.8 Views and Vistas	A significant district view from Victoria Road, over the site, is identified in the DCP. This view is generally protected, in part, by the provision of north-south roads throughout the wider concept site.	Yes
2.9 Public Domain	The application was referred to Council's Public Domain team who raised no objection to the proposed treatment of the public domain, including the through-site link, subject to conditions.	Yes
2.10 Accessibility and Connectivity	The aforementioned through-site link will be integrated into the approved Melrose Park street network, connecting residents to the adjacent open spaces. The treatment of the through-site link has been assessed by Council's Public Domain and Landscape Officer who raised no objections, subject to the imposition of conditions of consent.	Yes
2.11 Access for people with a disability	The application was referred to Council's Accessibility Officer who raised no objections, subject to the imposition of conditions of consent.	Yes
2.13 Culture and Public Art	Public Art will be considered as a precinct wide initiative in lieu of being on an individual lot basis.	N/A
2.14 Safety and Security	Each lift core has clear entrances on each elevation to activate the streets around the development. The ground level units will provide passive surveillance of the adjacent streets. The through-site link has a continuous 12m width to allow for clear sightlines. There are also secondary residential entrances off the through-site link to promote movements. The mailboxes are located in clear and convenient areas for both residents and deliverers.	Yes
Part 3 – Residential Development		
3.1 Housing Diversity and Choice	Dwelling Mix - See Melrose Park specific controls below.	N/A
	Adaptable – 15% required (15.8% provided)	Yes
3.5 Apartment Buildings	See Melrose Park specific controls below.	N/A
Part 5 – Environmental Management		
5.1 Water Management	The site is not directly affected by fluvial flooding but is subject to overland flow. See LEP assessment above. In addition, the applicant seeks to capture, treat and re-use both	Yes

Development Control	Proposal	Comply
	rainwater and groundwater infiltrating the site. This was assessed by Council's Catchment Engineer as well as an external Groundwater Consultant. No objections were raised subject to the imposition of conditions of consent.	
5.2.4 Earthworks and Development on Sloping Land	See LEP assessment above.	Yes
5.2.5 Land Contamination	See SEPP assessment above.	Yes
5.2.6 Air Quality	The proposed development is only for residential uses and the site is not within 100m of a classified road and as such an air quality report was not considered to be required.	N/A
5.4.1 Energy Efficiency	See ESD assessment above.	Yes
5.4.2 Water Efficiency	See ESD assessment above.	Yes
5.4.3 Urban Cooling	The majority of roof space has been reserved for communal or private open space. On Level 8, there are a series of Solar Panels provided near the northern and southern portions of Buildings FN3 and FS3. Additionally, more than 50% of each COS is either shaded or covered by vegetation.	Yes
5.4.4 Solar Light Reflectivity	The façade of the building includes articulation features such as frames and louvres that would assist in ensuring glare is kept at acceptable levels.	Yes
5.4.5 Natural Refrigerants in Air Conditioning	Can be Conditioned.	Yes
5.4.6 Bird Friendly Design	The façade of the development is largely covered in louvres and is considered to be bird friendly.	Yes
5.4.7 Wind Mitigation	See Melrose Park specific controls below.	
5.4.8 Waste Management	See Melrose Park specific controls below.	
Part 6 – Traffic and Transport		
6.2 Parking and Vehicular Access	See Melrose Park specific controls below.	
6.3 Bicycle Parking	See Melrose Park specific controls below.	
Part 8.2.6 Melrose Park Urban Renewal Precinct		
8.2.6.1 Introduction		
<i>Design Excellence</i>	The application was referred to DRP and Council's Urban Design team. No objections were raised, subject to the imposition of conditions of consent.	Yes
<i>Water Management Plan</i>	The application was referred to Council's Catchment Engineer who raised no objection to the development subject to the imposition of conditions of consent.	Yes
8.2.6.2 Built Form		
<i>Allocation of GFA</i>		
<32,103sqm	32,063m ²	Yes
<i>Street, Block Open Space and Building Layouts</i>		
Subdivision consistent with masterplan	Boundary as set out in masterplan	Yes
<i>Street Setbacks</i>		
North 5m	5m	Yes
East 5m	5m	Yes
West 3m	3m	Yes
South 3m	3m	Yes
<i>Building Separation</i>		
24m across courtyards	26m	Yes
12m across pedestrian connections	12m	Yes
<i>Tower Design and Slenderness</i>		

