



SYDNEY CENTRAL CITY PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-6
DA Number	DA/351/2019
LGA	City of Parramatta
Proposed Development	Demolition and construction of a multi dwelling housing development containing 29 townhouses over basement parking pursuant to the Affordable Rental Housing SEPP 2009. The application will be determined by the Sydney Central City Planning Panel.
Street Address	178-188 Pennant Street, North Parramatta, NSW 2151
Applicant	North Parramatta Community Pty Ltd
Owner	NSW Land & Housing Corporation
Date of DA lodgement	13 June 2019
Number of Submissions	One (1) submission received
Recommendation	Deferred Commencement – Approval
Regional Development Criteria	Crown development with a capital investment value of more than \$5 million. (\$11,514,398)
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 2000 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Vegetation in non-rural areas) 2017 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Affordable Rental Housing) 2009 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011 • Draft Parramatta Local Environmental Plan 2020
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 – Conditions of Consent • Attachment 2 – Architectural Plans • Attachment 3 – Architectural Plans (Internal) • Attachment 4 – Landscape Plans (Internal) • Attachment 5 – Stormwater Plans (Internal) • Attachment 6 – Urban Design Report
Clause 4.6 requests	None requested.
Summary of key submissions	<ul style="list-style-type: none"> • Construction hours (including Sunday) • Rear Setback • Boundary fence • Privacy • Traffic • Insufficient Infrastructure • Character • Acoustic Impacts
Report prepared by	John Martinez - Development Assessment Officer
Report date	26 November 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

1. Executive Summary

This report considers a proposal for demolition of all existing structures; tree removals; construction of a multi dwelling housing consisting of twenty-nine (29) units with nine (9) units provided as social housing, and basement car parking.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Grant deferred commencement consent for the subject development application, subject to the recommended conditions.

2. Key Issues

State Environmental Planning Policy (Affordable Rental Housing) 2009

- **Landscaped Area (Section 14 (1) (c) (ii))**
 - Required: 30% (1,291.83m²)
 - Proposed: 26.07% (1,122.71m²)
 - Acceptable, some areas not counted due to location over basement (Refer to Section 8.7)

Parramatta Development Control Plan 2011

- **Front Setback (Table 3.1.3.6)**
 - Required: 5-7m
 - Proposed: 4.5m
 - Acceptable, encroachment does not result in undesired bulk and scale (Refer to Section 10.1)
- **Roof form envelope (Section 3.2.3)**
 - Required: Roof form to be within 45° envelope
 - Proposed: Roof form protrudes 45° envelope
 - Acceptable, Council's DEAP accepts the proposed roof form (Refer to Section 6.2 & 10.1)
- **Private Open Space (Section 3.3.2)**
 - Required: 40m² per unit
 - Proposed: 35m² – 50m²
 - Acceptable, objectives of control are achieved (Refer to Section 10.1)
- **Minimum dwelling width (Section 3.3.5)**
 - Required: 5m
 - Proposed: 4.7m
 - Acceptable, objectives of control are achieved (Refer to Section 10.1)

3. Site Description, Location, and Context

The subject site is known as 178-188 Pennant Street, North Parramatta. The subject site comprising of six (6) allotments (Lot Nos. 39 to 44 of DP 35823) consist of a total site area of 4,306.1m² with a street frontage of 99.295m. The site has an approximate cross-fall of 3.8m from RL 24.68 (north-east) to RL 20.88 (south-west).

The subject site predominantly consists of vacant allotments with exception to the two (2) southern allotments consisting of single storey dwelling houses and associated structures.



Figure 1: Frontage of subject site

The site is located within an established area characterised by dwelling houses, dual occupancy, multi-dwelling housing, and residential flat building developments. The Western Sydney University North and South campuses are located within close vicinity to the subject site.

The subject site is within vicinity to bus services providing public transport connectivity to Parramatta, Eastwood, and Macquarie Park. An existing bus stop is located in-front of the south-eastern aspect of the subject site.

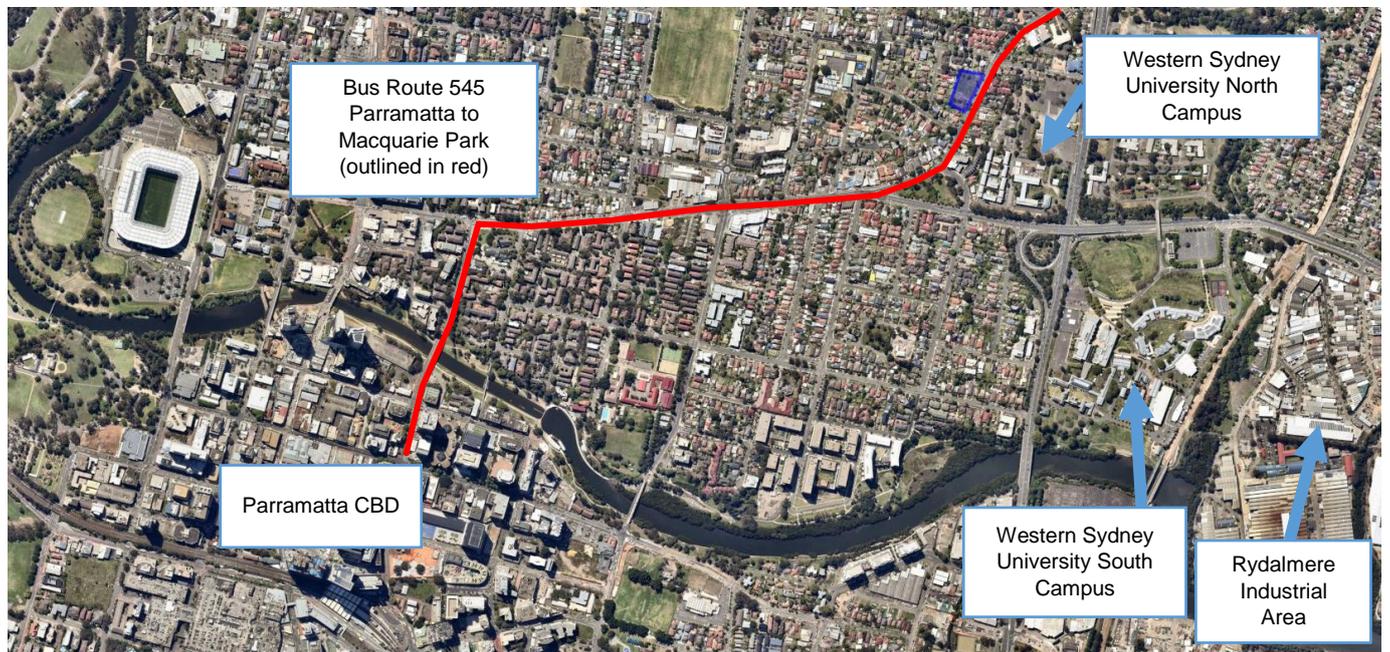


Figure 2: Subject site (marked in blue) and its relation to surrounding areas (Nearmap, 2 October 2020)



Figure 4: Draft Land Zoning Map for Western Sydney University Campus (RZ/22/2017, Planning Proposal: WSU Northern Campus Rydalmere)

4. The Proposal

The subject Crown Development Application seeks consent for demolition of all existing structures; tree removals; construction of a multi dwelling housing consisting of twenty-nine (29) units with nine (9) units provided as social housing and two (2) units as dual-key, and basement car parking.

