

NOTICE OF LOCAL PLANNING PANEL MEETING PUBLIC AGENDA

A Local Planning Panel Meeting will be held via audio-visual means on Tuesday, 15 February 2022 at 3:30pm.

Brett Newman
CHIEF EXECUTIVE OFFICER

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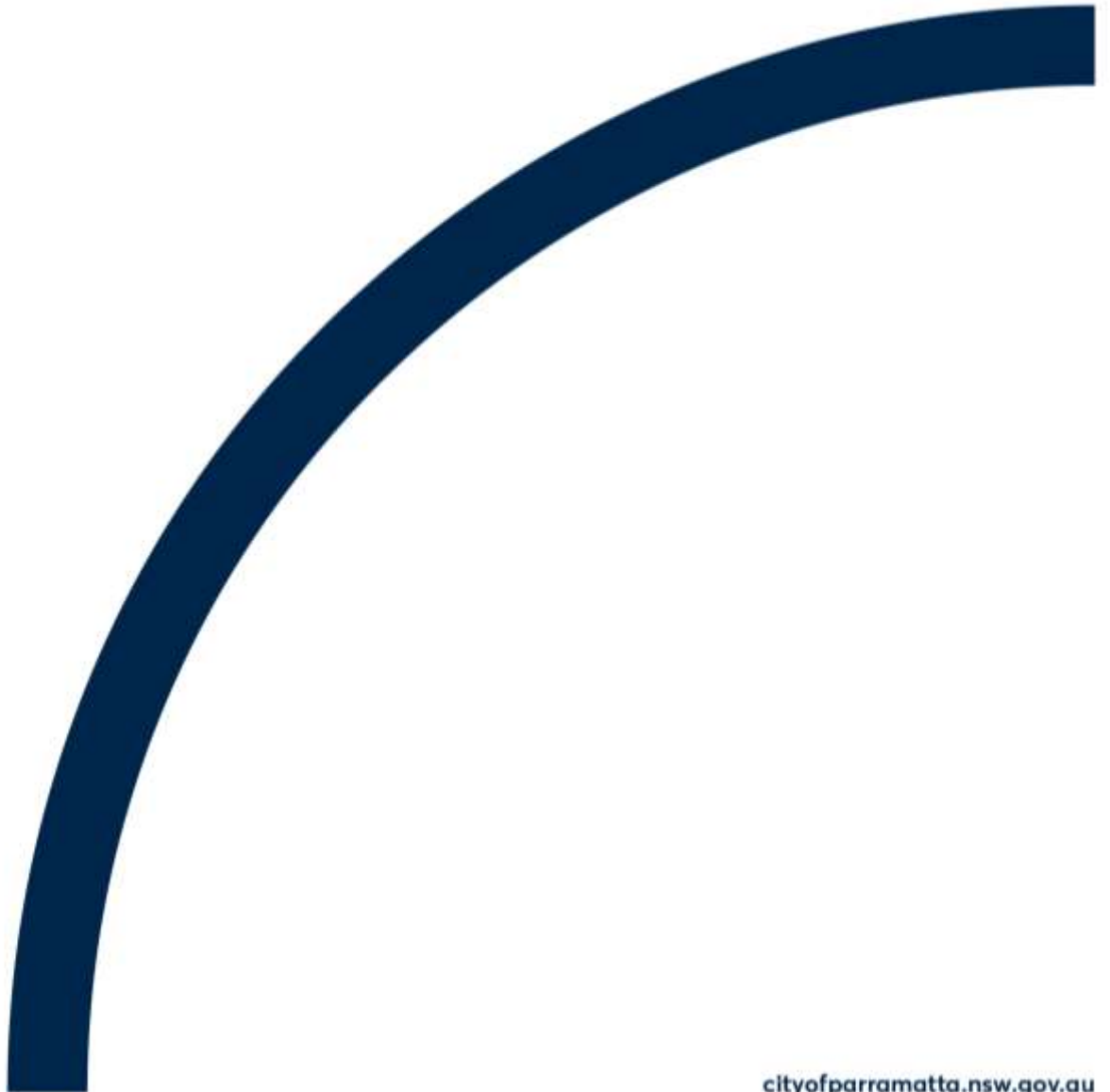


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	<i>The City of Parramatta Council acknowledges the Burramattagal Clan of The Darug, the traditional land owners of Parramatta and pays its respects to the elders both past and present</i>	
2	WEBCASTING ANNOUNCEMENT	
	<i>This public meeting will be recorded. The recording will be archived and available on Council's website.</i>	
	<i>All care is taken to maintain your privacy; however if you are in attendance in the public gallery, you should be aware that your presence may be recorded.</i>	
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DEVELOPMENT APPLICATIONS

15 FEBRUARY 2022

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DEVELOPMENT APPLICATION

ITEM NUMBER	5.1
SUBJECT	PUBLIC MEETING: 85-91 Thomas Street, PARRAMATTA (Lot 12, 15, and Lot 16 in DP 1239 and Lot 142 DP 537053)
DESCRIPTION	Demolition of existing structures, tree removal and construction of two x 7 storey boarding house buildings consisting of 237 boarding rooms over 2 levels of basement parking and land dedication as part of a VPA for the site. The application is made pursuant to SEPP ARH 2009 and is Nominated Integrated development pursuant to the Water Management Act 2000 and the Fisheries Management Act 1994.
REFERENCE	DA/312/2021 - D08388300
APPLICANT/S	Century 888 Pty Ltd
OWNERS	Century 888 Pty Ltd
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	REFUSAL

DATE OF REPORT

15 February 2021

REASON FOR REFERRAL TO LPP

The application must be determined by the Parramatta Local Planning Panel due to:

- a) More than 10% breach in Clause 4.3 Height of Building development standard;
- b) More than 10% breach in Clause 4.4 Floor Space Ratio development standard; and
- c) More than 10 unique submissions by way of objection.

Despite the application being made under State Environmental Planning Policy (Affordable Rental Housing) 2009, the development is not for affordable housing and therefore does not trigger the delegation to the Regional Panel under Schedule 7 of SEPP (State and Regional Development) 2011.

EXECUTIVE SUMMARY

This is a summary of the full assessment of the application as outlined in Attachment 1, the Section 4.15 Assessment Report.

Site

The Site is comprised of the 4 allotments, known as 85-91 Thomas Street, Parramatta NSW 2150.

It has a total site area of 6,326m² and a frontage of 60.46 metres to Thomas Street. The portion of the site being developed falls 7 metres from north-east to south-west towards Parramatta River.

The site is currently occupied by three, single storey dwellings.

The site is identified as flood prone, adjacent to heritage listed *Wetlands* and within a *Coastal Environment Area* under Division 3 of SEPP (Coastal Management) 2008.

Proposal

- The demolition of all existing structures and improvements within the northern portion of the site.
- Construction of a 7-storey and an 8-storey boarding house comprising 235 units + 2 managers rooms;
- Excavation for 2 levels of basement parking comprising 115 spaces, including 6 accessible spaces, 48 motorcycle spaces, and 48 bicycle spaces.

Following assessment of the application against the relevant statutory planning framework, and consideration of matters raised in referrals, it is deemed that the proposal is not satisfactory. Key reasons for refusal are:

- a) Insufficient information provided whether the Biodiversity Offset Scheme is triggered under the Biodiversity Conservation Act 2016 and potential impacts to nearby fauna as a result of the proposal;
- b) The proposal exceeds the expected scale of development on the site under current planning controls under State Environmental Planning Policy (Affordable Rental Housing) 2009, the Parramatta Local Environmental Plan 2011, and Parramatta Development Control Plan 2011;
- c) The development fails to comply with the development standards under State Environmental Planning Policy (Affordable Rental Housing) 2009;
- d) The proposed development is not in keeping with the desired future character of the area.
- e) The development is not in the public interest.

The report recommends that the Panel refuse the application.

RECOMMENDATION

- (a) **That** the Parramatta Local Planning Panel, exercising the function as the consent authority, **refuse** consent to Development Application No. DA/312/2021 for Demolition of existing structures, tree removal and construction of two x 7 storey boarding house buildings consisting of 237 boarding rooms over 2 levels of basement parking and land dedication as part of a VPA for the site at 85-91 Thomas Street, PARRAMATTA NSW 2153.
- (b) **Further, that** submitters be notified of the decision.

REASONS FOR REFUSAL:

1. **Biodiversity Conservation Act 2016**
 - a) Part 6 – Insufficient information provided whether the Biodiversity Offset Scheme is triggered
 - b) Insufficient information provided with respect to impacts of illumination on nocturnal fauna and likelihood of bird collisions
2. **Fisheries Management Act 1994**
 - a) Part 7 and 7A – The Department of Primary Industries (Fisheries) is not

satisfied that the development complies with the Aquatic Habitat Protection and Threatened Specific Conservation provisions of the Fisheries Management Act 1994 and refused to issue General Terms of Approval.

3. State Environmental Planning Policy (Affordable Rental Housing) 2009

- a) Clause 29(1)(c) - The proposal exceeds the maximum Floor Space Ratio on site
- b) Clause 29(2)(a) - The proposal exceeds the maximum Building Height on site
- c) Clause 30(1)(b) - A number of boarding rooms exceed 25m² in area excluding en-suites and kitchens
- d) Clause 30A – The development is not in keeping with the desired future character of the area

4. Sydney Regional Environmental Plan (Sydney Harbour Foreshore) 2006

- a) Division 2 and Part 6 – Insufficient information has been submitted for Council to be satisfied that the development will not have an unreasonable impact on the adjoining wetlands and mangroves.

5. Parramatta Local Environmental Plan 2011

- a) Clause 2.3 – The development in its current form is not in keeping with the objectives of the R4 High Density Residential zone
- b) Clause 2.5 – The proposed scale of the ground floor café is not permissible within the R4 High Density Residential Zone.
- c) Clause 4.3 – The proposed development exceeds the 11m building height development standard
- d) Clause 4.4 – The proposed development exceeds the 1.3:1 floor space ratio development standard
- e) Clause 4.6 – No Clause 4.6 justification was submitted to justify the variation to both Clause 4.3 and Clause 4.4 development standards
- f) Clause 5.10 – Insufficient information has been provided for Council to be satisfied with any impact to the heritage listed *Wetlands* adjoining the site
- g) Clause 6.2 – Insufficient information has been provided with respect to the extent of earthworks and retaining walls on site.
- h) Clause 6.4 - Insufficient information has been submitted for Council to be satisfied that the development is designed, sited, and will be managed to avoid, minimise, or mitigate any impacts to the adjoining wetlands

6. Parramatta Development Control Plan 2011

- a) Insufficient information was submitted to assess impacts on biodiversity
- b) Insufficient information was submitted to assess impacts on stormwater drainage and whether appropriate water sensitive urban design measures will be implemented.
- c) Access for people with disabilities is not adequately addressed.
- d) The scale of the proposal exceeds the expected form of development under current planning controls
- e) The proposal does not provide all of the required facilities for boarding houses, omitting additional kitchen facilities and additional communal living area facilities.
- f) The internal communal living area does not comply with the minimum area required.
- g) The proposal does not provide the required number of wheelchair

accessible rooms.

7. Public Interest

- a) The development is not in the public interest.








Jonathan Cleary

Team Leader Development Assessment

Sarah Irani

Team Leader Development Support

ATTACHMENTS:

1		Assessment Report	33 Pages
2		Locality Map	1 Page
3		Architectural plans used during assessment	22 Pages
4		Internal plans used during assessment (confidential)	10 Pages
5		Landscape plans used during assessment	9 Pages
6		Stormwater Discharge Point Plan used during assessment	1 Page
7		Department of Primary Industries (DPI) - Fisheries Refusal	2 Pages
8		Supporting Documents	167 Pages

REFERENCE MATERIAL



City of Parramatta Council

File No: DA/312/2021

SECTION 4.15 ASSESSMENT REPORT

Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/312/2021
Property:	85-91 Thomas Street, PARRAMATTA NSW 2153
Proposal:	Demolition of existing structures, tree removal and construction of two x 7 storey boarding house buildings consisting of 237 boarding rooms over 2 levels of basement parking and land dedication as part of a VPA for the site. The application is made pursuant to SEPP ARH 2009 and is Nominated Integrated development pursuant to the Water Management Act 2000 and the Fisheries Management Act 1994.
Date of receipt:	19 April 2021
Applicant:	Century 888 Pty Ltd
Owner:	Century 888 Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	21 unique including a petition with 171 signatures
Conciliation Conference Held:	No
Recommendation:	Refusal
Assessment Officer:	Jonathan Cleary

LEGISLATIVE REQUIREMENTS

Environmental Planning Instruments	<ul style="list-style-type: none"> Environmental Planning and Assessment (EP&A) Act 1979 EP&A Regulations 2000 SEPP (Affordable Rental Housing) 2009 SEPP (Building Sustainability Index: BASIX) 2004 SEPP (Sydney Harbour Catchment) 2005 SEPP No. 55 (Remediation) SEPP (Housing) 2021 Draft Design & Place SEPP 2021 Parramatta Local Environmental Plan 2011 Draft Consolidated Parramatta Local Environmental Plan 2020
Relevant Development Control Plan	Parramatta Development Control Plan 2011
Zoning	R4 High Density Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Integrated development	Yes
Clause 4.6 variation	Yes – Height of Building & Floor Space Ratio
Delegation	Parramatta Local Planning Panel:

- 10 or more unique objections
- >10% variation to development standard.