Development Control	Proposal	Comply
Tower Floorplate over 8 storeys <1,000sqm	FN1 = 1,015sqm FS1 = 986sqm	No (minor) Yes
Tower Length <50m	FN1 = 51m FS1 = 51m	No (minor) No (minor)
	As detailed above, building FN1 will have a minor non-compliance to the floorplate on level 9 and both Building FN1 and FS1 will have slightly longer building lengths than compliant. Overall, the non-compliances would not be noticeable from the street and the development continues to comply with the prescribed height/GFA requirements.	
<i>Building Height</i>		
FN1 = 10 storeys	10 storeys	Yes
FN2 = 6 storeys	6 storeys	Yes
FN3 = 8 storeys	8 storeys	Yes
FS1 = 10 storeys	10 storeys	Yes
FS2 = 6 storeys	6 storeys	Yes
FS3 = 8 storeys	8 storeys	Yes
<i>Floor to Floor Heights</i>		
Residential >3.1m	3.1m	Yes
<i>The Perimeter Block Buildings and Podium</i>	The application was referred to Council's Public Domain team who raised no objection to the presentation of the buildings to the street, subject to the imposition of conditions of consent.	Yes
<i>Residential Ground Floor Frontage</i>		
Basements located under footprints of buildings and courtyards	Basement levels are contained under the building footprints and courtyard areas.	Yes
Ground floor apartments levels should be a minimum of 500mm and maximum of 1500mm above the adjacent footpath level	Ground floor apartments have varying levels above the footpath level due to the slope and flooding requirements. The proposed FFLs were referred to Council's Catchment Engineer, Public Domain Officer and Urban Design Officer. No objections were raised subject to the imposition of conditions of consent.	Yes
Apartments not to be located below street level	No apartments are located below street level.	Yes
<i>Residential Apartment Design Quality</i>		
Upper levels not extend over lower levels	Satisfied	Yes
Buildings create positive spaces	Satisfied	Yes
Indentations 2:1 width: depth	Indentations to the buildings do not meet the 2:1 width/depth ratio but are not street facing. They only occur at the additional entry points provided from the through-site link and is acceptable.	No, but acceptable.
High level windows not relied on as primary south of light/ventilation	Clerestory windows have been provided to some units to improve ventilation. This was a solution discussed with the external ESD consultant and is acceptable.	Yes
Daylight/ventilation to common circulation	Provided	Yes
Balcony long edges out	Mostly provided	Yes

Development Control	Proposal	Comply
Solid balcony division	Provided	Yes
Common open space inc. WC, seating, shading, BBQs, sinks.	Provided	Yes
HVAC, downpipes, etc concealed and integrated.	Can be conditioned	Yes
<i>Solar Access (residential)</i>	See ADG assessment.	Yes
Design criteria of the ADG		
<i>Winter Gardens</i>		
Only permitted above 8 storeys	N/A – no winter gardens proposed	N/A
<i>Climate Control and Privacy</i>		
Louvres/blinds provided to exposed facades	Louvres have been provided to the exterior of the building and achieves design excellence.	Yes
<i>Dwelling Mix</i>		
1 bed – 10-20%	86 x 1-bed (23%)	No (minor)
2 bed – 60-75%	246 x 2-bed (67%)	Yes
3 bed – 10-20%	36 x 3-bed (10%)	Yes
<i>Materials</i>		
Buildings not to stand out.	The materials were assessed by Council's Urban Design team. No objections were raised in regard to the materials of the development.	Yes
<i>Courtyards</i>		
Location in accordance with DCP	As per DCP.	Yes
<i>Servicing and Utilities</i>		
Substations within building	Achieved.	Yes
Minimise servicing	The ground floor servicing is generally limited to the southern elevation.	Yes
8.2.6.3 Public Domain		
<i>Street Network and Footpaths and Street Trees</i>		
Street network per masterplan	Proposal does not modify approved street widths.	Yes
Footway, materials, street trees per Public Domain Guidelines	Covered by DA/1100/2021.	N/A
<i>Pedestrian Connections</i>		
Consistent with Masterplan	Consistent	Yes
Extend from street to street	Achieved	Yes
Fully accessible	Achieved	Yes
Secondary Entries provided	Achieved	Yes
<i>Overhead Powerlines</i>		
To be underground	Can be conditioned.	Yes
<i>Pedestrian Access and Mobility</i>		