The development proposal comprises the following primary elements:

- Demolition of two (2) existing dwelling houses and associated structures.
- Removal of nine (9) trees.
- Excavation to accommodate basement car parking providing fifty-three (53) car parking spaces, and thirty (30) bicycle spaces accessed via driveway at the north-east corner of the site.
- Construction of multi-dwelling housing development with the following units proposed:
 - Private 2 Bedroom: 5 units
 - Private 3 Bedroom: 15 units
 - Social Studio: 1 unit
 - Social 2 Bedroom: 6 units
 - Social 3 Bedroom Dual Key: 2 units
- Associated public domain, and drainage works.
- Consolidation of six (6) lots into one (1) lot
- Provision of a downstream drainage easement within 12 Symonds Avenue, North Parramatta
 - The proposed drainage easement will intersect with an existing Council drainage easement. Works are proposed to redirect drainage directly to Symonds Avenue. A portion of the proposed drainage easement will be allocated to benefit Council. Refer to drawing no. SW040 of the Stormwater Plans for visual demonstration.

The front row of the development facing Pennant Street will consist of four (4) two storey buildings with attic rooms. The rear row of the development will consist of single storey units with attic rooms.

Nine (9) units of the proposed development will be owned by NSW Land and Housing Corporation (LAHC) and managed by Amelie Housing.

The application was lodged and designed in accordance to the State Environmental Planning Policy (Affordable Rental Housing) 2009's provisions for development applications made by a social housing provider. However, during assessment, the applicant had clarified that the development application is not made by a social housing provider. Clause 4 of the SEPP (AHR) 2009 defines the term *social housing provider*. The applicant, North Parramatta Community

Pty Ltd is not a recognised social housing provider. Therefore, few variations are proposed due to the assessment changing the applicable standards and provisions of the SEPP. Notwithstanding, the non-compliances (as discussed within this assessment report) are considered acceptable.

5. Site & Application History

Date	Comment
5 December 2018	<p>Pre-lodgement application meeting PL/177/2018 held with Council for <i>Construction of a multi dwelling housing development containing 30 townhouses over basement car parking for 45 vehicles pursuant to the Affordable Rental Housing SEPP 2009.</i></p> <p>The pre-lodgement meeting raised the following issues:</p> <ul style="list-style-type: none"> • Overdevelopment of site • Vehicular Access • Site's accessibility location pursuant to Clause 4 of SEPP (ARH) 2009 • Height of buildings • Gross floor area • Landscaped area • Streetscape • Integration of affordable dwellings with private dwellings • Provide accessible unit • Reduction of front setback to 4.5m supported in order to increase the courtyard area • Provision of a drainage easement • Provide street trees • Provide traffic impact assessment report
13 June 2019	Subject Crown Development Application lodged.
25 July 2019	Design Excellence Advisory Panel (DEAP) meeting held with Applicant and Council staff.
7 August 2019	Council staff held briefing meeting with Sydney Central City Planning Panel (SCCPP).
8 August 2019	Council staff requested preliminary additional information in relation to parking, roof design/height, overshadowing, private open space, and missing plans.
13 August 2019	Council provided SCCPP briefing notes to the Applicant.
28 August 2019	The Applicant was advised of Council's Development Engineer raising concerns that a drainage easement is required for the development, and amended stormwater plans addressing adequate stormwater management, cut and fill and proposed retaining walls also required.
13 September 2019	Applicant submitted amended architectural and landscape plans, and a consultant town planner's letter addressing matters and issues raised by Council, DEAP and SCCPP.
22 October 2019	Council advised Applicant that the property owner of 12 Symonds Avenue, North Parramatta is NSW Land and Housing Corporation. A written in principle agreement from NSW Land and Housing Corporation was requested.
28 November 2019	<p>Council requested additional information for the following matters:</p> <ul style="list-style-type: none"> • Roof form/envelope • Deep soil zones & landscaped areas • Front setback • Private and communal open space • Privacy • Earthworks • Clarification of Gross Floor Area • Basement car parking layout • Drafting errors • Outstanding engineering matters relating to drainage easement • BASIX Certificate • Waste management • Accessibility
14 January 2020	Meeting held between Council and Applicant in relation to the additional information request.
12 March 2020	Council staff held second briefing meeting with Sydney Central City Planning Panel.

18 March 2020	Applicant's Town Planner provided amended architectural plans and waste management plan.
27 April 2020	Council advised the Applicant that outstanding stormwater plans have not been submitted to Council.
14 May 2020	Applicant provided amended stormwater plans.
12 August 2020	Meeting held between Council and Applicant's Engineer in relation to the outstanding stormwater issues.
4 September 2020	Applicant provided amended stormwater plans.
2 November 2020	Council provided draft conditions of consent to Applicant.
25 November 2020	Applicant provided final draft conditions of consent to Council.

6. Referrals

The subject application has been referred to the following internal and external referral bodies for assessment. The referral responses been discussed and summarised below.

6.1 Sydney Central City Planning Panel Briefings

Issues Raised	Comment	Outcome
1st Briefing (7 August 2019)		
Loss of trees	Nine (9) trees are proposed to be removed in order to facilitate development. However, the applicant proposes for substantial replanting of trees throughout the subject site in which will grow to a height between 5m and 20m. Council's Landscape Tree Officer raises no issues to the proposed tree removal and appropriate conditions have been provided to ensure the proposed trees are appropriately planted.	Issue addressed.
Oversupply of parking resulting in additional countable FSR	Clause 13 (3) of the SEPP (ARH) 2009 states that the calculation of the gross floor area (floor space ratio) is to exclude any area for car parking. Therefore, the development proposal complies with the maximum permissible floor space ratio and does not require the applicant to submit a Clause 4.6 variation request.	Issue addressed
No Clause 4.6 provided		
No meeting room space	The applicant has stated that the outdoor communal areas within the courtyard can be used as areas for meetings. To ensure adequate weather protection is provided, a condition is recommended requiring shade sail structures or the like with a maximum height of 3m are constructed at the outdoor communal areas.	Issue addressed
Treatment of internal courtyard landscaping should remain open	The applicant has retained the internal courtyard treatment as of open style with low level fences and landscaping and consists of satisfactory landscape features.	Issue addressed
Acoustic treatment – address interface of driveway to adjoining dwelling at 188B	Acoustic barriers (splayed perspex 600mm high) are proposed along the northern boundary fence and are adjacent to the driveway.	Issue addressed
Communal areas – Increase acoustic treatment for neighbours		
More street trees	Six (6) street trees are proposed as displayed in the landscape plan.	Issue addressed
Electrical charging stations?	Both the Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011 does not have provisions for the development to provide electrical charging stations. However, whilst the applicant has stated that there is opportunity for this to be provided, this was not proposed.	Issue addressed
Possible increase in affordable housing which triggers the bonus FSR to solve parking issue	An increase in affordable housing is not required as the parking issue has been addressed above.	Issue addressed
Elevations of internal buildings are missing and must be supplied.	These elevations have been supplied.	Issue addressed
2nd Briefing (12 March 2020)		

Awaiting amended plans to address matters raised in previous Panel briefing and Council's advisory team.	Amended plans and information have been submitted by the Applicant addressing the previously outstanding issues raised by Council.	Issue addressed
Amended plan to be submitted to rectify inconsistencies between drawings.	Amended plans and information have been submitted which have addressed the inconsistencies identified by Council. Any other inconsistencies identified have been addressed by way of conditions.	Issue addressed
Justification of waste management arrangements.	Amended plans and information have been submitted demonstrating alternative waste management arrangements. Council's Supervisor Waste Management considers the arrangement acceptable subject to conditions.	Issue addressed
Demonstration of adequacy of width and height of main vehicular entry.	Council's Traffic and Transport Investigations Engineer considers the access and parking arrangement acceptable subject to conditions.	Issue addressed
Justification of parking provision based on existing and potential future traffic conditions in the area.	A Traffic Impact Assessment Report has been assessed by Council's Traffic & Transport Investigations Engineer. 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. Refer to Section 6.3 for further discussion.	Issue addressed
Justification for walking distance from some units to car parking spaces.	An amended basement plan was provided which reduces the walking distance from the units and to the car parking spaces. A condition is imposed for the southern stairwell to be amended in order to provide access from the south-west car parking spaces.	Issue addressed
Measures for privacy protection for surrounding residential dwellings.	The development generally does not create privacy impacts onto the neighbouring properties. Notwithstanding, a condition is imposed to ensure the rear units' attic windows (Units 16-21 & Units 23 to 29) facing the western rear boundary will have a minimum sill height of 1.5m from the attic's finished floor levels.	Issue addressed
Justification for deep soil deficiency and adequacy of landscaped areas.	Refer to Section 8.7 for discussion.	Issue addressed

6.2 Design Excellence Advisory Panel

The subject application was considered by Council's DEAP on 24 July 2019. The panel supported the development proposal's design subject to submitting revised plans and information to Council's City Architect addressing the following:

- Justify the development's roof form;
- Improve Unit 1's façade;
- Clarify how the development will pass the 'character test' of SEPP ARH;
- Clarify the development's building separation and solar access provisions;
- Justify the concerns raised to the development's length and the material's quality and durability proposed; and
- Clarify the style, quality and material of the proposed fencing.