DEVELOPMENT APPLICATION HISTORY

6 June 2016	Planning Proposal: RZ/11/2016 was lodged with City of Parramatta Council (details provided later in report)
19 April 2021	The development application was lodged.
28 April 2021 – 26 May 2021	The development application was advertised. In response, 20 unique submissions and 1 petition with 171 signatures were received.
6 May 2021	The applicant was advised via email that the application is unlikely to be supported due to incomplete nature of the Planning Proposal at that time.
5 October 2021	The applicant was advised to withdraw the DA until the Planning Proposal had been finalised. Amended plans were not requested. The applicant submitted amended plans in response to the issues raised.
20 October 2021 – 17 November 2021	The Planning Proposal was exhibited.
26 November 2021	<i>State Environmental Planning Policy (Housing) 2021</i> was published in the NSW Legislation website to replace <i>SEPP (Affordable Rental Housing) 2008</i> .

1. Executive Summary

The proposal seeks consent for demolition of existing structures and construction of one 7 and one 8 storey boarding house development over 2 levels of basement parking comprising 237 rooms, 2 manager's rooms and is made in accordance with SEPP (Affordable Rental Housing) 2009.

The application must be determined by the Parramatta Local Planning Panel due to:

- More than 10% breach in Clause 4.3 Height of Building development standard;
- More than 10% breach in Clause 4.4 Floor Space Ratio development standard; and
- More than 10 unique submissions by way of objection.

A Planning Proposal is currently under consideration on the subject site. Further details are provided under Part 3.3.3 and Part 5 of this report.

Due to the unknown outcome of the Planning Proposal on the site, the development was not subject to a review by Council's Design Excellence Advisory Panel (DEAP).

The application is identified as Integrated Development pursuant to Section 90 of the *Water Management Act 2000* [Natural Resources Access Regulator] and Section 205 of the *Fisheries Management Act 1994* [Department of Primary Industries (Fisheries)]

DPIE (Fisheries) has not issued General Terms of Approval. Further details are provided under Part 6.2 of this report.

The development application does not provide sufficient information to enable assessment of the proposal and has been subject to a request to withdraw.

The application has been assessed relative to sections 4.15 and 4.22 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. The proposal does not demonstrate a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, refusal of the development application is recommended.

2. Key Issues

2.1 Planning Proposal Status

RZ/11/2016 referenced above is not yet gazetted. It is recommended that the Panel not withhold

determination of this application until an arbitrary future date.

2.2 Site Area and Floor Space Ratio

2.2.1 Site Area

Council does not contest the size of the site for the purpose of identifying the boundaries of the site.

Council disagrees with the applicant's calculation of site area *for the purpose of calculating floor space ratio*.

Applicants Calculation	Council's Calculation	Difference
6,326m ²	5,166m ²	1,160m ²

The site is irregular in shape and is not consistently zoned R4 High Density Residential as shown in the figure below:



Figure 5. Extract of zoning map showing different zones on the Site

The sites are zoned R4 High Density Residential and RE1 Public Recreation.

In this instance, residential development is not permitted within the RE1 Public Recreation zone and therefore should be excluded from site area for the purpose of calculating Floor Space Ratio. See below:

2.2.2 Floor Space Ratio

LEP 2011 standard	Planning Proposal standard	Applicant's Calculation of proposed FSR
0.8:1 4,132.8m ² GFA	1.3:1 6,715.8m ² GFA	8,044m ²
1.3:1 with SEPP ARH 6,715.8m ² GFA	1.43:1 with 10% SEPP (Housing) 2021 bonus 7,387.4m ²	

Note: The proposal would be most appropriately defined as 'Co-living housing' under SEPP (Housing) 2021. Under Clause 86 of SEPP (Housing) 2021, Co-living housing benefits from an additional 10% of

the maximum permissible floor space ratio if the additional floor space is used for the purpose of co-living housing.

Based on the reduced site area calculated above, current maximum Gross Floor Area on site is:

Site Area	Floor Space Ratio	Maximum Gross Floor Area
5,166m ²	1.3:1 (+0.5:1 under SEPP ARH)	6,715.8m ²

Proposed Floor Space Ratio	Variation
1.55:1	0.25:1 or 1328.2m ² or 19.8%

The difference in calculation occurs for the following reasons:

- Council disagrees with the calculation of site area;

It is noted that if the current planning proposal were to be gazetted, the development would be non-compliant if it were defined as Co-living Housing under SEPP (Housing) 2021.

2.3 Height

LEP 2011 standard	Draft LEP standard	Proposed Height
11 metres	22 metres	~22 metres

Additional detail is required in the form of a 3D height plane and/or a Roof Plan with appropriate roof levels and survey data in order to accurately determine the height of the proposal.

Based on the limited information provided to Council, the height of the building is calculated between 21.8 and 22.3 metres at the south-western corner of Building 2.

2.4 Permissibility

The ground floor comprises a number of additional uses, being a convenience store, café, hair salon, and a gym.

Alongside boarding houses, the R4 High Density Residential zone also permits *Neighbourhood Shops* and *Recreation facility (indoor)* with consent

Council is satisfied that the proposed convenience store, hair salon, and gym meeting the definition of a neighbourhood shop and recreation facility (indoor).

Council is **not** satisfied that the scale of the proposed ground floor café, with a dedicated kitchen and food preparation area is a 'neighbourhood shop' and is more appropriately defined as a 'food and drink premises' which is not permissible within the R4 High Density Residential zone.

2.5 SEPP Affordable Rental Housing

2.5.1 Room size

Clause 30 of SEPP ARH states [emphasis added]:

- (1) A consent authority **must not consent** to development to which this Division applies unless it is satisfied of each of the following:
 - (b) no boarding room will have a gross floor area (excluding any area use for the purpose of private kitchen or bathroom facilities) of more than 25 square metres.

A number of units exceed 25m². E.g., Unit G19 (ground-floor, south-eastern corner of Building 1) is approximately 30m².

2.6 DPI Fisheries General Terms of Approval

DPI Fisheries raised concerns with respect to draining the site via a headwall adjacent to the site that would discharge stormwater through the *Baludarri Wetlands* located adjacent to the Parramatta River.

The applicant submitted amended plans and information in an effort to address the concerns, however this was not re-referred to DPI Fisheries as it would unnecessarily extend the assessment period.

2.7 Biodiversity

Council's Open Space & Natural Resources Officer requires additional information with respect to:

- a) Overshadowing of the adjacent Mangroves and Coastal Saltmarsh communities;
- b) Whether the development triggers the Biodiversity Offset Scheme;
- c) Any impacts from illumination on nocturnal fauna;
- d) Bird collision mitigation; and
- e) Compliance with SREP (Sydney Harbour) 2005.

2.8 Stormwater

Council's Senior Catchment Engineer requires additional information with respect to:

- a) The use of an On-Site Retention system to reduce the number of occasions stormwater runoff overflows to the adjacent reserve;
- b) A water balance assessment to assess the impact of the development on the frequency of flows to the reserve and river and the volume of discharge to the Parramatta River;
- c) Stormwater quality assessment for pre- and post- development scenarios;
- d) The use of a single point of discharge and alternative options for discharging stormwater;
- e) Water Sensitive Urban Design requirements;
- f) Conflict with Sydney Water infrastructure;
- g) Flood evacuation measures;
- h) Earthworks and Retaining Walls;
- i) Basement and groundwater impacts;

2.9 Design Excellence

The application was not referred to the Parramatta Design Excellence Advisory Panel due to the current progress of the planning proposal. It was considered an inefficient use of resources to have the application considered by the DEAP while there is no appropriate pathway to approval.

3. Site Description, Location and Context

3.1 Site

The Site is comprised of the 4 allotments, known as 85-91 Thomas Street, Parramatta NSW 2150. The lots are legally known as Lot 12, 15, and Lot 16 in DP 1239 and Lot 142 DP 537053 with a total site area of 6,326m² and a frontage of 60.46 metres to Thomas Street. The portion of the site being developed falls 7 metres from north-east to south-west towards Parramatta River.



Figure 1 Aerial photo of the development site

3.2 Site Improvements & Constraints

The site is currently occupied by 3 single storey dwellings (No. 87 Thomas Street is currently vacant).

3.2.1 Flooding

The site is partially flood affected from the Parramatta River.



Figure 2: Extract of Flooding Map

3.2.2 Heritage

The site is located adjacent to the heritage listed *Wetlands* alongside the Parramatta River:



Figure 3: Location of nearby heritage items

3.2.3 Coastal Wetlands and Littoral Rainforest Area

The above-mentioned Wetlands are identified as being *Coastal Wetlands* under Division 1 and the site is within a *Coastal Environment Area* under Division 3 of SEPP (Coastal Management) 2018.,

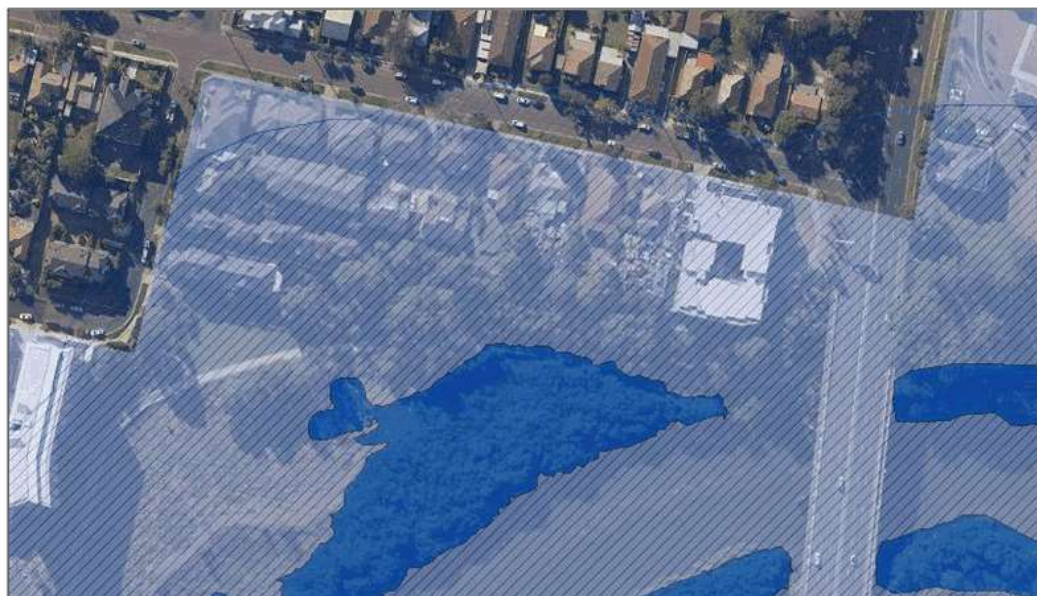


Figure 4: Extract of Coast Wetlands (Dark Blue), Proximity Area for Coastal Wetlands (Blue Hatching), and Coastal Environment Area Maps (Light Blue).

3.3 Statutory Context

3.3.1 Zoning

As shown in Figure 5a below, the Site is zoned R4 High Density Residential and RE1 Public Recreation.

With the exception of stormwater works, all other works are wholly within the R4 High Density Residential zoned areas.

3.3.2 Affordable Rental Housing SEPP



The application was lodged before the commencement of *State Environmental Planning Policy (Housing) 2021* and benefits from the savings provisions under Schedule 7 of this SEPP.

The application is therefore considered under the, now repealed, *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

3.3.3 Planning Proposal

On 6 June 2016, a planning proposal (RZ/11/2016) was lodged with City of Parramatta Council.

At the time of this briefing report, the proposed amendments are as follows:

Control	Existing	Proposed under RZ/11/2016
Zoning	R4 – High Density Residential and RE1 Public Recreation.  Figure 5a: Existing Zoning	R4 – High Density and extend RE1 – Public Recreation zone adjacent to the Parramatta River.  Figure 5b. Proposed zoning
Floor Space Ratio	0.8:1	1.3:1
Height of Building	11m	22m

A DCP amendment forms part of the Planning Proposal, with site-specific development controls proposed within the Morton Street Precinct.

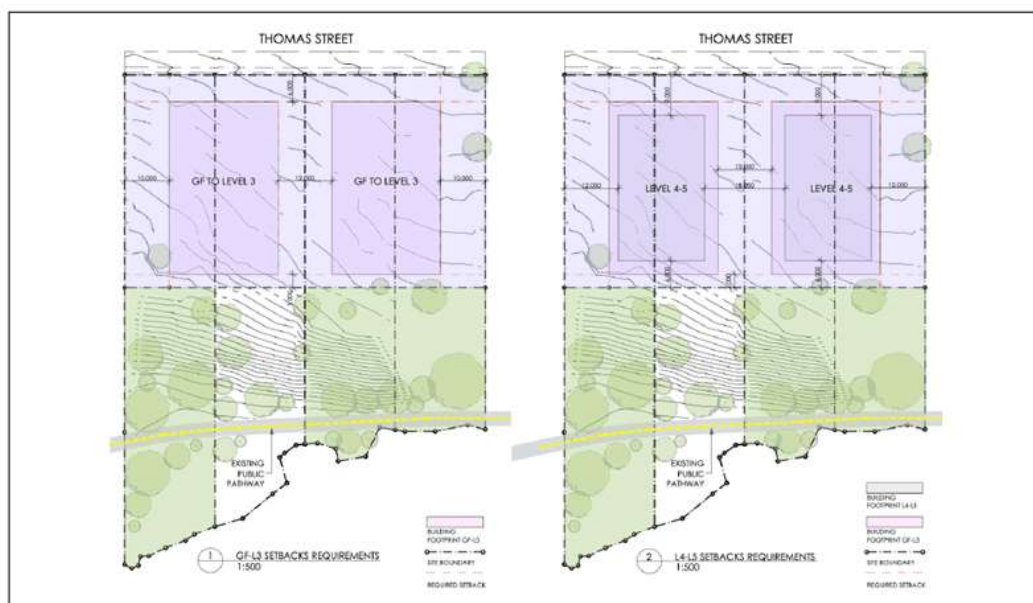


Figure 6: Extract of Indicative Building Setbacks from Draft DCP. 12 metre setback for Ground to Level 3. 18 metre setback for Level 4-5.