Development Control	Proposal	Comply
Access in accordance with relevant legislation	Can be conditioned.	Yes
<i>Solar Access & Overshadowing of Public Spaces</i>		
Demonstrate solar access to parks and public spaces.	The site is west of Central Park and will not cause undue overshadowing.	Yes
<i>Landscape Design</i>		
Landscape Maintenance Plan	Provided	Yes
Canopy trees in front setbacks	Proposed landscaping has been reviewed by Council's Landscape Officer and Public Domain Officer. No objections were raised.	Yes
<i>Planting on Structures</i>		
Minimum soil depths	Proposed landscaping has been reviewed by Council's Landscape Officer and Public Domain Officer. No objections were raised.	Yes
Drainage		
Maximise width of planters 1 tree/80sqm		
8.2.6.4 Vehicular Access, Parking, Servicing		
<i>Access and Parking</i>		
Minimise entry points	1 entry on the southern elevation.	Yes
Vehicle access from less busy streets	South side is appropriate.	Yes
Shared access	Not applicable.	N/A
Access ramps not parallel to street	The access ramp is not parallel to the street.	Yes
Doors behind façade.	Provided	Yes
High quality vehicle entry materials	Enforced by condition.	Yes
<i>Vehicular Driveways and Maneuvering Areas</i>		
Driveways >10m from intersections	>10m	Yes
Enter and exit in forward direction	Achieved	Yes
Pedestrian access >3m from driveways	>3m	Yes
Vehicular entrances not to terminate views at end of street, connections	Achieved	Yes
<i>On-Site Parking</i>		
Residential Occupants <1/1 bed (x86 units) = 86 <1.25/2 bed (x246 units) = 308 <1.5/3 bed (x 36 units) = 54 Total = <448	412	Yes
Residential Visitors	89	Yes

Development Control	Proposal	Comply
$<0.25/\text{unit} \times 368 = 92$ Motorcycle $<1/50$ car parking spaces $(\times 501) = 10$	7	Yes
<i>Bicycle Parking</i> Residential 1unit (x 368 units) = 368	368, but some bicycle storage has been placed within the apartment, which is not supported. A condition of consent has been imposed to ensure all bicycle parking is located within the basement or at grade.	Yes
8.2.6.5 Sustainability		
<i>Energy and Water Efficiency</i>	See ESD discussion above.	Yes
<i>Recycled Water</i>		
Dual reticulation	Proposed. Will be secured with a condition.	Yes
<i>Electric Vehicle Charging Infrastructure</i>		
Charging infrastructure for residential cars and commercial cars and bicycles	Proposed. Will be secured with a condition.	Yes
<i>Urban Heat – Roofs</i>		
Surfaces used for open space to be landscaped/shaded.	Landscaped open space significantly landscaped and shaded.	Yes
75% of the total roof or podium surface covered by vegetation.	The landscape plans show that a large majority of the Level 6 and rooftop COS is covered by vegetation.	Yes
<i>Vertical Facades</i>		
To be appropriately shaded	Elevations include articulation measures such as framing and louvres.	Yes
<i>Heating and Cooling Systems – Heat Rejection</i>		
Heat rejection grouped on roof	Can be secured with a condition.	Yes
<i>Green Roofs and Walls</i>		
Irrigation	The landscaped elements located on the Level 6 and Level 8 Communal Open Spaces have been assessed by Council's Landscape Officer. No objections have been raised subject to the imposition of conditions of consent.	Yes
<i>Solar Light Reflectivity</i>		
Glare report required	Shown to comply. Can be secured with a condition.	Yes
<i>Building Form and Wind Mitigation</i>		
Qualitative Wind Study required	Qualitative wind study provided and shown to comply. Can be secured with a condition.	Yes