The applicant subsequently submitted detailed revised plans and information addressing the abovementioned matters. Council's City Architect reviewed the revised proposal and has endorsed the revised plans and information to have satisfactorily satisfied Council's DEAP recommendations.

6.3 Other Referral Bodies

Internal	Comment
Catchment Management	Satisfactory, subject to conditions. <ul style="list-style-type: none"> • Council's Catchment Management team has reviewed the Development Engineer's, and Property Services' conditions and agree with the recommendations.
Development Engineer	Satisfactory, subject to conditions. <ul style="list-style-type: none"> • The application originally proposed for filling along the south-west corner of the subject site in order to achieve gravity fed drainage to the street (Pennant Street). However, this was not supported and the applicant has subsequently provided amended stormwater plans demonstrating discharge to Symonds Avenue (south of subject site) via a proposed drainage

	easement within 12 Symonds Avenue, North Parramatta (Lot 36 DP 35823). The application is recommended for Deferred Commencement in order to ensure that the proposed downstream easement is registered, and that detailed designs of the proposed downstream easement are submitted to Council's Catchment Management team for review and approval.
Environmental Health	Satisfactory, subject to conditions. <ul style="list-style-type: none"> Conditions relate to acoustics, waste, and construction/environmental management.
Landscape Tree Assessment	Satisfactory, subject to conditions. <ul style="list-style-type: none"> Conditions relate to tree removals, replacement tree planting to suitable species and development to be in accordance to approved landscape plans. A condition is imposed to ensure Six (6) Dwarf Crepe Myrtle trees are planted along Council's Public Domain in lieu of Brushbox – <i>Lophostemon confertus</i>.
Property Services	Satisfactory, subject to conditions. <ul style="list-style-type: none"> The proposed drainage easement within 12 Symonds Avenue, North Parramatta (downstream property) will intersect with Council's existing drainage easement. Conditions have been imposed to ensure that the lower portion of the proposed drainage easement (area of intersection) will be dedicated to Council. This has been agreed with Council's Development Engineer, and Catchment Management teams. Refer to Drawing No. SW040 of the proposal's stormwater plans.
Public Domain	Satisfactory, subject to compliance with comments and conditions provided by Council's Landscape Tree Assessment and Development Engineering teams.
Social Outcomes	Satisfactory, no additional conditions required.
Traffic and Transport	Satisfactory, subject to conditions. <ul style="list-style-type: none"> Conditions relate to vehicular access and parking, sightlines, bicycle storage, road occupancy permit, and oversize vehicle access permit. The proposed development is not expected to create significant impact on the surrounding road network. It is noted that the submitted Traffic Report estimated additional traffic generation of 12 vehicle trips per hours for the development (based on traffic generation rate of 0.39 and 0.37 trips per dwelling per hour for morning and afternoon peak period respectively). The estimated traffic generation within the Traffic Report is incorrect however, the development is acceptable as the correct estimation is only 2 vehicle trips per hour higher than stated in the Traffic Report. The traffic generation was assessed in accordance to NSW RMS' <i>Guide to Traffic Generating Developments</i>.
Universal Access and Design	Satisfactory, subject to conditions. <ul style="list-style-type: none"> Conditions relate to the provision of adequate accessibility throughout the development.
Waste Management	Satisfactory, subject to conditions. <ul style="list-style-type: none"> A condition is imposed to ensure a right of access/easement is provided at the development's waste room. Council's Waste Management team will be collecting the bins from the ground floor waste room and will also be cleaning/maintaining the bins at the waste room. The easement will provide Council the indemnity and permission to be on site.
External	Comment
Sydney Water	Satisfactory, subject to conditions. <ul style="list-style-type: none"> Conditions relate to requiring the applicant to obtain a building plan approval (Sydney Water Tap in) and a Section 73 Certificate.

7. Environmental Planning and Assessment Act 1979

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

7.1 Section 1.7: Significant effect on threatened species, populations or ecological communities, or their habitats

The subject site is located in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

7.2 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 proposed Crown development has a capital investment value of more than \$5 million.

7.3 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 8.
Section 4.15 (1)(a)(ii) - Draft environmental planning instruments	Refer to Section 9.
Section 4.15 (1)(a)(iii) – Development control plans	Refer to Section 10.
Section 4.15 (1)(a)(iii)a) - Planning agreement	Refer to Section 11.
Section 4.15 (1)(a)(iv) - The Regulations	Refer to Section 12.
Section 4.15 (1)(b) – The likely impacts of the development	Refer to Section 13.
Section 4.15 (1)(c) – The suitability of the site for development	Refer to Section 14.
Section 4.15 (1)(d) – Any submissions	Refer to Section 15.
Section 4.15 (1)(e) – The public interest	Refer to Section 16.

7.4 Section 4.46: Integrated Development

The application is not considered Integrated Development in accordance with Section 4.46 of the EP&A Act 1979.

8. Environmental Planning Instruments

8.1 Overview

The instruments applicable to this application comprise of the following:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Vegetation in non-rural areas) 2017;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Affordable Rental Housing) 2009; and
- Parramatta Local Environmental Plan 2011

Compliance with these instruments are addressed below.

8.2 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. In considering this matter it is noted that:

- A Site inspection 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; and
- There is no specific evidence that indicates the site is contaminated and is suitable for residential use.

Therefore, in accordance with Clause 7 of the State Environmental Planning Policy No 55—Remediation of Land, the land is suitable for residential use.

8.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is accompanied by a BASIX certificate that lists 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. A condition has been imposed to ensure such commitments are fulfilled during the construction of the development.

8.4 State Environmental Planning Policy (Vegetation in non-rural areas) 2017

The application has been assessed against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. 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 following trees proposed for removal from the site have been approved by Council's Tree and Landscape Officer:

Tree No.	Name	Common Name	Location	Reason
1	<i>Araucaria columnaris</i>	Cook Island Pine	Front	Proposed path and basement
2	<i>Grevillea robusta</i>	Silky Oak	Front	Low significance value
3	<i>Castanospermum australe</i>	Black Bean	Rear	Proposed basement
4	<i>Populus sp</i>	Poplar	Rear	Low significance value
8	<i>Lagerstroemia indica</i>	Crepe Myrtle	Rear	Low significance value
9	<i>Grevillea robusta</i>	Silky Oak	Rear	Low significance value
14	<i>Jacaranda mimosifolia</i>	Jacaranda	Rear	Low significance value
15	<i>Juniperus sabina</i>	Chinese Juniper	Rear	Low significance value
16	<i>Lagerstroemia indica</i>	Crepe Myrtle	Front	Low significance value

Council's Tree and Landscape Officer raised no objections to the removal of the vegetation from the site subject to conditions of consent requiring sensitive construction methods used to protect adjacent vegetation, suitable tree replenishment, replanting of street trees, and to ensure landscaping is to be in accordance with the landscape plan.

8.5 State Environmental Planning Policy (State and Regional Development) 2011

The proposed crown development has a Capital Investment Value (CIV) of more than \$5 million. As such, Schedule 7 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.