The Planning Proposal was exhibited from 20 October 2021 till 17 November 2021 (28 days).

According to the timing presented in Part 6 – Project Timeline in the Planning Proposal on exhibition, the Planning Proposal would not be finalised until April 2022 at the earliest:

Commencement and completion dates for public exhibition period	October/November 2021
Commencement and completion dates for government agency notification	October/November 2021
Consideration of submissions	November 2021
Consideration of planning proposal post exhibition and associated report to Council	March 2022
Submission to the Department to finalise the LEP	March 2022
Notification of instrument	April 2022

Figure 7: Extract of notified Planning Proposal showing indicative timing for finalisation.

4. The Proposal

The application seeks approval for:

- The demolition of all existing structures and improvements within the northern portion of the site.
- Construction of a 7-storey and an 8-storey boarding house comprising 235 units + 2 managers rooms;
- Excavation for 2 levels of basement parking comprising 115 spaces, including 6 accessible spaces, 48 motorcycle spaces, and 48 bicycle spaces.

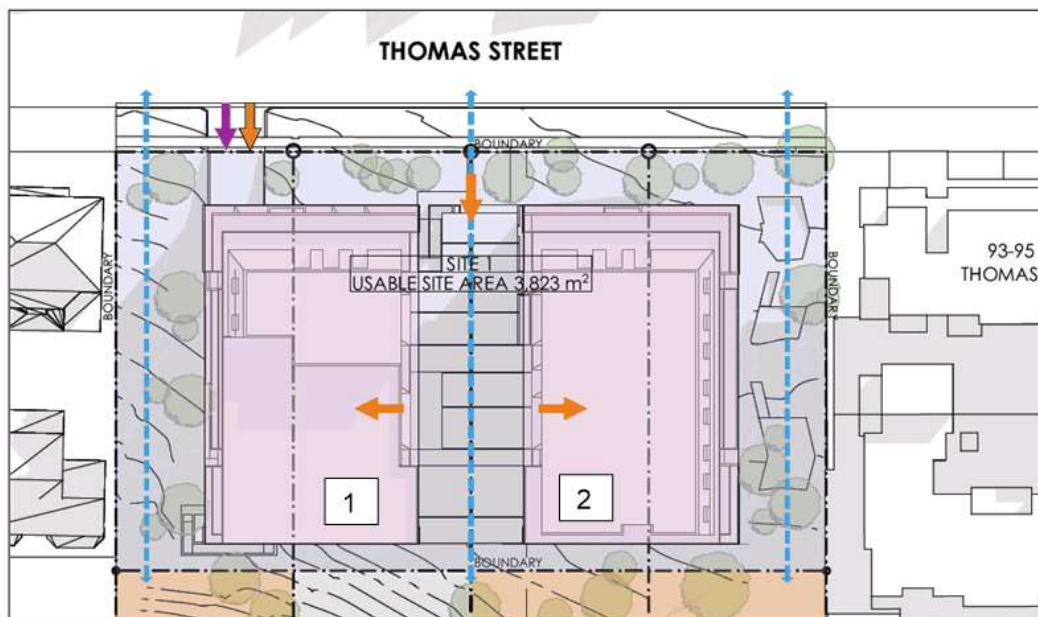


Figure 8: Extract of Site Plan showing building location

- Room Occupancy
 - 33 single occupancy rooms;
 - 202 double occupancy rooms;
 - 2 managers rooms
- Maximum Total Occupancy
 - 437 boarders
 - 2 managers.
- Ground level convenience store/café, gym, hair salon, and shared spaces.

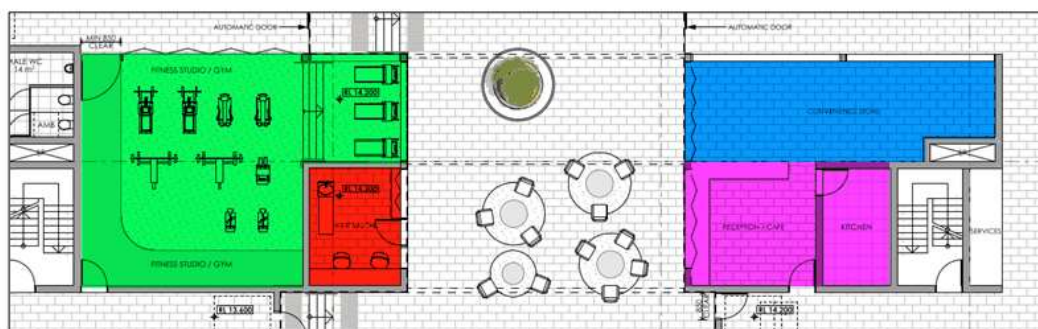


Figure 9: Extract of Ground Floor Plan showing Gym (Green), Hair Salon (Red), Convenience Store (Blue), Cafe (Pink)

Summary of development

	Building 1 (west)	Building 2 (east)	Total
Storeys	8	7	-
Units	106	131	237
Parking	118 spaces including 6 accessible spaces 17 motorcycle spaces 48 bicycle spaces		
Maximum Occupants	437 + 2 managers		



Figure 10 Photomontage of the proposed development

5. Planning Proposal in Detail

As indicated in Part 3.3.3 above, a Planning Proposal (RZ/11/2016) was lodged with City of Parramatta Council at the subject site.

The Planning Proposal generally seeks the following:

- Rezoning of a portion of the site from R4 High Density Residential to RE1 Public Recreation
- Dedication of that RE1 land to Council at no cost;
- Increase maximum Height of Building from 11 metres to 22 metres; and
- Increase maximum Floor Space Ratio from 0.8:1 to 1.3:1.

The Planning Proposal was exhibited from 20 October 2021 till 17 November 2021 (28 days).

The exhibited Planning Proposal makes a number of assumptions regarding the future development on site which are summarised in the table below:

Issue	Planning Proposal	Development Application
Number of Storeys	6 storeys with rooftop communal open space	7 and 8 storeys. No rooftop open space
Height of Building	22 metres	22 metres
Land Use	Residential Flat Building	Boarding House
Maximum Floor Space Ratio	1.3:1	1.3 + 0.5:1 bonus from SEPP ARH. Total = 1.8:1
Maximum Gross Floor Area	6,715m ²	9,298.8m ²
Proposed Floor Space Ratio	1.3:1	1.55:1
Proposed Gross Floor Area	4,994m ²	8,044m ²
No. of dwellings	124	237
Building Separation	Ground to Level 4 – 12 metres Level 5 and 6 – 18 metres	Ground to Level 5 – 12 metres Level 6 – 12 metres
Vehicle Trips (Peak Hour) Net increase	32 trips	69 trips

As indicated in the table above, if the Planning Proposal were to be gazetted, the proposed development application would be of a scale not considered by the Planning Proposal.

At the writing of this report, the Draft Planning Proposal is being presented to the Local Planning Panel at its meeting in February with a recommendation to support.

6. Referrals

The following referrals were undertaken during the assessment process:

6.1 Design Excellence Advisory Panel

As indicated in Section 2.9 above, the application was not referred to Council's Design Excellence Advisory Panel due to the unsupported exceedances in both building height and floor space ratio.

Once the Planning Proposal has been gazetted, it is recommended that the applicant attend a pre-lodgement DEAP meeting prior to lodgement.

6.2 External

The external agency referrals are summarised below

Authority	Comment
Sydney Water	Supported. <ul style="list-style-type: none"> • Potable water should be available along Thomas Street; • Dual Reticulated service is required for the building; • Wastewater service should be available within the property; • The existing sewer will be required to be deviated due to the location of the basement. • Building Plan Approval required; and • Section 73 required.
Endeavour Energy	Supported. <ul style="list-style-type: none"> • Typical conditions related to network capacity and design.
Roads and Maritime Service	Supported <ul style="list-style-type: none"> • Unlikely to have a significant impact onto the classified road network
Natural Resource Access Regulator	Supported – GTAs issued. <ul style="list-style-type: none"> • Applicant must apply for a controlled activity approval prior to the commencement of any works on waterfront land.
Department of Primary Industries (Fisheries)	Not Supported. <ul style="list-style-type: none"> • Objects to the placement of a headwall adjacent to the site approximately 90 metres from the waterline of the Parramatta River; • Stormwater would be discharged through the <i>Baludarra Wetlands</i>; • The change in hydrology and water chemistry would have a negative effect on this environmentally sensitive area

6.3 Internal

Specialty	Comment
Acoustic	Supported subject to standard conditions
Contamination	Supported subject to standard conditions

Specialty	Comment
Waste	Supported subject to standard conditions
Traffic	Additional Information required: <ul style="list-style-type: none"> • Minimum of 48 motorcycle spaces are required as per SEPP ARH; • Driveway ramp grades unacceptable; • Additional information regarding parking space width compliance with Australian Standards.
Social outcomes	Additional Information required: <ul style="list-style-type: none"> • Updated Plan of Management; • Additional communal facilities to be provided; • Further information to substantiate claim that occupants will be students, nurses, ambulance drives, and school teachers; • Emergency Evacuation Plan
Development Engineering	Additional Information required: <ul style="list-style-type: none"> • On-site retention required to reduce the occasions of stormwater runoff and reduce stormwater pollutants discharging into the Council reserve and Parramatta River; • Water Balance modelling to assess impact of the development on the frequency of flows to the River and the volume of discharge to the River. • MUSIC model required for pre- and post-development stormwater quality assessment • Headwall and single discharge point not supported. • Flood Evacuation details required • Retaining wall details required; and • Basement tanking details required.
Open Space & Natural Resources	Additional Information required: <ul style="list-style-type: none"> • Overshadowing of the adjacent Mangroves and Coastal Saltmarsh communities; • Whether the development triggers the Biodiversity Offset Scheme; • Any impacts from illumination on nocturnal fauna; • Bird collision mitigation; and • Compliance with SREP (Sydney Harbour) 2005.
Accessibility	Additional Information required: <ul style="list-style-type: none"> • Additional adaptable units are required to achieve 10% mix; • A number of parking spaces are inaccessible; • Equitable access to ground floor units is required; • Communal Open Space walkways are stepping stones and must be accessible; • Additional communal spaces other than ground floor should be provided.

7. Biodiversity Conservation Act 2016

The overarching purpose of the Biodiversity Conservation (BC) Act 2016 is *to maintain a health, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.*

Council's Open Space and Natural Resources Officer reviewed the submitted *Addendum Ecology Letter Report* (Ecology Report), undated, prepared by *Cumberland Ecology*.

Although not requested, a response letter dated 20 October 2021 was submitted seeking to address the issues raised by Council's OS&NR Officer.

7.1 **Biodiversity Offset Scheme Triggers**

Part 6 of the BC Act 2016 relates to the assessment and application of the Biodiversity Offset Scheme.

The Ecology Report is unclear as to whether the proposed development triggers the Biodiversity Offset Scheme (BOS), in particular whether 'prescribed impacts' in conjunction with the mapping of the Biodiversity Values Map triggers the BOS.

The Ecology Report states *"Stormwater discharge has the potential to impact on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities within an area mapped on the Biodiversity Values map, which would trigger the BOS and the requirement for a BDAR to accompany the DA."*

The Ecology Report and Response Letter indicate that the development would not have a direct impact on the Baludarri Wetlands, noting that all stormwater drains away from the wetlands.