9. Planning Agreements

Voluntary Planning Agreements (VPAs) with both Council and the State government apply to the site.

These requirements are secured by the VPA and by conditions of consent.

10. The Regulations

The recommendation of this report includes conditions to ensure the provisions of the Regulations, such as the Building Code of Australia, would be satisfied.

11. The Likely Impacts of the Development

Other

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

12. Site Suitability

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

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

The proposal is considered to have an acceptable impact on biodiversity as it results in a significance net increase of planting on the site.

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

13. Submissions

The application was notified in accordance with Council’s Notification DCP. The notification ran for a 21-day period between 22 March and 17 April 2024. It is noted that the notification was carried out to an area wider than required by the Parramatta Notification Procedures.

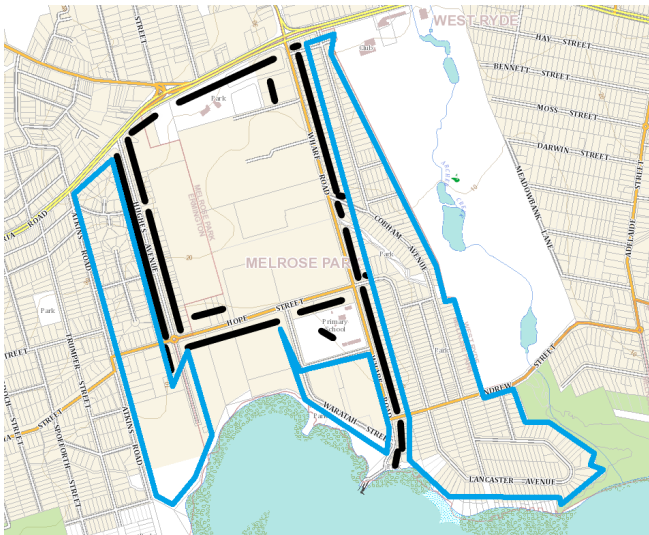


Figure 1. Notification map (black - required area, blue, notified area)

5 submissions were received. The public submission issues are summarised and commented on as follows:

Issues Raised	Comment
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Floor Space Ratio	<p>The GFA proposed on Lot F complies with the anticipated density outlined in both the Masterplan and PDCP23.</p> <p>As discussed earlier in this report, the FSR prescribed to Lot F under PLEP23 is a density of 1.85:1 projected for the entire Melrose Park North Precinct and was anticipated to be read in conjunction with the GFA requirements written into PDCP23.</p> <p>Currently, the precinct is separated into 2 larger interim lots. The GFA for Lot F complies with the FSR development standard as the lots are currently configured. In that regard, a Clause 4.6 variation request is not required.</p>
Setbacks don't allow for enough deep soil zones	<p>Concern has been raised that the 5m and 3m front setbacks prescribed by PDCP23 for Lot F do not meet the minimum 6m dimension as required by the ADG. It is contended that the deep soil zones provided within these setbacks should not be counted toward the 7% requirement.</p> <p>The provisions of the ADG were intended for single lots and do not account for precinct wide masterplans. The minimum Deep Soil Zone dimension is to ensure that there is large enough area to cater for the amenity needs and the water management of the locality. The ADG allows non-compliance with the DSZ requirements in high density areas as long as acceptable stormwater management can be achieved.</p> <p>During the assessment of the Melrose Park North Infrastructure DA (DA/1100/2021) the water management of the entire precinct was required to ensure no additional run off was created for the downstream properties south of the precinct. The modelling included the preliminary building envelopes prescribed in the PDCP23 and was determined that the existing runoff can be maintained. To achieve this, the precinct required solutions such as parks, detention basins, wetlands and street trees.</p> <p>The proposed 3-5m front setback is set out in the Melrose Park Masterplan, and is required to be maintained so a consistent character can be achieved for the precinct. The setback has been assessed by Council's Urban Design Team, Public Domain Team and Landscape Officers and is considered to still maintain satisfactory amenities.</p> <p>In that regard, the setbacks and deep soil zones are acceptable.</p>
Does not exhibit design excellence	<p>It is contended that since the DSZ requirements are not met, the development can not exhibit design excellence.</p> <p>The development was reviewed by the Design Review Panel, as well as Council's Urban Design team. No objections have been raised in regard to the design of the development, subject to the imposition of conditions of consent.</p>
Dwelling Mix	<p>The unit mix has been amended and now meets the minimum requirements for 1br, 2br and 3br units and complies</p>
Adaptable Dwellings	<p>It is contended that the 58 adaptable housing units provided should be in the same ratio as the dwelling mix requirement above.</p> <p>The 58 adaptable units provided are in a range of 1br, 2br and 3 br units. There is no requirement in the DCP or ADG that this mix be in the same ratio as the dwelling mix provided.</p>
Carparking Rates	<p>It is contended that there is not enough off-site car parking provided for the development.</p> <p>The carparking rates prescribed to Melrose Park are maximum rates and are not to be exceeded. The quantum of car parking provided for the development comply with parking provisions of PDCP23.</p>
Affordable Housing	<p>It is contended that 10% of the development needs to be reserved for affordable housing in order to be 'in the public interest'</p> <p>There is no legal mechanism for Council to require affordable housing, and this development can be in the public interest without providing it.</p> <p>Affordable housing is required as part of the wider VPA for the precinct.</p>
Tree species selection is not	<p>The tree species selection was reviewed by Council's Landscape Officer. The</p>

adequate or in accordance with DCP.	assessment concluded that certain locations could benefit with different plant species selections. Amended landscape plans with updated plant species has been imposed as a condition of consent.
Tree removal impact on bee keeping	<p>This development application does not seek any tree removal. Tree removal was dealt with under the precinct infrastructure application (DA/1100/2021).</p> <p>As discussed above, the final tree species selection has been reviewed by Council's Landscape Officer who has imposed conditions of consent.</p>
Traffic/ redevelopment of roads/ work zones during construction/ construction impacts on nearby school	<p>The subject site is within a larger site, and it is not anticipated it will generate an appreciable impact to the surrounding road network will occur.</p> <p>Standard conditions of consent have been imposed to ensure the construction of the development does not adversely impact on surrounding neighbours. These conditions are considered to satisfactorily address the impacts during the construction phase.</p>

14. Public Interest

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

15. Disclosure of Political Donations and Gifts

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

16. Developer Contributions

As provided under Section 8 of the VPA, the agreement excludes the application of s7.11, s7.12 and s7.14 of the Environmental Planning and Assessment Act 1979 to the development. However, Section 7.8 requires that the developer pay an additional monetary contribution of 1% of proposed cost of works. As such, a monetary contribution is required and a condition of consent has been imposed requiring the contribution to be paid in accordance with the VPA.

17. Summary and Conclusion

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

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

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

The proposal is consistent with the GFA allocation for the site envisaged by the DCP and would not prejudice the development of the remainder of the precinct.

The development is consistent with the objectives of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

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

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

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

18. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority grant **Consent** to Development Application No. DA/156/2024 for construction of a 6-10 storey residential flat building (south side of site) and a 6-10 storey residential flat building (north side of site) containing 368 residential units, 3 basement levels providing 501 car parking spaces, earthworks, landscaping, and public domain works at 29 Hughes Avenue, Ermington & 82-84 Wharf Road, Melrose Park (Lot 1 DP1303954) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Appendix 1.
- B. **That** submitters be notified of the decision.