8.6 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed under Clause 101 of the SEPP (Infrastructure) 2007 as the subject site fronts a regional classified road (managed by Council). The subject application achieves the requirements of Clause 101 as the development proposal:

- Provides a practical and safe vehicular access location to the site;
- Does not adversely affect the safety, efficiency and ongoing operation of Pennant Street; and
- Is not a development type that is sensitive to traffic noise or vehicle emissions.

In addition, the applicant has submitted a Traffic Impact Assessment Report for the development proposal. Council's Traffic and Transport Investigations Engineer reviewed the subject application and considers the proposal to be acceptable, subject to conditions.

No other provisions of the SEPP applies to the subject application.

8.7 State Environmental Planning Policy (Affordable Rental Housing) 2009

The subject application is for a multi-dwelling housing development therefore, the standards and provisions are set out in *Part 2 New affordable rental housing - Division 1 In-fill affordable housing* of SEPP (Affordable Rental Housing) 2009. The following is an assessment against the relevant clauses of Division 1 for development applications not made by a social housing provider.

a) Development to which Division Applies

Clause 10 of the SEPP states the following:

10 Development to which Division applies

- (1) *This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if—*
- the development concerned is permitted with consent under another environmental planning instrument, and*
 - the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.*

- (2) *Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.*

The proposed multi dwelling housing development achieves the above criteria of Clause 10 as the subject site is zoned as R3 Medium Density Residential and is a permissible development under LEP 2011. In addition, the subject site does not contain a heritage item.

The subject site is considered to be located within an accessible area as all units are within a 110m radius to the bus stops located along Pennant Street. The bus stops are regularly serviced by State Transit Authority bus route no. 545, which provides connectivity to Parramatta CBD, Eastwood, Macquarie University and Macquarie Park.

b) Floor Space Ratio and Standards that cannot be used to refuse consent

The following table is an assessment against other applicable sections of Division 1 of the SEPP.

Section	Proposal & Discussion	Compliance
Part 2 New affordable rental housing		
Division 1 In-fill affordable housing		
13 (2) (a) Floor Space Ratio <i>(a) if the existing maximum floor space ratio is 2.5:1 or less— (i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where— AH is the percentage of the gross floor area of the development that is used for affordable housing. Y = AH ÷ 100</i>	LEP FSR: 0.6:1 (GFA 2,583.66m ²) Bonus FSR: 0.2369:1 (GFA 1,020.11m ²) FSR with bonus: 0.8369:1 (GFA 3,603.77m ²) Proposed FSR: 0.75:1 (GFA 3,236m ²)	Yes
14 (1) (b) Site Area Minimum: 450m ²	Site area of 4,306.1m ²	Yes
14 (1) (c) (ii) Landscaped Area Minimum: 30% (1,291.83m ²)	26.07% (1,122.71m ²)	No , however it is acceptable.
The calculation of the landscaped area is based on areas not located above the basement with sufficient soil depth. The development proposal being non-compliant by 3.93% (169.12m ²) is acceptable as the development still provides significant amount of soft landscaped areas throughout the site. It is noted that the courtyard is significantly landscaped however, substantial portion of this is located above the basement. As trees are proposed to be planted within the courtyard areas above the basement, Council's Landscape Tree Officer has imposed a condition to ensure sufficient planter bed dimensions are proposed. In addition, Council's Development Engineer raised no concerns to the proposed landscaped area percentage. The non-compliance is acceptable in this regard.		
14 (1) (d) Deep Soil Zones Minimum 15% (645.915m ²) of the site area is to consist of deep soil zones with minimum dimension of 3m.	15.16% (652.84m ²) approx.	Yes
If practicable, at least two-thirds of the deep soil zone is located at the rear of the site area.	73.41% (479.27m ²) of deep soil located at rear	Yes
14 (1) (e) Solar Access 70% of the development's dwellings are to receive direct sunlight for a minimum of three hours from 9am to 3pm in mid-winter	The applicant has submitted a sun eye diagram demonstrating that 100% of the development's dwellings will receive solar access for a minimum of 3 hours on June 21.	Yes
14 (2) (a) (ii) Parking 0.5 x (1 bedroom) = 1 1 x (2 bedrooms) = 11 1.5 x (3 bedrooms) = 25.5 Total minimum parking spaces required = 38 (rounded up)	53 parking spaces in total are provided	Yes

14 (2) (b) Dwelling Size Minimum – Bedsitter/Studio: 35m ² 1 Bedroom: 50m ² 2 Bedrooms: 70m ² 3 Bedrooms and more: 95m ²	All dwellings of the development complies with the minimum dwelling size required.	Yes
17 (1) (a) Must be used for affordable housing for 10 years	In accordance to Section 17 of the SEPP (ARH) 2009, a condition to require a restriction on title to ensure the dwellings are used for the purposes of affordable housing for 10 years is not required as the land is owned by Land and Housing Corporation.	N/A

d) Character of local area

Clause 16A of the SEPP requires the assessment of the application to consider whether the development proposal is compatible with the character of the local area. The planning principles in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191* are used as a reference in the assessment the development's compatibility of the local area. The planning principle involved asking the following questions:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

A merit assessment of the character of the local area should consider the following 3 steps:

- Step 1 – Identify the 'local area'.
- Step 2 – Determine the character of the 'local area'.
- Step 3 – Determine whether the design of the proposed development is compatible with the character of the 'local area'.

An assessment against each step is provided below:

Step 1 – Identify the 'local area'

This assessment identifies the local area as primary the visual catchment of the site (as viewed from within the site and directly adjacent to the site on the street) which is shown in Figure 5 below:



Figure 5: Approximate visual catchment of the subject site highlighted in blue. Subject site is outlined in red (Nearmap 2020)

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

The zoning of the broader locality and immediate area comprises of R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation, B1 Neighbourhood Centre, and SP2 Educational Establishment zoning under the Parramatta Local Environmental Plan 2011 (refer to Figure 15 below).

Present Character of the area

The character of the local area comprises the visual catchment of regular and irregularly shaped allotments viewed from the subject site and surrounding properties, which includes the following:

1. Existing low to medium density built forms, including single and two storey dwelling houses, attached dual occupancy, and multi-dwelling housing developments located along the surrounding road network of the subject site.
2. There are three (3) existing residential flat buildings (RFBs) along Pennant Street.
3. There are two (2) existing multi-dwelling housing developments (147 & 151 Pennant Street) located directly in-front of the subject site.
4. There are five (5) multi-dwelling housing developments located along Bowden Street (north of the subject site).



Figure 6: Two residential flat buildings at 161 & 165 Pennant Street



Figure 7: Residential flat building at 153-155 Pennant Street



Figure 8: Multi-dwelling housing at 149-151 Pennant Street



Figure 9: Multi-dwelling housing at 145-147 Pennant Street



Figure 10: Attached dual-occupancies at 30-36 Bowden Street



Figure 11: Two Multi-dwelling housing at 10-12 & 14-16 Bowden Street



Figure 12: Multi-dwelling housing at 14-16 Bowden Street



Figure 13: View facing south of Pennant Street from Bowden Street



Figure 14: Aerial imagery outlining recent high density development approvals along Pennant Street, North Parramatta

Future Character of the local area

Given the existing context of the local area, it is considered that the height, bulk and scale of the proposed development is considered to be consistent with the desired future character of the locality, having regard to the R3 Medium Density Residential land use zoning along the western side of Pennant Street.

The R4 High Density Residential zoning immediately to the east of the subject site, across Pennant Street, presents a transition from the medium density built forms envisaged to the north, south, and west of Pennant Street.

With consideration of the subject site being located within the Collett Park Precinct of DCP 2011 and the Western Sydney University Planning Proposal (RZ/22/2017) located to the east of the subject site, the locality is intended to undergo transition from low density developments, to medium and high density developments.