This conclusion is based on an incorrect assumption that the Baludarri Wetlands are limited to the area shaded in Green below:

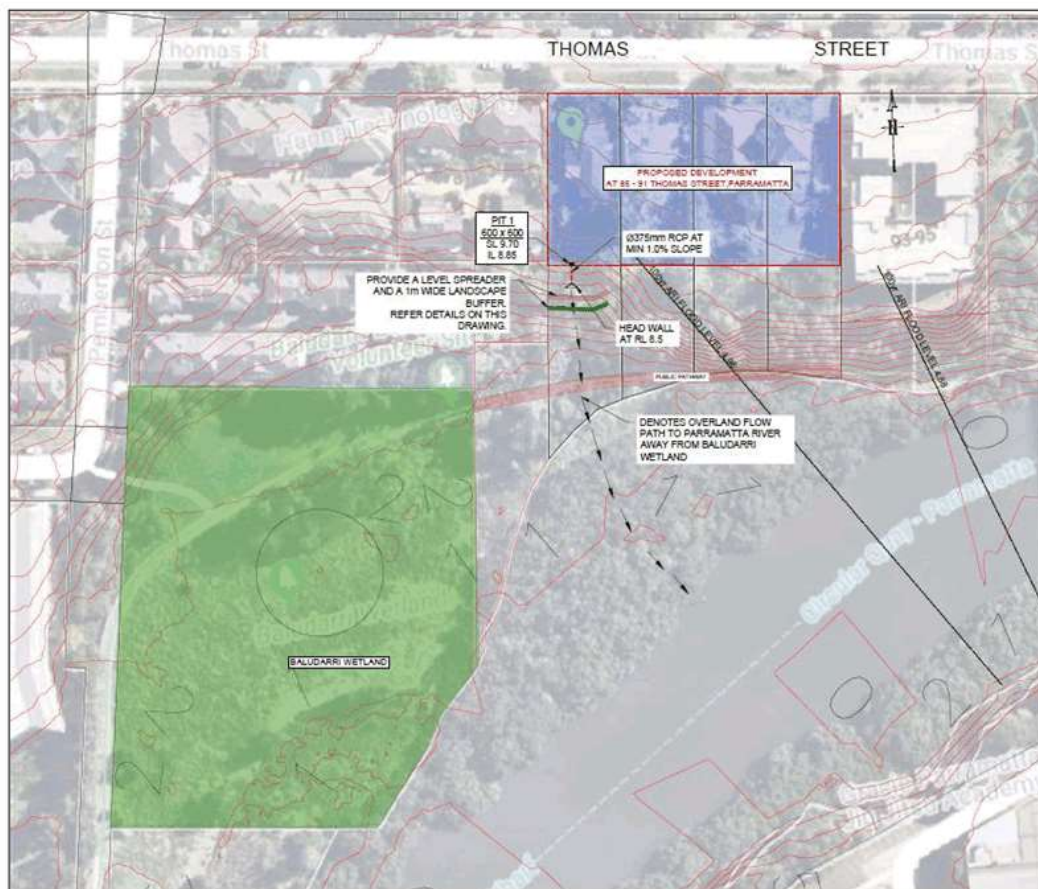


Figure 11: Extract of Stormwater Plans showing assumed location of Baludarri Wetlands.

In fact, the Wetlands extend along the Parramatta River as shown in Figure 3 and Figure 4 above, and the *Baludarri Wetlands Plan of Management 2010* showing in Figure 12 below:



Figure 12: Location Plan extracted from *Baludarri Wetlands Plan of Management 2010* (Parramatta Council)

Therefore, Council does not support the conclusions made in the Ecology Report or Response Letter as they relate to the BOS trigger and remains outstanding.

7.2 Illumination

Council raised concerns regarding "...the potential of illumination by the proposal on nocturnal fauna and outline mitigation measures, including lighting design that will minimise light spill into the ecologically sensitive river riparian corridor".

The Response Letter states "This is not a major ecological issue and fauna that occur in the locality are accustomed to standard residential lighting and built forms in the Parramatta CBD and environs. Nothing arises that will impact on flora on site or adjacent the site in terms of lighting."

This response has not adequately addressed the concerns raised with respect to lighting and no further mitigation measures have been proposed.

7.3 **Bird Collision**

Council raised concerns regarding "...the potential of bird collision and outline mitigation measures, including having a building design to minimise the potential for bird collisions with exterior surfaces through glazing and fenestration treatments."

The Response Letter states, "The incidence of bird strike is rare and there are examples of significantly taller buildings in the locality that have not led to significant harm to bird populations in the area."

This response has not adequately addressed the concerns raised with respect to lighting and no further details have been provided.

7.4 **Sydney Harbour SREP**

Council raised concerns regarding how the proposed development will meet the requirements of Division 2 and Part 6 of the SREP.

The Response Letter states that "the proposed development addresses SREP because water from the site does not currently flow directly into the wetland. The water currently leaving the site is untreated, and the proposal is to be modified to include water management devices as outlined above. That will ensure that in future water leaving the site will be of improved water quality to that which occurs now, which is consistent with the requirements of wetland protection under the SREP."

This response provides a generalised response to the concerns raised and the matters for consideration listed under the SREP and does not provide the detail necessary for Council to be satisfied that the development will not have an unreasonable impact to the adjoining wetlands and mangroves.

8. Environmental Planning and Assessment Act 1979

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

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 7
Section 4.15(1)(a)(ii) - Draft environmental planning instruments	Refer to section 8
Section 4.15(1)(a)(iii) - Development control plans	Refer to section 9
Section 4.15(1)(a)(iiia) - Planning Agreement	Refer to section 10
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 11
Section 4.15(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15(1)(b) - Likely impacts	Refer to section 12
Section 4.15(1)(c) - Site suitability	Refer to section 13
Section 4.15(1)(d) - Submissions	Refer to section 14
Section 4.15(1)(e) - The public interest	Refer to section 15

8.1 **Environmental Planning Instruments**

The instruments applicable to this application comprise:

- SEPP (Affordable Rental Housing) 2009
- SEPP (Housing) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Sydney Harbour Catchment) 2005
- SEPP No. 55 (Remediation)
- Parramatta Local Environmental Plan 2011

Compliance with these instruments is addressed below.

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

In accordance with Schedule 7 of SRD SEPP, development for the purpose of affordable housing with a Capital Investment Value of \$5million or greater, must be determined by the Sydney Central City Planning Panel.

In this instance, although the application is made pursuant to ARHSEPP (see Section 8.1.2 below), the SEPP does not require boarding houses to be 'affordable housing'. Clause 6 of the ARHSEPP provides the definition of affordable housing:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

- (1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household—
- (a) has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
 - (b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

Council confirmed with a Senior Officer at the Department of Planning Industry and Environment (Regionally Significant Development) that the application does not trigger the delegation for the Regional Panel.

8.1.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

Statement Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) provides incentives for developers to provide affordable rental housing.

The ARHSEPP was repealed on 26 November 2021 by SEPP (Housing) 2021 (Housing SEPP), however the savings and transitional provisions prescribe that the ARHSEPP continues to apply to development applications made before the commencement of the Housing SEPP and not yet determined. Accordingly, the development application is assessed against the ARH SEPP below.

8.1.2.1 Applicability

Division 3 of the ARHSEPP provides for development of boarding houses subject to the following qualifications:

Control	Proposal	Compliance
<i>26 Land to which development applies</i>		
R1, R2, R3, R4, B1, B2, B4	R4	Yes. The site is within a R4 zone.
<i>27 Development to which Division Applies</i>		
Boarding house use	Boarding house	Yes. The SEE nominates the development as a boarding house, and it has been designed as such.

8.1.2.2 Standard That Cannot Be Used to Refuse Development

The ARHSEPP sets out, at Clause 29, standards that cannot be used to refuse development consent for qualifying housing. Notwithstanding, a consent authority may consent to such development whether or not the development complies with these standards. An assessment of the proposal against these criteria is provided in the table below.

Control	Proposal	Compliance
FSR: 0.8, or 1.3:1	1.55:1	No
Building height: 11 metres	22m	No
Landscaped area: Compatible with the streetscape in which the building is located	Street setback is occupied by vehicle entry, pedestrian entry, and substantial planting.	Yes. Although the area is predominantly single residential dwellings, the area is undergoing transition to higher density residential developments. The expected streetscape includes substantial landscaping within the front setback.
Solar access: Communal living room must receive 3 hours of direct sunlight between 9am and 3pm in midwinter	Compliance demonstrated not	No – insufficient solar access analysis was provided with the application to determine whether the communal living room receives the minimum amount of direct sunlight.
Private open space: 20sqm – minimum dimension of 3m	765sqm - 3m dimension	Yes
Manager – 8sqm – minimum dimension of 2.5m adjacent to accommodation	8sqm – 2.5m dimension	Yes
Parking: 0.5 spaces per room = 119 spaces	115	No – however, a consent authority may consent to development whether or not the development complies with these standards.
Accommodation size 12sqm – single occupant 16sqm – double occupant	12 sqm 16 – 31sqm	Yes However, Clause 30 prevents Council from approving the application where boarding rooms exceed 25m ² . See table below.

8.1.2.3 Standards for Boarding Houses

The ARHSEPP sets out, at Clause 30, standards for boarding houses that must be satisfied before consent is provided.

Control	Proposal	Compliance
If a boarding house has 5 or more boarding rooms, at least one communal living room will be provided	A communal living room is provided at the ground floor.	Yes Each floor also includes a small communal space with seating.
No boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Accessible rooms are over 30m ² excluding bathrooms and kitchen.	No.
No boarding room will be occupied by more than 2 adult lodgers,	Boarding rooms are single or double occupancy only.	Yes
Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger	Each room is provided with a bathroom and kitchen	Yes
If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	Two (2) boarding house managers will be on site.	Yes
if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	N/A
At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms	48 motorcycle and 48 bicycle spaces provided	Yes

8.1.2.4 Character of Local Area

Clause 30A of the ARHSEPP requires that consideration be given to whether the design of the development is compatible with the character of the area.

The ARHSEPP does not provide any guidance on assessing the compatibility of affordable housing with the local area.

For the purposes of this assessment the compatibility of the proposal with the character of the local area will be determined with the following 3 steps:

- Step 1 – Identify the local area.
- Step 2 – Determine the character (present and future) of the local area.
- Step 3 – Determine if the development is compatible with the character of the local area.

As assessment against each step is provided below:

Part A – Identify the local area

The local area is primarily considered to be the visual catchment of the site (as viewed from within the site and directly adjacent to the site on the street). *NSW LEC Case Succar vs Bankstown City Council [2012]* provides guidance on determining visual catchment. The visual catchment is considered to be those buildings that can be seen from within the site and while standing to the front of the site in the public domain.

Part B – Determine the character of the local area.

The visual catchment of the site includes single and double storey dwellings of varying ages and a 3 storey residential flat building immediately to the east of the site. The LEP envisages high-density residential development between up to 11 metres in height within the visual catchment of the site.

Part C – Determine if development is compatible with character of the local area.

Compatibility within the urban environment is an issue that has been given detailed consideration by the Land and Environment Court. In the decision of *Project Ventures Development Pty Limited and Pittwater Council*, the Senior Commissioner of the Court was asked to consider the process of deciding whether a building is compatible with its surroundings. This led to the development of a Planning Principle as a guide on this issue. The planning principle states there are two important aspects of compatibility that need to be satisfied:

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

As outlined in this report, the proposal is considered an overdevelopment of the site beyond the scale of development envisioned by the current planning controls and the planning proposal as outlined in Section 5 above.

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

Noting that the area is undergoing transition from low density to high density residential development, the proposed development is not considered to be in harmony with the buildings around it and the character of the street.

New development is envisioned to be lower-scale, high density residential developments further from the Parramatta CBD providing a variety of housing types with access to public transport and services.

The scale of the proposed development, without the benefit of a planning proposal, would be more appropriately positioned closer to the core of the Morton Street Precinct, or on the southern side of the Parramatta River.

8.1.3 State Environmental Planning Policy (Housing) 2021

The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced on 26 November 2021. In accordance with the savings and transitional provisions, any development application lodged before the commencement of the Housing SEPP continues to be assessed in accordance with the previously applicable instrument. However, an assessment against the key provisions of the Housing SEPP is provided below by way of information as it is currently in force.

8.1.3.1 Must be used as Affordable Housing

Where an application proposes a 'boarding house' as defined under the Housing SEPP, Clause 26 specifies that development consent may not be granted unless the consent authority is satisfied that the boarding house will be used for affordable housing and will be managed by a registered community housing provider.

The Housing SEPP adopts the definition of affordable housing prescribed in the EP&A Act, as follows:

Affordable housing—the Act, s 1.4(1)

(1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if—

(a) the household—

(i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—

- (A) very low income household—less than 50%,
 (B) low income household—50–less than 80%,
 (C) moderate income household—80–120%, and
 (ii) pays no more than 30% of the gross income in rent, or

(b) the household—

- (i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and
 (ii) pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.

Whilst the development application was submitted prior to the commencement of the Housing SEPP, no information was submitted to indicate that the affordability criteria would be satisfied.

Therefore, under the Housing SEPP, the use is more appropriate defined as 'co-living housing' and has been assessed against the standards for co-living housing

8.1.3.2 Non-discretionary Development Standards for co-living

The Housing SEPP sets out, at Clause 68(2), non-discretionary development standards that, if complied with, prevent the consent authority from requiring more onerous standards for the matter.