The key consideration in the current circumstances is the form of development anticipated for the area in the future. Given that the site does not form part of a heritage conservation area with a consistent prevailing built form and character, it is likely that this area will continue to be developed for medium and high density residential uses (and other land uses to meet the day to day needs of residents) appropriate within its zoning.

Step 3 – Determine whether the design of the proposed development is compatible with the character of the ‘local area’.

In accordance with the Land and Environment Court’s ‘Planning Principle’ and case law on the character test within Clause 16A of the SEPP (ARH) 2009, compatibility is best defined as ‘capable of existing together in harmony’. In order to test compatibility, two questions are to be considered. These questions as well as a response to each are provided below:

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

The development’s proposed building heights, FSR, building setbacks and landscaping are designed to maintain the harmony within the streetscape, whilst contributing to the site context and constraints. The proposal being a permissible land use, meets the FSR requirement (in accordance with SEPP (ARH) 2009) and contributes to the provision of affordable housing within the close proximity of public transport. Appropriate setbacks and privacy treatments are

provided to minimise any adverse impacts to the adjoining properties. The development's presentation to the street is generally in keeping with the existing two storey multi-dwelling housing developments within the locality.

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

To be compatible, a development should contain, or at least respond to the key aesthetic elements that make up the character of the surrounding area. The proposal is considered to maintain an appropriate residential character which is consistent with the streetscape. The proposal consists of substantial landscaping within the development's front setbacks and complements the development's overall built form when presented to the street. As indicated, the local area is in the process of transitioning to medium and high density residential built form along Pennant Street, as such, the proposed development is not considered to be inconsistent with the existing streetscape character of the immediate area surrounding the subject site. The modern contemporary design as accepted by Council's Design Excellence Advisory Panel and City Architect, will visually enhance the existing streetscape and may set design standards for future surrounding developments.

In conclusion, the proposal will maintain the harmony within the general streetscape, and suitably fits in the local character of the locality.

8.8 Parramatta Local Environmental Plan 2011

a) Land Zoning and Permissibility

The subject site is zoned as R3 Medium Density Residential under the Parramatta Local Environmental Plan 2011. The proposed *multi dwelling housing* development is permissible with consent.

b) Zone Objectives

Clause 2.3 (2) requires the consent authority to take into consideration the zone objectives when determining a development application. The objectives for R3 Medium Density Residential are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*
- *To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.*

The proposed multi dwelling housing development is consistent with the stated objectives of the zone, in that the proposal will provide the housing needs of the community, and provide a variety of housing types within a medium density residential environment. As such, the proposal is satisfactory in respect to the objectives of the R3 Medium Density Residential zone.

c) Development Standards and Provisions

The following table is an assessment of the relevant and applicable development standards and provisions of the development under the Parramatta Local Environmental Plan 2011.

Clause	Proposal and Discussion	Compliance
Part 2 Permitted or prohibited development		
2.7 Demolition requires development consent		
	The subject application proposes for demolition of existing structures within the subject site prior to commencement of works.	Yes
Part 4 Principal development Standards		
4.1 Minimum subdivision lot size		
	The subject application does not propose subdivision.	N/A
4.3 Height of Buildings		
Maximum: 9.5m	The development's proposed height of 9.42m complies with Clause 4.3 of LEP 2011 with the highest point of structure as RL 30.92 and the existing ground level as RL 21.5.	Yes

4.4 Floor Space Ratio		
Maximum: 0.6:1 (GFA 2,583.66m ²)	The proposed floor space ratio of 0.75:1 (GFA 3,236m ²) is non-compliant with this clause. However, as the application has been lodged under State Environmental Planning Policy (Affordable Rental Housing) 2009, the application is subject to bonus floor space ratio. Whilst the subject application does not comply with this clause of LEP 2011, the development complies with the FSR standards of the SEPP (ARH) 2009. A Clause 4.6 variation request is not required to be submitted as the SEPP provides an FSR bonus to the development.	No , however compliant with SEPP ARH, refer to Section 8.7 for discussion.
Part 5 Miscellaneous provisions		
5.1A Development on land intended to be acquired for public purposes		
	The subject site is not identified in the Land Reservation Acquisition Map.	N/A
5.6 Architectural roof features		
	The subject application does not propose architectural roof features.	N/A
5.10 Heritage conservation		
	The subject site is not located within vicinity of a heritage item or heritage conservation area. The subject site is identified to contain Low Sensitivity of Aboriginal Heritage Study. In accordance with Clause 5.10 (8) of LEP 2011, the proposed works within the subject site are not considered to impact Aboriginal Heritage. A Heritage Impact Assessment is not required to be considered for the subject application.	N/A
Part 6 Additional local provisions - generally		
6.1 Acid sulfate soils		
	The subject site is identified to contain Class 5 Acid Sulfate Soils. Nevertheless, an acid sulfate soils management plan is not required as the earthworks will not below 5m AHD.	Yes
6.2 Earthworks		
	The subject site consist of a diagonal cross-fall of 3.8m from the north-east corner and to the south-west corner. The extent of the earthworks is a direct result of the development's basement. A geotechnical report was submitted supporting the proposed excavation works throughout the site. Council's Development Engineer imposed relevant conditions to ensure the earthworks will not impact the subject site's surrounding properties. The proposed earthworks will not result in creating detrimental impacts to the surrounding properties and the locality. Therefore, the proposed earthworks are in keeping with the objectives of this clause.	Yes
6.3 Flood Planning		
	The subject site is not located in flood prone land.	N/A
6.4 Biodiversity		
	The subject site is not identified in LEP 2011's <i>Natural Resources – Biodiversity Map</i> .	N/A
6.5 Water Protection		
	The subject site is not identified in LEP 2011's <i>Natural Resources – Riparian Land and Waterways Map</i> .	N/A
6.6 Development on Landslide Risk Land		
	The subject site is not identified in LEP 2011's <i>Natural Resources – Landslide Risk Map</i> .	N/A
6.7 Foreshore Building Line		
	The subject site is not located within a foreshore area.	N/A
6.12 and 6.13 Design excellence		
	Clause 6.12 and 6.13 of LEP 2011 does not apply to the subject site.	N/A