Control	Proposal	Compliance
Floor Space Ratio 0.8:1 + 10% = 0.88:1	1.55:1	No
Communal Living Area 30m ² + 2m ² for each room in excess of 6 rooms: = 512m ²	334.5 m ² of communal living space is provided on the ground floor.	No Note: 'Communal Living Area' is not defined under SEPP Housing.
20% of the site is communal open space – minimum dimensions of 3m = 1033 m ²	431 m ²	No Council has considered the area identified as 'communal living area' as distinct from 'Communal Open Space'
Minimum of 0.5 car parking spaces per room, unless in accessible area = 119 spaces	115 spaces	No
Minimum landscaping for Residential Flat Building under relevant planning instrument DCP = 40% Landscaping = 2066m ² ADG = 15% with 6m dimension Deep Soil = 775m ²	1136 m ² landscaping 966m ² Deep Soil	No

8.1.3.3 Standards for co-living housing

The Housing SEPP sets out, at Clause 69(1), standards which must be satisfied before consent can be granted:

Control	Proposal	Compliance
Accommodation size Not more than 25m ² and not less than: 12sqm – single occupant 16sqm – otherwise Excluding kitchen and bathrooms	Over 30m ² for a number of accessible rooms	No
Minimum Lot Size No minimum lot size	6,326m ²	Yes
Workspace		Yes

Appropriate workspace for manager, either within communal living area or in a separate space	Not specified however desk provided in room	
Facilities Adequate bathroom, laundry and kitchen facilities provided	Provided in each room	Yes
Occupants No more than 2 occupants per room	Max 2 occupants	Yes

The Housing SEPP sets out, at Clause 69(2), standards which must be considered

Control	Proposal	Compliance
Setbacks Front, side and rear setbacks in accordance with the ADG and DCP Front: 5-9 metres Side: 3-9 metres Rear: 15% site length = 7.14 metres	6m front 10 metre side 3 metre rear	No
Solar Access 3 hours of direct solar access to at least 1 communal living area	Central area receives 3 hours of sunlight	Yes
Bicycle Parking 1 space per room = 247 spaces	48 spaces	No
Motorcycle Parking 1 space per 5 rooms = 48 spaces	48 spaces	Yes
Character Compatible with desired future character	See discuss under Section 8.1.1.4	No

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

SEPP BASIX seeks to encourage sustainable residential development. A BASIX assessment uses a modelling program to determine if a proposal meets the applicable energy efficiency, water efficiency and thermal comfort targets for residential development. The applicant has submitted a BASIX certificate which demonstrates that the building can achieve BASIX compliance.

8.1.5 State Environmental Planning Policy (Sydney Harbour Catchment) 2005

As discussed under Section 7.4 above, insufficient information has been provided necessary for Council to be satisfied that the development will not have an unreasonable impact to the adjoining wetlands and mangroves.

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

The site is not identified in Council's records as being contaminated. A Site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. Aerial photography of the site dating to c1943 indicates the Site has been used for residential purposes for almost 80 years.

If the application were to be supported, conditions of consent would be included requiring the applicant to advise Council of any contaminants discovered during works.

8.1.7 Parramatta Local Environmental Plan 2011

The relevant objectives and requirements of the Parramatta Local Environmental Plan 2011 have been considered in the assessment of the development application and are contained within the following table.

Development standard	Proposal	Compliance
2.3 Zone Objectives	The proposal is not considered to be in keeping with the objectives of the R4 High Density Residential zone for the following reasons: <ul style="list-style-type: none"> The proposal is beyond the scale of development envisioned for this site within the R4 zone; The proposal is not in close proximity to public transport i.e. within 400m walking distance to a bus stop, or 800m to a light rail stop. 	No
2.5 Zoning R4 – High Density Residential	The proposed uses, outlined below, are permissible with development consent in the zone. <ul style="list-style-type: none"> Boarding house The proposed used on the ground floor, in particular, the food and drink premises, is not permissible	No
4.1 Minimum Subdivision Lot Size Standard: >550sqm	N/A	N/A
4.3 Height of Buildings Standard: 11m	22m	No
4.4 Floor Space Ratio Standard: 0.8:1 + 0.5:1 bonus = 1.3:1 (6,715m ²)	~1.55:1 or 8,044m ²	No
4.6 Exceptions to Development Standards	No Clause 4.6 submitted for either the breach in Clause 4.3 or Clause 4.4 Council cannot recommend approval for the development application without the submission of an appropriate Clause 4.6.	No
5.10 Heritage conservation	The site is located in the vicinity of the heritage listed <i>Wetlands</i> along the Parramatta River. As referenced earlier in this report, insufficient information has been submitted to determine whether the proposed development would in fact have an impact on the <i>Wetlands</i> . The application was accompanied by a Statement of Heritage Impact and Archaeological Assessment prepared by <i>Niche Environment and Heritage</i> dated 24 March 2021. The Impact Assessment concludes that due to historical disturbances of the land dating back to c1940, there is unlikely to be archaeological remains within the development portion of the site. If the application were to be approved, conditions of consent would have been included to inform Council	No

Development standard	Proposal	Compliance
	and the relevant state authority if any archaeological artefacts are found.	
6.1 Acid Sulfate Soils Class 5	<p>The proposal is within 500m of class 2 land.</p> <p>The application was accompanied by a <i>Geotechnical and Acid Sulphate Soils Report</i> prepared by <i>Morrow Geotechnics Pty Ltd</i> dated 1 December 2020.</p> <p>The report indicates that, despite the proximity to Class 2 Acid Sulphate Soil land, is unlikely to encounter Acidic soils.</p> <p>If the application were to be approved, conditions of consent would be recommended that an Acid Sulfate Soil Plan is prepared if acidic soils are encountered during works.</p>	Yes, subject to conditions.
6.2 Earthworks	<p>The proposal appears to incorporate significant earthworks and retaining walls, however insufficient information is provided about excavation or retaining walls to make an assessment. A Request for Information issued to the applicant specifically asked for detail relating to:</p> <ul style="list-style-type: none"> • Cut and fill plan. • All retaining walls shown on plans. • Retaining walls to be designed to ensure that natural flows from adjoining properties are not impeded or diverted. 	No – insufficient information provided.
6.3 Flood Planning	<p>As shown in Figure 2 above, the site is affected by flooding from the Parramatta River.</p> <p>The application was accompanied by a <i>Flood Risk Management Plan</i> prepared by <i>Australian Consulting Engineers Pty Ltd</i> dated December 2020.</p> <p>Councils Senior Catchment Engineer did not raise fundamental concerns with respect to the conclusions made in the Report.</p>	Yes
6.4 Biodiversity	Insufficient information has been submitted for Council to be satisfied that the development is designed, sited, and will be managed to avoid, minimise, or mitigate any impacts to the adjoining wetlands	No.
6.12 Design Excellence	N/A	N/A

9. Draft Environmental Planning Instruments

9.1 Draft Consolidated City of Parramatta Local Environmental Plan 2020

The site is subject to a Planning Proposal to create a consolidated City of Parramatta Local Environmental Plan.

It is noted that the Planning Proposal has received a Gateway determination and has been publicly exhibited, and therefore is a formal matter for consideration for the purposes of section 4.15 of the Act. The primary focus of the Planning Proposal is harmonisation (or consolidation) of the existing planning controls that apply across the City of Parramatta.

It does not propose major changes to zoning or increases to density controls. However, in order to create a single LEP, some changes are proposed to the planning controls applying to certain parts of the LGA. This draft LEP does not propose any changes to the controls for this site and as such, further consideration of this document is not necessary.

9.2 Draft Design & Place State Environmental Planning Policy 2021

The NSW Government has developed a new Design & Place State Environmental Planning Policy (Design & Place SEPP) which aims to improve the design of buildings and spaces. The Design and Place SEPP will be a principle-based SEPP, integrating and aligning good design and place considerations into planning policy, and giving effect to a number of objects of the Act including good design and amenity of the built environment, sustainable management of built and cultural heritage, and the proper construction and maintenance of buildings. It will also promote the NSW Premier's Priorities for a Better Environment (Greener Public Spaces and Greening our City). The SEPP No 65 – Design Quality of Residential Apartment Development and SEPP (Building Sustainability Index: BASIX) 2004 will be repealed and replaced into Design and Place, with relevant provisions transferred across.

The Design & Place SEPP is not considered to be imminent – as the Department has flagged that it will be subject to future public consultation – and not certain – as a draft instrument has not been on exhibition. As such, it is a consideration but has minimal determinative weight. The provisions of the Design & Place SEPP are not considered to affect the development application.

10. Development Control Plans

10.1 Parramatta Development Control Plan 2011

An assessment of the proposal against the relevant controls in the Parramatta Development Control Plan 2011 is provided below. Several of the controls are superseded by SEPP ARH and as such are not included in the table.

Development Control	Proposal	Comply
2.4 Site Considerations		
2.4.1 Views and Vistas	The DCP identifies significant district views from Harris Park and Elizabeth Farm to various significant buildings in the northern side of the Parramatta River. The proposed building would not obstruct any of these identified views despite breaching the building height development standard.	Yes
2.4.2.3 Protection of Groundwater	The submitted <i>Geotechnical Report</i> does not specifically address whether groundwater is encountered during testing, especially when seasonal fluctuations are taken into consideration. If the application were to be approved, conditions of consent would be recommended that the basement is of 'tanked' or waterproof construction to avoid groundwater seeping into the basement which would then require discharge.	Yes, subject to conditions.
2.4.3.1 Sedimentation	Erosion and sediment control plans would be required if the application was recommended for approval.	Yes
2.4.3.3 Salinity	The site is not identified as being of saline soils	N/A
2.4.5 Air Quality	N/A	N/A
2.4.6 Development on Sloping Land	Earthworks are proposed to level the site so that the ground level is set at a consistent level. Insufficient information is provided to determine the	Yes

Development Control	Proposal	Comply
	extent of the earthworks.	
2.4.7 Biodiversity	As discussed under Section 7 in this report, Council is not satisfied that the development is designed, sited and will be managed to avoid, minimise, or mitigate any adverse environment impact, or	No
2.4.8 Public Domain	Insufficient information provided to make an assessment.	No
3.1 Preliminary Building Envelope (Table 3.1.3.7)		
Minimum Site Frontage: >24m	80.6m	Yes
Front Setback: 5-9m	6m	Yes
Rear Setback: 15% (~7.14m)	3m	No but generally acceptable
3.3 Environmental Amenity		
3.3.6 Water Sensitive Urban Design	Additional details have been provided regarding the use of level spreaders to minimise erosion from stormwater discharge into the public reserve. Concerns remain regarding the impact of the additional, concentrated stormwater flows to the Baludarri Wetlands.	No
3.3.7 Waste Management	A waste storage room is provided in the basement and is capable of being collected regularly by Council services.	Yes
3.4 Social Amenity		
3.4.2 Access for People with Disabilities	Council's Accessibility Officer identified non-compliances with the relevant Australian Standards that are required to be addressed to ensure access for people with disabilities is achieved.	No
3.4.4 Safety and Security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour. Natural surveillance of the public domain would be provided.	Yes
3.4.5 Housing Diversity and Choice <ul style="list-style-type: none"> • 3 bed 10% - 20% • 2 bed 60% - 75% • 1 bed 10% - 20% • 10% adaptable units 	N/A	N/A
3.5 Heritage		
3.5.1 General	The site is in the vicinity of the heritage listed <i>Wetlands</i> adjacent to the Parramatta River. Concerns are raised with respect to the impact of the development on these wetlands.	No
3.5.2 Archaeology	The site is considered to be of low archaeological significance.	N/A
3.5.3 Aboriginal Cultural Heritage	The site is identified as having low Aboriginal sensitivity.	N/A
3.6 Movement and Circulation		
3.6.1 Sustainable Transport		
Car Share		N/A
1 car share if over 50 units	<50 units	
3.6.2 Parking and Vehicular Access		

Development Control	Proposal	Comply
Car Parking Control 1 space per 10 boarding rooms; plus 1 space per resident manager / caretaker = 27 spaces	Yes 115 spaces provided.	Yes

Development Control	Proposal	Comply
Part 5 Other Provisions – Boarding Houses		
Development to which this section of the DCP applies <ul style="list-style-type: none"> The demolition or change of use of an existing boarding house; The establishment of a new purpose built boarding house; Conversion or adaptation of existing buildings to a boarding house; Alterations and/or additions to, or intensification of an existing boarding house. 	The application proposes a new boarding house.	-
P.9 New development shall comply with the relevant height and floor space ratio controls prescribed by the LEP.	The proposal exceeds the current development standards for both Height of Building and Floor Space Ratio.	No
Occupation Requirements		
P.12 Any shared rooms are to be limited to a maximum of 2 occupants per room	All shared rooms propose a maximum of two occupants.	Complies
Operational Management		
P.21 Developments of 3 storeys or more must incorporate a lift capable of accommodating a stretcher and must be accessible at each floor.	The proposed development incorporates a lift, however confirmation is required whether a stretcher can be accommodated.	Capable of compliance.
Design of Boarding Houses - General		
P.24 Boarding houses must provide the following facilities within each building: <ul style="list-style-type: none"> Bedrooms Communal laundry facilities Communal kitchen and dining area (one per floor for multi storey boarding houses) Individual ensuite and/or communal bathrooms Communal lounge room (one per floor for multi storey boarding houses) Communal garbage storage and recycling facilities Communal outdoor open space area Car parking (as required by this DCP) On-site manager accommodation (where 20 or more lodgers) 	Bedrooms are provided Communal laundry facilities are not indicated on the plans. No communal kitchen and dining area provided per floor Individual ensuites are provided Communal lounges provided on each floor	No

Development Control	Proposal	Comply
	<p>Communal garbage and recycling facilities are located in the basement</p> <p>A communal outdoor open space area is provided at ground level</p> <p>Car parking is provided in accordance with the DCP</p> <p>Two (2) on-site manager rooms are provided</p>	
Minimum Size and Design for Bedrooms		
P.35 The minimum size for a bedroom	The proposal provides the minimum room sizes.	Complies
P.37 No boarding room is to have a gross floor area (excluding any area used for an ensuite, bathroom or kitchenette) of more than 25m ² . NOTE: The maximum gross floor area does not apply to on-site resident manager accommodation.	Maximum room size over 30m ² excluding ensuites and kitchenette.	No
Minimum Size and Design for Internal Communal Living Areas and External Recreation Areas		
<p>Internal Communal Living Area</p> <p>All boarding houses are to provide a common living area of a minimum 20m² in area, with a further 1.5m² provided per resident where resident numbers exceed 12 persons.</p>	<p>The proposal will accommodate a maximum of 437 lodgers excluding managers, thereby requiring an internal communal area of 20m² + (425 x 1.5m²) = 657.5m².</p> <p>The common living area is 334.5qm.</p>	No
<p>Location of Internal Communal Living Area/s</p> <p>Communal living area/s must be located on the ground floor and are to be located near commonly used spaces or adjacent to the communal outdoor open space. An additional communal living area shall be provided on each level for multi-storey Class 3 level boarding houses.</p> <p>Communal living area/s should have a northerly aspect where possible and should be located where they will have a minimal impact on adjoining properties in terms of noise generation and visual privacy.</p>	<p>The common living area is located at ground floor with access to the communal open space.</p> <p>The living area has a north-south aspect and is unlikely to result in adverse visual or acoustic impacts on neighbours.</p>	<p>Yes</p> <p>Yes</p>
<p>Communal Outdoor Area</p> <p>A communal outdoor area must be provided for all boarding house developments. This space must be provided behind the front setback line.</p> <p>The communal outdoor area shall have a minimum area of 20m², with a minimum dimension of 3 metres.</p>	<p>The communal open space is located adjacent to the eastern boundary property and is in excess of 20sqm.</p>	Complies.

Development Control	Proposal	Comply
Access for People with Disabilities		
P.57 Wheelchair accessible/adaptable bedrooms with an ensuite bathroom shall be provided in all new boarding house developments (including building conversions, substantial alterations and additions or intensification of an existing development) at the rate of 1 per 10 bedrooms (or part thereof). At minimum, 1 wheelchair accessible/adaptable bedroom with ensuite bathroom shall be provided.	Twenty-Five (25) accessible rooms are required. Nine (9) accessible boarding rooms are provided.	No
Car and Bicycle Parking		
P.62 Car parking spaces and bicycle storage spaces shall be provided and designed in accordance with the standards referred to in Section 3.6.2 of this DCP. <ul style="list-style-type: none"> 1 space per 10 boarding rooms; plus 1 space per resident manager / caretaker (where applicable); 1 space for any vehicle operated by the facility; plus 1 motorcycle space per 5 boarding rooms 	Refer to assessment above	Complies
Signage		
P.78 Signage will be limited to a maximum of one sign per street frontage, detailing only the name and address of the premises and contact details of the managing	Signage does not form part of this application.	N/A
Strata Subdivision		
P.81 As a boarding house is required to be maintained and operated in a single entity; strata subdivision of a boarding house is not permitted.	Subdivision does not form part of this application.	N/A

11. Planning Agreements

The site is the subject of a Voluntary Planning Agreement for the dedication to Council, of land at the rear of the site for use as Public Recreation.

The dedication of the land does not exclude the development from Section 7.11 or Section 7.12 Contributions.

Until such time that the Planning Proposal is gazetted, it would not be premature to approve the current development application.

12. The Regulations

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection would have been addressed by appropriate consent conditions if recommended for approval.

13. The Likely Impacts of the Development

The likely impacts of the development have been considered in this report.

14. Site Suitability

The proposed development is not considered suitable for the site for the following reasons:

- The scale of the development is beyond the current planning controls for the site;
- A suitable method of stormwater drainage has not been designed for the site which minimise impact to the nearby Baludarri Wetlands;
- The Planning Proposal on site is not yet finalised.

15. Submissions

The application was notified and advertised in accordance with Council's Consolidated Notification Requirements. The advertisement was between 28 April 2021 and 26 May 2021.

A total of 21 unique submissions were received, including a petition with 171 signatures.

The public submission issues are summarised and commented on as follows:

Issues Raised	Comment
Traffic Increases	According to the RMS Guide for Traffic Generating Development, the proposal would result in a net increase of 69 vehicle trips during the peak hours. Council's Traffic Engineer does not raise any specific concerns with respect to the increase in traffic generation. Transport for NSW advises that the increase in traffic would not affect the operation of the classified road network. Traffic generation has not been included as a reason for refusal, however it is noted under Section 5 that the traffic generation from the development application is over double the expected increase assumed in the Planning Proposal.
Lack of on-street parking	The proposed development does not provide 119 parking spaces. However, the variation represents less than 5% variation to the amount of parking required (115 required spaces vs 119 spaces provided). If the application were to be approved, a condition of consent would have been recommended that the site is removed from Council's Resident Parking Permit Scheme.
Loss of Privacy	The proposed development provides setbacks to the side boundaries in excess of the requirement under the Apartment Design Guide. The increase in density on the site will result in some privacy impacts to the adjoining low density residential properties, however in this instance, a development compliant with the current planning controls would be considered acceptable.
Excessive Scale	Council agrees that the proposed development is excessive in scale when considered against the current planning controls and has been included as a reason for refusal.
Overshadowing	The proposed development would result in an increase in shadows cast over adjoining properties, however each property would continue to receive 3 hours of sunlight throughout mid-winter.
Potential increase in Flooding	Council's Senior Catchment Engineer has considered the potential flooding on site and raises no objection to the development with respect to flooding subject to additional information related to evacuation. In its current form, the application does not propose an appropriate stormwater management system and has been included as a reason for refusal.
Reduce property values	This is not a matter for consideration under Section 4.15 of the EP&A Act 1979
Safety from occupants	Council is not in a position to regulate the profession or personal history of future residents within a boarding house.
Proximity to services	Council generally agrees that the development is not in close proximity to essential services with the exception of Western Sydney University campus.
Structural integrity of	If the application were to be supported, conditions of consent would have

adjoining sites		been recommended that a series of dilapidation reports are prepared before and after works. The application was accompanied by a Geotechnical Report which indicates that the site is capable of accommodating the scale of the development.
Noise impacts from additional residents		The proposed internal gym, café, convenience store, and hair salon are central in the footprint of the building where the exterior walls of the development form acoustic barriers. The operational noise impacts from the development would be manageable through conditions of consent if the application were to be approved.
Impacts on Mangroves		Council has not been provided sufficient information to undertake a full and proper assessment of the impacts from the development on the adjoining Mangroves and Wetlands
No details of affordability of housing	of	Although the application is made pursuant to the Affordable Rental Housing SEPP, the boarding house is not required to be 'affordable' as defined within the SEPP. If the application were made under the Housing SEPP 2021, the development would be more appropriately defined as 'co-living housing'.

16. Public interest

The proposed development is not in the public interest as it does not meet statutory requirements for the granting of development consent under ARH SEPP and proposes multiple non-compliances with the environmental planning instruments that applies to the site. The applicant has not provided sufficient information within a reasonable timeframe to enable assessment of the application.

17. 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.

18. Developer Contributions

Section 7.12 'Fixed Development Consent Levies' of the Environmental Planning and Assessment Act 1979 allows Council to collect monetary contributions from developers towards the provision, extension or augmentation of public amenities or public services in accordance with a contributions plan. The Parramatta Section 94A Development Contributions Plan (Amendment No. 5) requires the payment of a levy equal to 1% of the cost of a development.

As the development application is recommended for refusal, no development contributions are required.

19. Summary and Conclusion

The application has been assessed against sections 4.15 and 4.22 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 do not have sufficient information to be satisfied that the development is capable of compliance with the applicable statutory planning framework.

It is considered that the proposal is preliminary and does not adequately resolve site planning issues related to biodiversity, stormwater drainage, earthworks and built form.

The proposal does not adequately respond to the site constraints and does not satisfy statutory requirements for development consent to be granted.

For these reasons, it is considered that the proposal is not satisfactory having regard to the matters of consideration under Section 4.15 and 4.22 of the Environmental Planning and Assessment Act 1979 and is recommended for refusal.

20. Recommendation

A. **That** the Parramatta Local Planning Panel, exercising the function as the consent authority, **refuse** consent to Development Application No. DA/312/2021 for Demolition of existing structures, tree removal and construction of two x 7 storey boarding house buildings consisting of 237 boarding rooms over 2 levels of basement parking and land dedication as part of a VPA for the site at 85-91 Thomas Street, PARRAMATTA NSW 2153 for the following reasons:

1. **Biodiversity Conservation Act 2016**
 - a) Part 6 – Insufficient information provided whether the Biodiversity Offset Scheme is triggered
 - b) Insufficient information provided with respect to impacts of illumination on nocturnal fauna and likelihood of bird collisions
2. **Fisheries Management Act 1994**
 - a) Part 7 and 7A – The Department of Primary Industries (Fisheries) is not satisfied that the development complies with the Aquatic Habitat Protection and Threatened Specific Conservation provisions of the Fisheries Management Act 1994 and refused to issue General Terms of Approval.
3. **State Environmental Planning Policy (Affordable Rental Housing) 2009**
 - a) Clause 29(1)(c) - The proposal exceeds the maximum Floor Space Ratio on site
 - b) Clause 29(2)(a) - The proposal exceeds the maximum Building Height on site
 - c) Clause 30(1)(b) - A number of boarding rooms exceed 25m² in area excluding en-suites and kitchens
 - d) Clause 30A – The development is not in keeping with the desired future character of the area
4. **Sydney Regional Environmental Plan (Sydney Harbour Foreshore) 2006**
 - a) Division 2 and Part 6 – Insufficient information has been submitted for Council to be satisfied that the development will not have an unreasonable impact on the adjoining wetlands and mangroves.
5. **Parramatta Local Environmental Plan 2011**
 - a) Clause 2.3 – The development in its current form is not in keeping with the objectives of the R4 High Density Residential zone
 - b) Clause 2.5 – The proposed scale of the ground floor café is not permissible within the R4 High Density Residential Zone.
 - c) Clause 4.3 – The proposed development exceeds the 11m building height development standard
 - d) Clause 4.4 – The proposed development exceeds the 1.3:1 floor space ratio development standard
 - e) Clause 4.6 – No Clause 4.6 justification was submitted to justify the variation to both Clause 4.3 and Clause 4.4 development standards
 - f) Clause 5.10 – Insufficient information has been provided for Council to be satisfied with any impact to the heritage listed *Wetlands* adjoining the site
 - g) Clause 6.2 – Insufficient information has been provided with respect to the extent of earthworks and retaining walls on site.
 - h) Clause 6.4 - Insufficient information has been submitted for Council to be satisfied that the development is designed, sited, and will be managed to avoid, minimise, or mitigate any impacts to the adjoining wetlands
6. **Parramatta Development Control Plan 2011**
 - a) Insufficient information was submitted to assess impacts on biodiversity
 - b) Insufficient information was submitted to assess impacts on stormwater drainage and whether appropriate water sensitive urban design measures will be implemented.

- c) Access for people with disabilities is not adequately addressed.
- d) The scale of the proposal exceeds the expected form of development under current planning controls
- e) The proposal does not provide all of the required facilities for boarding houses, omitting additional kitchen facilities and additional communal living area facilities.
- f) The internal communal living area does not comply with the minimum area required.
- g) The proposal does not provide the required number of wheelchair accessible rooms.

7. Public Interest

- a) The development is not in the public interest.

B. **That** submitters be notified of the decision.



DA/312/2021

85-91 Thomas Street, Parramatta

Demolition of existing structures, tree removal and construction of two x 7 storey boarding house buildings consisting of 237 boarding rooms over 2 levels of basement parking and land dedication as part of a VPA for the site. The application is made pursuant to SEPP ARH 2009 and is Nominated Integrated development pursuant to the Water Management Act 2000 and the Fisheries Management Act 1994.