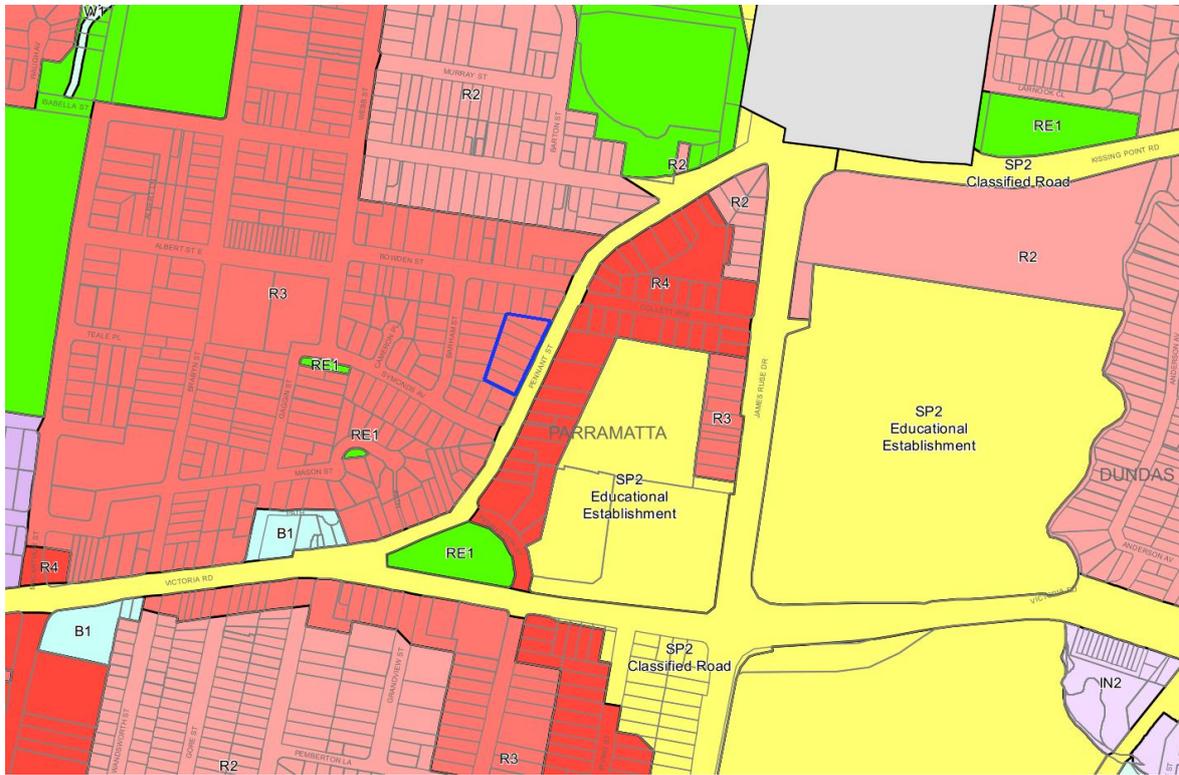


Figure 15: Extract of Land Zoning Map LZN_009, subject site outlined in blue. (Parramatta Local Environmental Plan 2011)

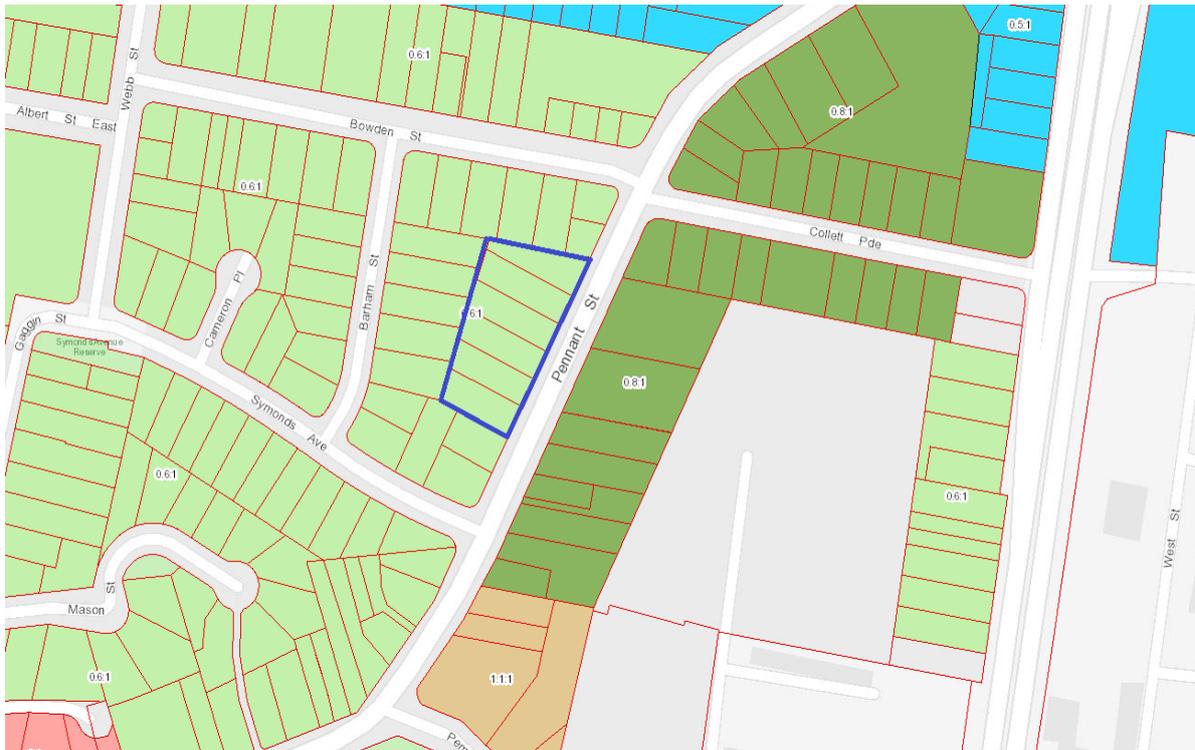


Figure 16: LEP 2011 Floor Space Ratio Map, subject site outlined in blue (ePlanning Spatial Viewer)

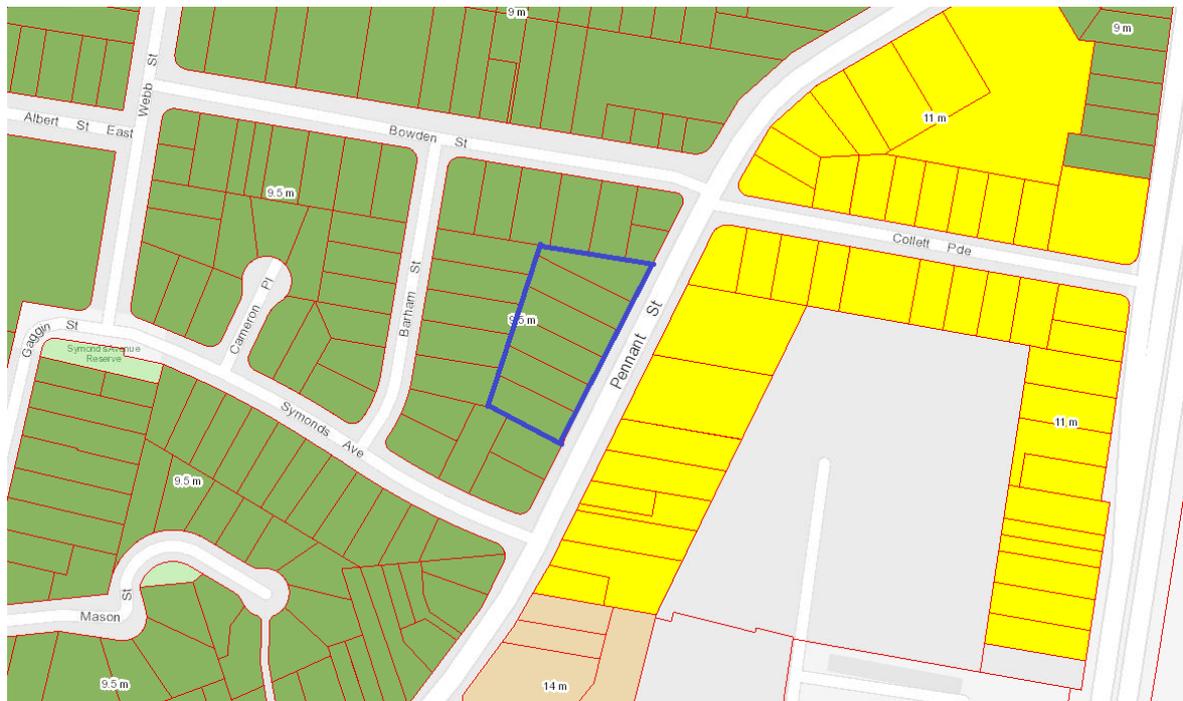


Figure 17: LEP 2011 Height of Building Map, subject site outlined in blue (ePlanning Spatial Viewer)

9. Draft Environmental Planning Instruments

9.1 Draft Parramatta Local Environmental Plan 2020

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

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

Notwithstanding, the proposed development is consistent with the objectives of the Draft LEP, and that the proposed development standards and provisions are essentially the same as the current LEP.

10. Development Control Plans

10.1 Parramatta Development Control Plan 2011

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within DCP 2011. Where there is conflict between DCP 2011 and the SEPPs listed above, the SEPP controls prevail to the extent of the inconsistency. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

Control	Proposal	Compliance
Part 2 – Site Planning		
2.4 Site Considerations		
<u>2.4.1 Views and Vistas</u>	The development does not obscure the significant topographical features of Parramatta.	Yes
<u>2.4.2 Water Management</u>	The proposed water management is considered satisfactory and does not impact natural waterways and groundwater.	Yes
<u>2.4.3 Soil Management</u>	The proposed earthworks are considered satisfactory. Appropriate conditions relating to earthworks have been imposed.	Yes
<u>2.4.4 Land Contamination</u>	The site is not considered to be contaminated. Refer to Section 8.2 for discussion.	Yes

<u>2.4.5 Air Quality</u>	The proposed development does not impact air quality.	Yes
<u>2.4.6 Development of sloping land</u>	The proposed development has been adequately designed to respond to the natural topography of the subject site.	Yes
<u>2.4.7 Biodiversity</u>	The proposed development is not considered to affect significant vegetation.	Yes
<u>2.4.8 Public Domain</u>	The proposed development will consist of standard upgrading and maintenance works to the road verge. Appropriate conditions have been imposed to ensure compliance with Council's requirements.	Yes
Part 3 - Development Principles		
3.1 Preliminary Building Envelope		
<u>3.1.3.6 Multi Dwelling Housing</u>		
Maximum height: Two storeys with attic	Two storeys with attic proposed.	Yes
Minimum site frontage: 24m	99.295m	Yes
Minimum front setback: 5-7m	4.5m	No , however the non-compliance is acceptable.
The development proposal seeks consent for a variation of 500mm to the minimum front setback requirement. The variation to this control is acceptable as it is not considered to create impacts to the amenity (solar, privacy & visual) of the existing streetscape and surrounding properties. The applicant has stated that the front setback of 4.5m is proposed in order to provide sufficient courtyard areas for the twenty-nine (29) units proposed. As the front elevations of the four buildings facing Pennant Street consist of architectural elements and adequate articulation, the proposed design breaks down the undesired bulk and scale of these buildings. In addition, sufficient landscaping, in which complements with the architectural elements of these buildings is proposed. Council's Design Excellence Advisory Panel has considered the design of the front elevations to be satisfactory. The proposed 4.5m front setback is acceptable in this regard.		
Minimum side setback: 3m	Minimum 3m for both north and south side boundaries.	Yes
Minimum rear setback: 15% of the site's length	15% / 6.16m	Yes
Minimum deep soil zone: 30% of the site with minimum dimensions of 4m x 4m	Refer to Section 8.7 for assessment against SEPP (ARH) 2009's deep soil requirement.	N/A
Minimum landscaped area: 40% of the site	Refer to Section 8.7 for assessment against SEPP (ARH) 2009's landscaped area requirement.	N/A
3.2 Building Elements		
<u>3.2.1 Building Form and Massing</u>	The bulk and scale is suitable for the site.	Yes
<u>3.2.2 Building Facades Articulation</u>	The proposed development consists of recognisable entries, a mix of building materials and colours, and does not contain large areas of blank or poorly articulated walls.	Yes
<u>3.2.3 Roof Design</u> <i>Multi Dwelling Housing</i> Roof forms are to be contained within a building envelope determined by projecting a plane at 45° from the ceiling level of the uppermost storey (applying to all elevations of the building), to a maximum height of 11m for two storey buildings and 8m for single storey buildings.	All of the proposed roof forms protrudes past the extent of the 45° envelope <u>measured from the uppermost storey's finished ceiling level</u> at all elevations of all buildings proposed. All dormer windows proposed will protrude outside of the permissible envelope.	No , however the non-compliance is acceptable.

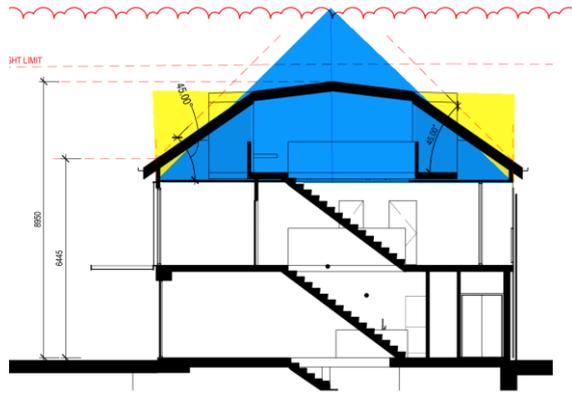


Figure 18: Assessment demonstration of one of the development's proposed building. Approximate required roof form envelope of 45° is highlighted in blue and protrusion is highlighted in yellow.

The proposed development has been reviewed by Council's Design Excellence Advisory Panel, and has been endorsed by Council's City Architect. Council's City Architect had stated that the proposed development is of a high architectural quality and that the contemporary form and gambrel roofline is supported. The non-compliance is acceptable in this regard.

Buildings with Attics Maximum attic floor area: 25m ²	All attics consist of a maximum floor area of 25m ²	Yes
Dormer windows may be included in attics, provided they are no higher than the height of the main roof of the building, no greater than 1.5 metres in width and are not to incorporate or access a balcony	All dormer windows comply.	Yes
3.2.4 Energy Efficient Design	BASIX Certificate demonstrating compliance has been submitted.	Yes
3.2.5 Streetscape Maximum building length to frontage: 20m	All four buildings facing the street frontage have a maximum frontage of 20m.	Yes
Minimum separation between buildings: 3m	All four buildings facing the street frontage have a minimum separation of 3m.	Yes
3.2.6 Fences	1.2m high front fencing proposed	Yes
3.3 Environmental Amenity		
3.3.1 Landscaping	The submitted landscape plan is satisfactory.	Yes
3.3.2 Private and Communal Open Space A minimum of 40m ² contiguous area of private open space is to be provided at ground level, with minimum dimensions of 4m, except for internal courtyards where the minimum dimensions are 3m.	The development predominantly proposes units with 35m ² of private open space. The non-compliance to this control is acceptable as the private open spaces achieves the objectives of the control in that the private open space areas are well integrated with living areas, achieves adequate privacy, communal landscape, solar access, and provides passive amenity.	No , however the non-compliance is acceptable.
3.3.3 Visual and Acoustic Privacy	The development complies with the visual and acoustic privacy controls relating to multi dwelling housing. 600mm high perspex screen have been proposed along the side boundary (as shown in the architectural plans) to ensure the northern adjoining property is not affected by potential visual and acoustic privacy impacts.	Yes
3.3.4 Acoustic Amenity	The subject site does not adjoin a noise generating land use.	N/A
3.3.5 Solar Access and Cross Ventilation The maximum building depth is 14m where dwellings do not include an internal courtyard and 18m where dwellings contain an internal courtyard.	Building depths range from 8.5m to 14m	Yes
The minimum floor to ceiling height is 2.7m (excluding attics)	Minimum 2.7m proposed for all dwellings.	Yes