DRAWING LIST

00	COVER SHEET
01	PERSPECTIVE
02	PERSPECTIVE
03	SITE CONTEXT PLAN
04	SITE LOCATION PLAN
05	EXISTING SITE ANALYSIS PLAN
06	PROPOSED PLAN OF SUBDIVISION
07	PROPOSED SITE PLAN
08	PROJECT INFORMATION
09	GROUND FLOOR PLAN
10	LEVEL 1 FLOOR PLAN
11	LEVEL 2 & 3 FLOOR PLAN
12	LEVEL 4-5 FLOOR PLAN
13	LEVEL 6 FLOOR PLAN
14	BASEMENT 2 FLOOR PLAN
15	BASEMENT 1 FLOOR PLAN
16	SECTION A: WEST BLOCK
17	SECTION B: WEST BLOCK
18	SECTION C: EAST BLOCK
19	STREET MASSING ELEVATIONS
20	MASSING ANALYSIS
21	NORTH ELEVATION
22	SOUTH ELEVATION
23	EAST ELEVATIONS
24	WEST ELEVATIONS
25	TYPICAL ROOM TYPES
26	SOLAR & SHADOW IMPACT DIAGRAMS - PART 1
27	SOLAR & SHADOW IMPACT DIAGRAMS - PART 2
28	COMMUNAL OPEN SPACE SHADOW DIAGRAMS
29	SHADOW DIAGRAMS



PROPOSED DEVELOPMENT APPLICATION FOR CO-LIVING FACILITY

85-91 THOMAS STREET, PARRAMATTA

DECEMBER 2020

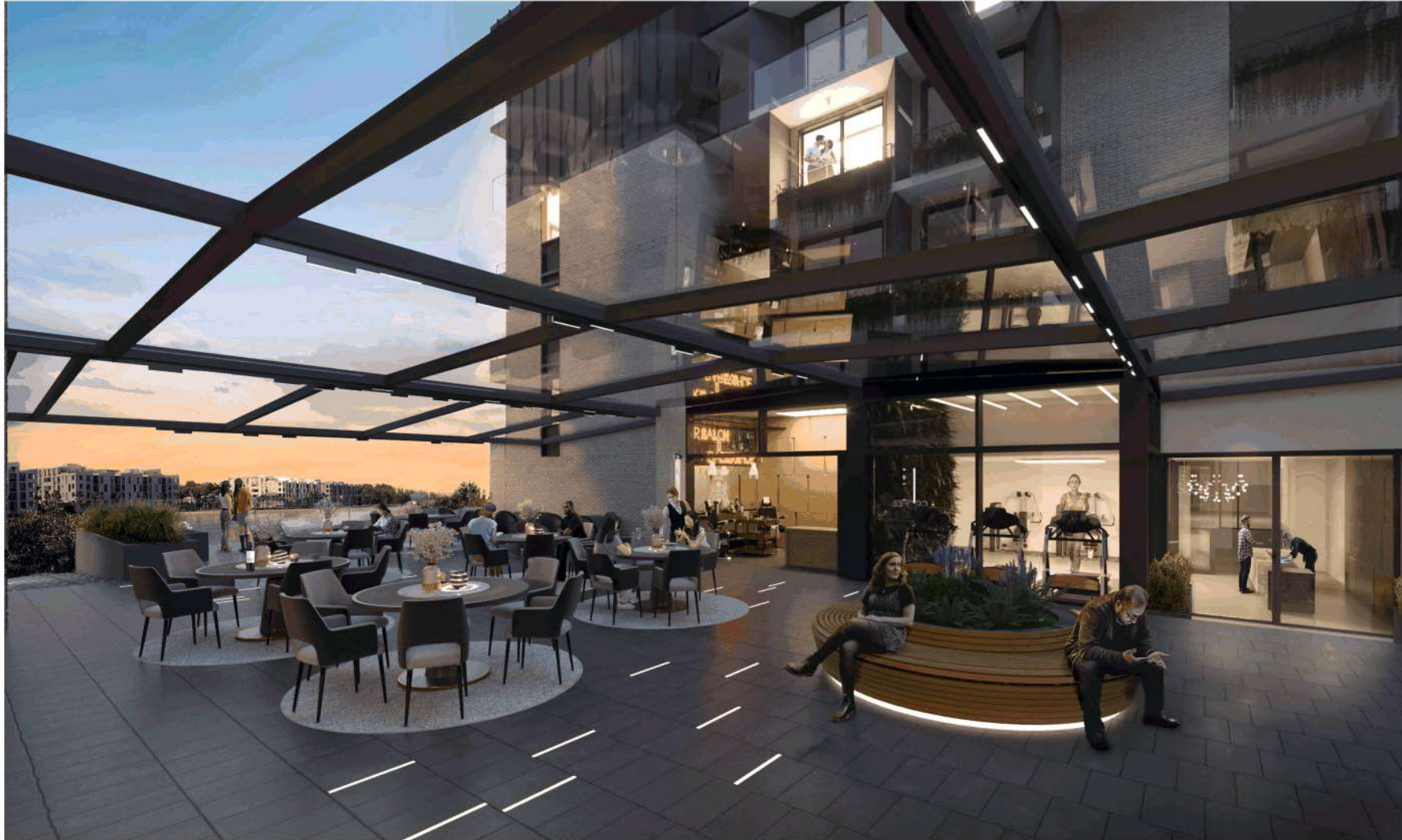
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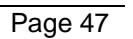
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**PROPOSED CO-LIVING DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
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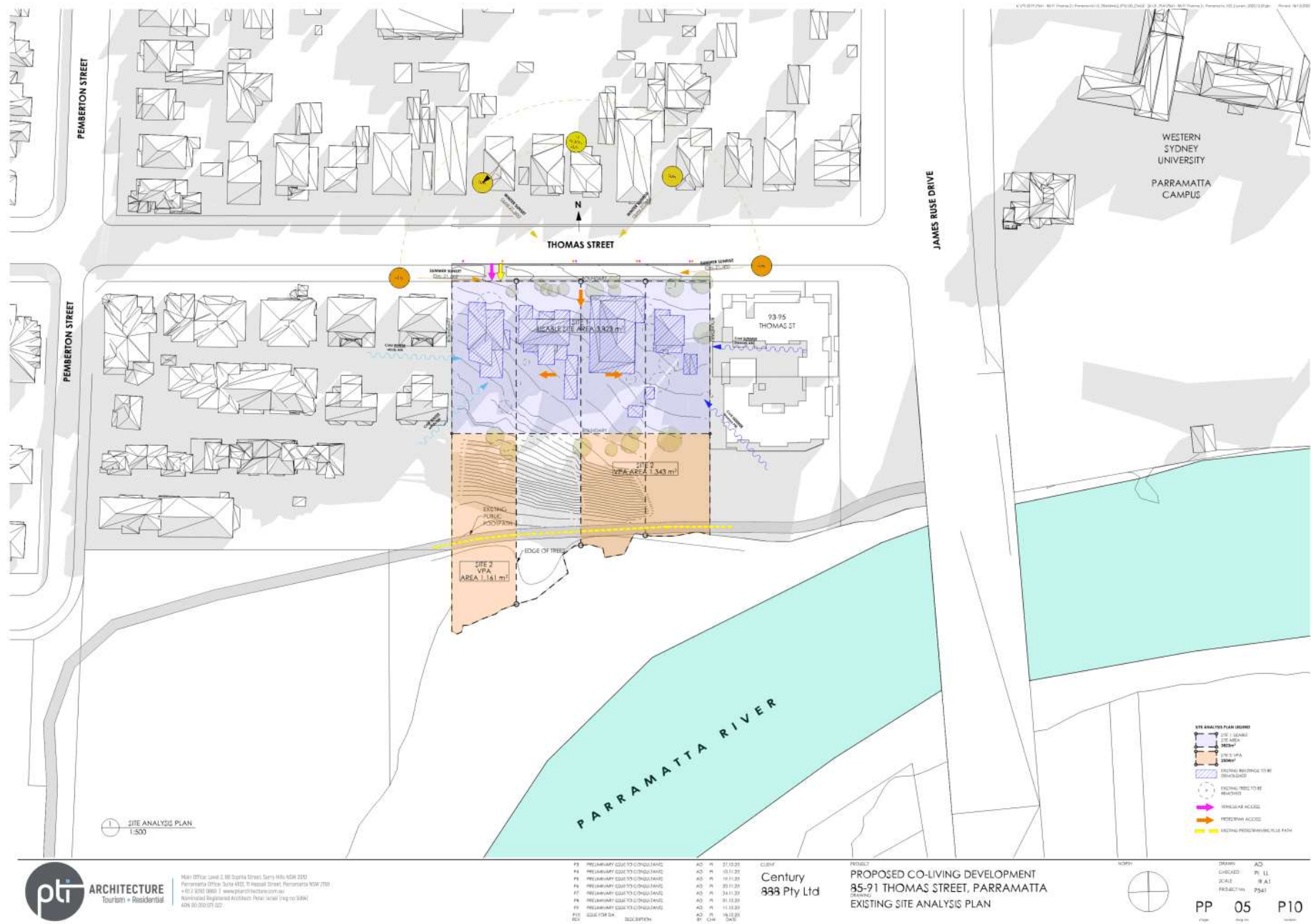
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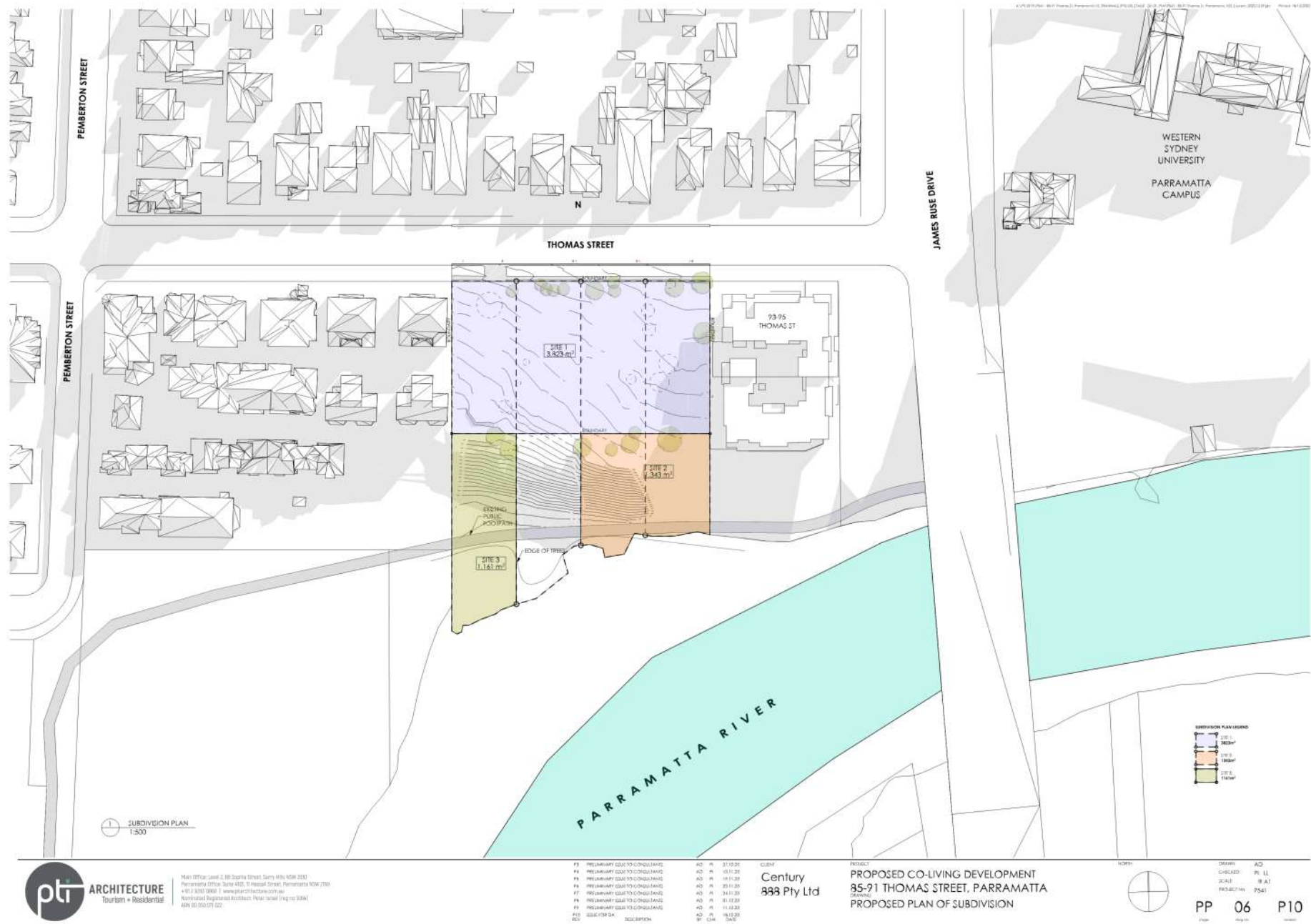
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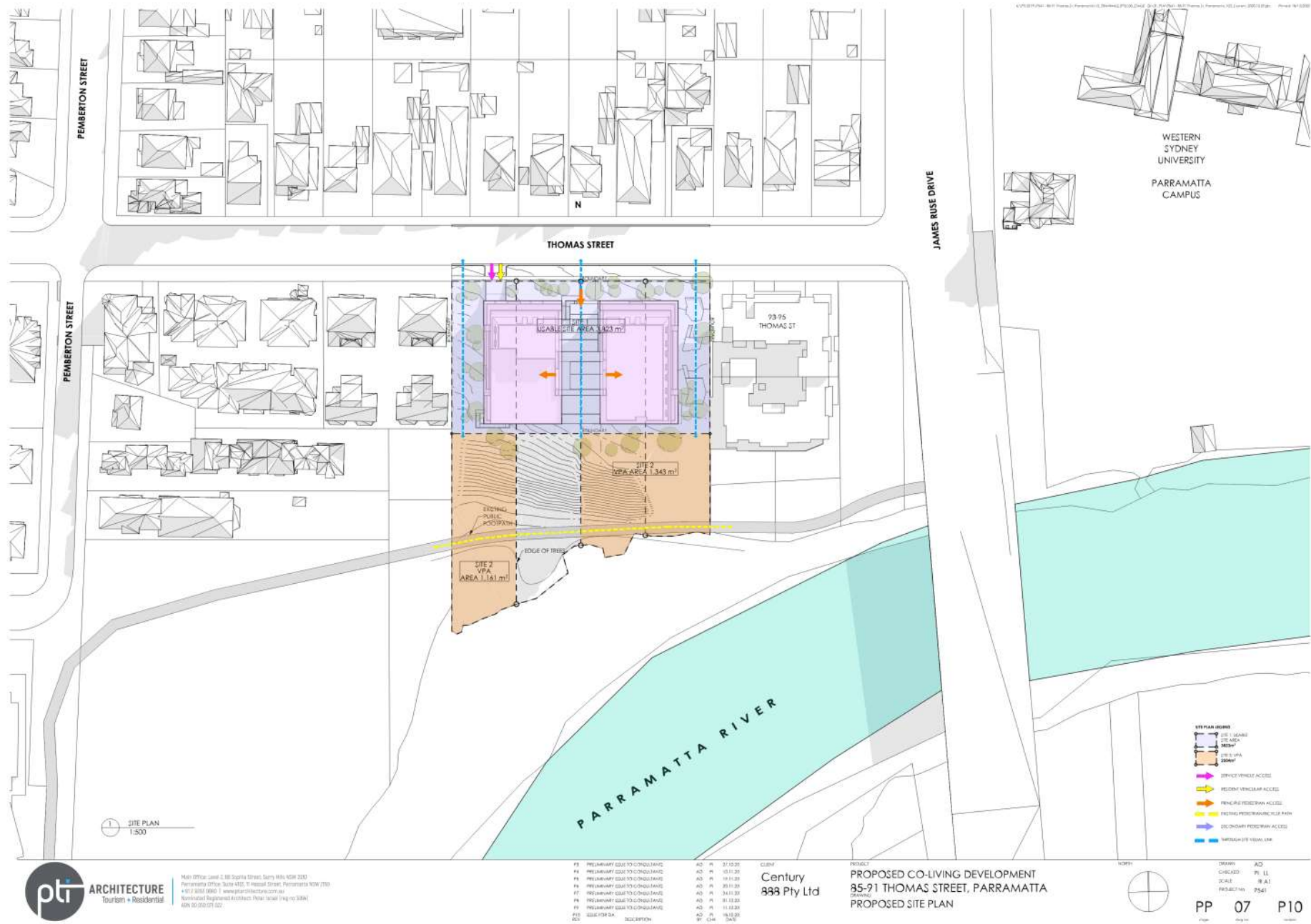
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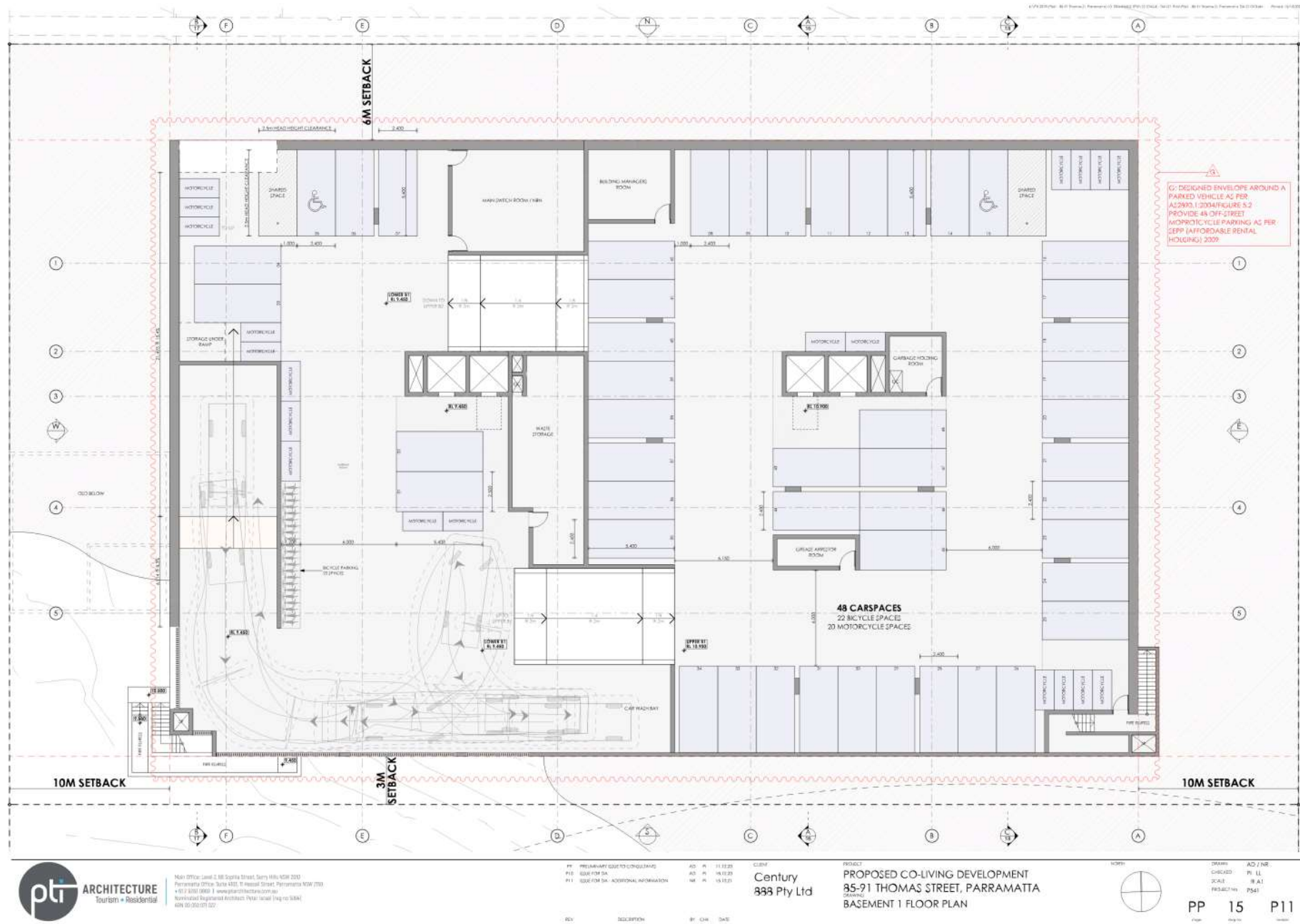