The minimum dwelling width is 5m (measured between the external walls).	Minimum 4.7m dwelling width proposed	No , however the non-compliance is acceptable.
The proposed development consists mostly of dwellings with an internal width of 4.7m. The proposed width satisfies the objectives of Section 3.3.5 of the DCP in which sufficient thermal comforts for occupants are provided, and sufficient volumes of fresh air can circulate throughout the proposed units. A BASIX Certificate has been provided demonstrating compliance to the solar access and cross ventilation provisions of the residential units proposed. In terms of residential amenity, the 4.7m is considered acceptable as it does not result in deep, narrow unit layouts and adequate residential activities can still be undertaken. DEAP were supportive of the dwelling widths. The non-compliance to this control acceptable in this regard.		
<u>3.3.6 Water Sensitive Urban Design</u>	Conditions imposed to ensure appropriate WSUD measures are implemented in the construction of the development.	Yes
<u>3.3.7 Waste Management</u>	The waste management provisions are satisfactory. Conditions have been imposed to ensure this is	Yes
3.4 Social Amenity		
<u>3.4.2 Access for People with Disabilities</u>	Council's Universal Design and Access officer raises no objections to the development subject to conditions.	Yes
<u>3.4.4 Safety and Security</u>	The units have been designed to provide adequate passive surveillance of the street and courtyard areas.	Yes
<u>3.4.5 Housing Diversity and Choice</u> For development with more than 20 dwellings proposed, 3 adaptable dwellings are to be provided.	3 adaptable dwellings are proposed	Yes
3.5 Heritage		
The subject site does not contain a heritage item or is within vicinity to a heritage item or heritage conservation area.		N/A
3.6 Movement and Circulation		
<u>3.6.2 Parking and Vehicular Access</u> 15 bicycle spaces required	30 bicycle spaces are proposed	Yes
All carparks for multi-dwelling residential developments are to provide a secure storage space with a minimum size of 10 cubic metres per dwelling (310m ³ required).	The proposed storage volume within the basement exceeds 310m ³ .	Yes
<i>Note:</i> Refer to Section 8.7 for parking rates assessment. Vehicular parking and accessibility matters have been considered acceptable by Council's Traffic and Transport Investigations Engineer.		
3.7 Residential Subdivision		
The proposed lot consolidation is satisfactory and will not result in creating isolated sites. Strata subdivision is subject to separate development consent.		Yes
Part 4 – Special Precincts		
4.1.2 Collett Park Precinct (North Parramatta)		
The development is consistent with the desired future character and objectives of the Collett Park Precinct in that it will provide medium density housing in a form of multi dwelling development. The proposed development will be complement developments		Yes

11. Planning Agreements

The development proposal is not subject to a planning agreement.

12. The Regulations

The recommendation of this report includes conditions to ensure the following provisions of the Environmental Planning and Assessment Regulation 2000 will be satisfied:

- Clause 92 – Demolition works are to satisfy AS 2601
- Clause 98 – Building works are to satisfy the Building Code of Australia

13. The Likely Impacts of the Development

The likely impacts of the development have been considered in this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework. The impacts that may arise are acceptable.

14. Site Suitability

The site is ideally located within the Collett Park Precinct (North Parramatta), close to public transport links, services and facilities.

Suitable investigations and documentation has been provided to demonstrate that the site is suitable for the proposed development and the development is consistent with the spatial planning undertaken for the locality.

No natural hazards or site constraints exist that are likely to have a significant adverse impact on the proposed development. Accordingly, the site is considered to be suitable for the proposed development. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

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

15. Submissions

The application was notified and advertised for twenty-one (21) days in accordance with Council's notification procedures contained within Appendix 5 of DCP 2011. In response, one (1) submission was received. The issues raised within the submission are summarised and addressed below.

Issue/Objection	Comment	Outcome
Number of dwellings on site proposed are excessive.	The subject application has been assessed against the maximum permissible floor space ratio within Section 13 of the State Environmental Planning Policy (Affordable Rental Housing) 2009. The development complies with this section of the SEPP.	Issue addressed
Clarification on the construction hours	A standard condition of consent is imposed to ensure that the construction hours are limited to the following: <ul style="list-style-type: none"> - Monday to Friday: 7:00AM to 5:00PM - Saturday: 8:00AM to 5:00PM - Sunday & Public Holidays: No work is to be carried out <p>However, in accordance to the <i>Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2020</i>, construction work during weekends and public holidays are permitted from 7:00AM to 5:00PM during the <i>prescribed period</i> stated in Section 10.17 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>	Issue addressed
Clarification on the rear setback	The proposed ground floor rear setback is 6.16m (approx.) and attic rear setback is 7.1m (approx.). The proposed rear setbacks complies with the minimum setback controls of DCP 2011.	Issue addressed
Replacement of existing boundary fence	Any matters in relation to the boundary fences are to be discussed between the property owners and are subject to the Dividing Fences Act 1991.	Issue addressed
Privacy	The development generally does not create privacy impacts onto the neighbouring properties. Notwithstanding, a condition is imposed to ensure the rear units' attic windows (Units 16-21 & Units 23 to 29) facing the western rear boundary will have a minimum sill height of 1.5m from the attic's finished floor levels.	Issue addressed
Traffic	Council's Traffic and Transport Investigations Engineer has reviewed the application and does not expect the development to have a significant traffic impact on the surrounding road network.	Issue addressed
Inadequate infrastructure services	Conditions have been imposed to ensure that the applicant seeks consultation with the energy, water, waste, and telecommunications providers.	Issue addressed

Acoustic	Appropriate conditions relating to construction noise impacts have been imposed. The proposed dwellings are considered to create similar acoustic levels for a typical residential dwelling.	Issue addressed
Character – previous dwellings were single storey	The subject site and neighbouring properties are zoned as R3 Medium Density Residential and R4 High Density Residential. This area of North Parramatta is undergoing development transition. The proposed development is permissible under R3 Medium Density Residential zoning and is consistent with DCP 2011's desired future character for the Collett Park Precinct relating to providing medium, and high density residential housing with the forms of multi dwelling housing, residential flat buildings, and shop top housing, as well as providing better pedestrian connections and the provision of street trees. Refer to Section 8.7 (d) for further discussion.	Issue addressed

16. Public Interest

16.1 A Metropolis of Three Cities – The Greater Sydney Region Plan

The Central City District Plan contained 'Directions for Liveability' which include:

- A city for people – Planning Priority C3 – Providing services and social infrastructure to meet people's changing needs
- Housing the City – Planning Priority C5 – Providing housing supply, choice and affordability with access to jobs, services and public transport

The plan seeks to ensure that social interaction is encouraged where people can support creativity and cultural expression. The Plan sets a strategy for accommodating Sydney's future population growth and identified the need to deliver 110,000 new jobs and 72,000 new homes within the Greater Parramatta Region by 2036. The Plan identified the need for new housing within walking distance of a local or strategic centre and open space.

The proposal is considered satisfactory in regard to the Central City District Plan.

17. Disclosure of Political Donations and Gifts

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

18. Development Contributions

Developer contributions are required as per the *City of Parramatta Council Section 94A Development Contributions Plan (Amendment No. 5)*. The contribution has been calculated in accordance with the plan and are summarised as follows:

Contribution Type	Amount
Community Facilities	\$16,545.95
Drainage & Water Quality	\$9,454.80
Natural Environment	\$3,151.60
Open Space & Recreation	\$25,576.55
Public Domain	\$7,879.00
Roads & Shared Paths	\$14,182.25
Total	\$78,790.15

The calculation of the development contributions excluded the nine (9) affordable housing units.

19. Determination of a Crown Development Application

Pursuant to Section 4.32 of the Environmental Planning and Assessment Act, 1979, the application is classified as 'Crown development application'.

Section 4.33 of the Environmental Planning and Assessment Act, 1979 states the following:

4.33 Determination of Crown development applications (cf previous s 89)

(1) A consent authority (other than the Minister) must not—

- (a) refuse its consent to a Crown development application, except with the approval of the Minister, or
- (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

The draft conditions of consent has been reviewed and approved by the applicant.

20. Summary and Conclusion

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

The proposed development is appropriately located within a locality earmarked for medium, and high density residential developments, however some variations (as detailed above) in relation to State Environmental Planning Policy (Affordable Rental Housing) 2009 and Parramatta Development Control Plan 2011 are sought.

The request to vary the landscaped area standard of the SEPP is supported as the proposal complies with the applicable planning objectives, and does not have an unacceptable impact on the amenity of any adjoining/nearby properties.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

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

21. Recommendation

- A. **That** pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, the Sydney Central City Planning Panel grant **Deferred Commencement Consent** to Development Application No. DA/351/2019 for the demolition and construction of a multi dwelling housing development containing 29 townhouses over basement parking pursuant to the Affordable Rental Housing SEPP 2009 at 178-188 Pennant Street, North Parramatta (Lots 39-44 of DP 35823), subject to the deferred commencement condition within Attachment 1.
- B. **That** the submitter be notified of the decision.