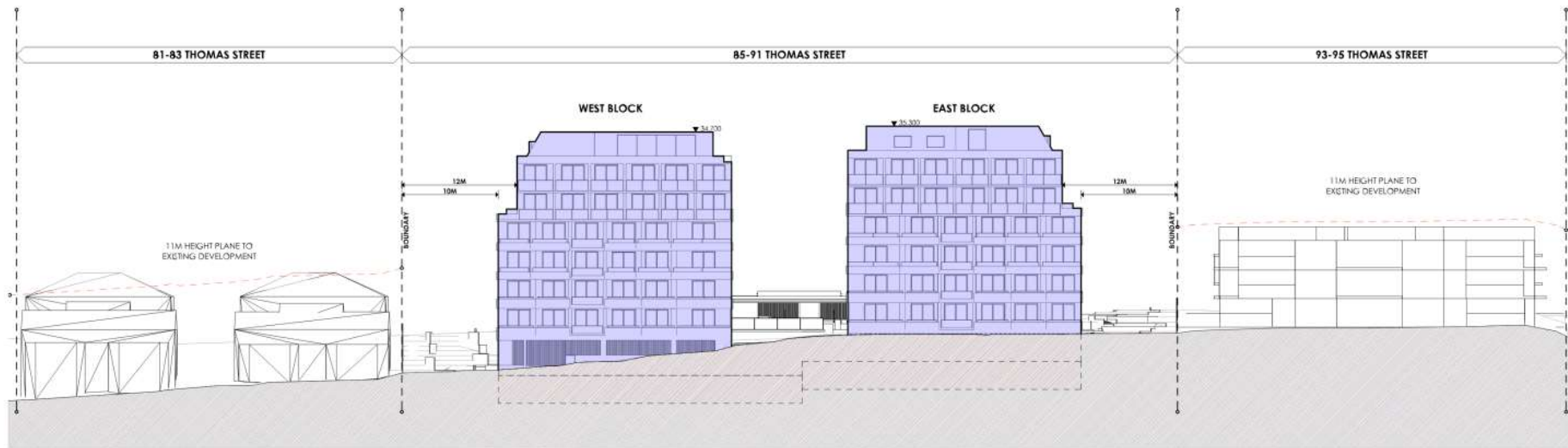












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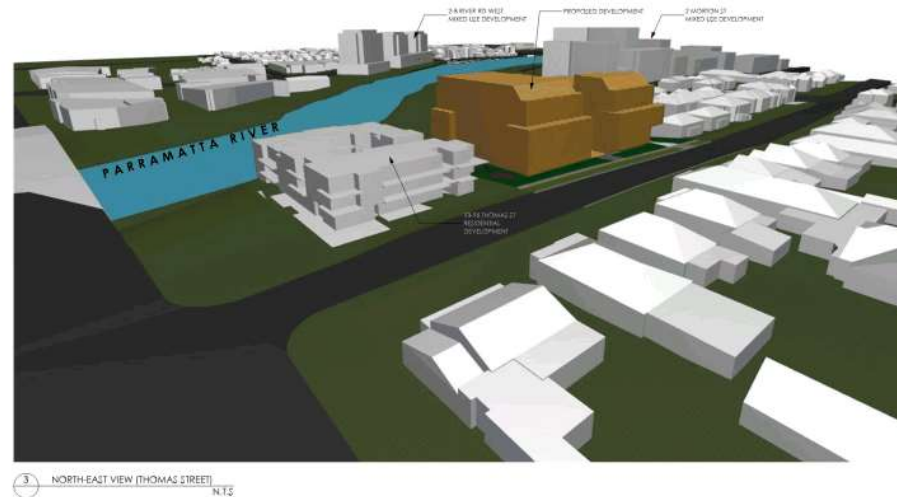
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PROPOSED CO-LIVING DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
STREET MASSING ELEVATIONS

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APN 55-050-071-002

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PROJECT
PROPOSED CO-LIVING DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
DRAWING
NORTH ELEVATION

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Page	Page No	Sheet



01 - BRICKWORK: PGM MONADA CERISE SPATE OR SIMILAR



02 - WALL CLADDING: HDBL POWER PATTERN WITH ROVERED AND PAINT FINISH - COLOUR IN LUSKY BLACK OR SIMILAR



03 - BALCONY CLADDING: ESSENTIAL CLADDING COLOUR URBAN GREY OR SIMILAR



04 - BLADE WALLS: DULUX PAINT FINISH COLOUR CHAMPAIN / LINED WHITE QUARTER OR SIMILAR



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P7	PRELIMINARY ELEVATION TO CONSULTATION	11.10.20
P10	ISSUE FOR QA	16.10.20
P11	ISSUE FOR QA	31.10.20

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PROJECT
PROPOSED CO-LIVING DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
SOUTH ELEVATION

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22 - WALL CLADDING: HIBEL POWER PATTERN WITH FINISHED AND PAINT FINISH - COLOUR DULUX BLACK OR FINEAR



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PROPOSED CO-LIVING DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
EAST ELEVATIONS

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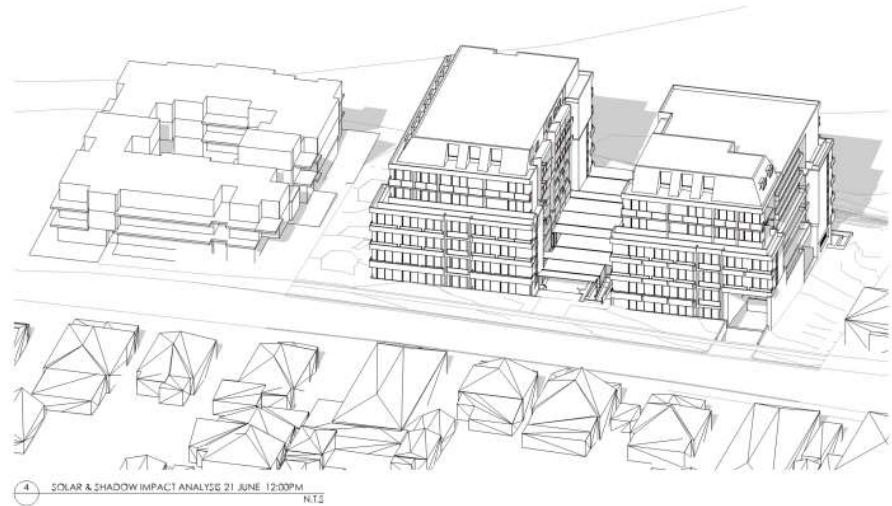
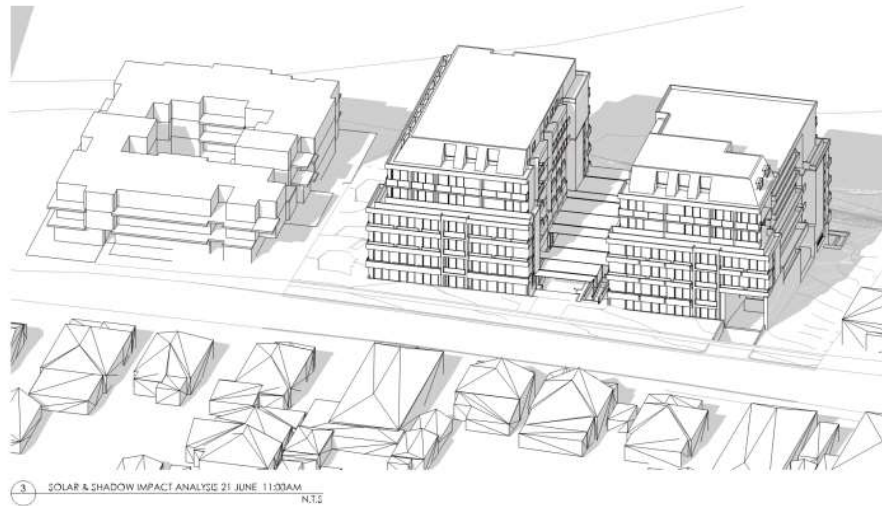
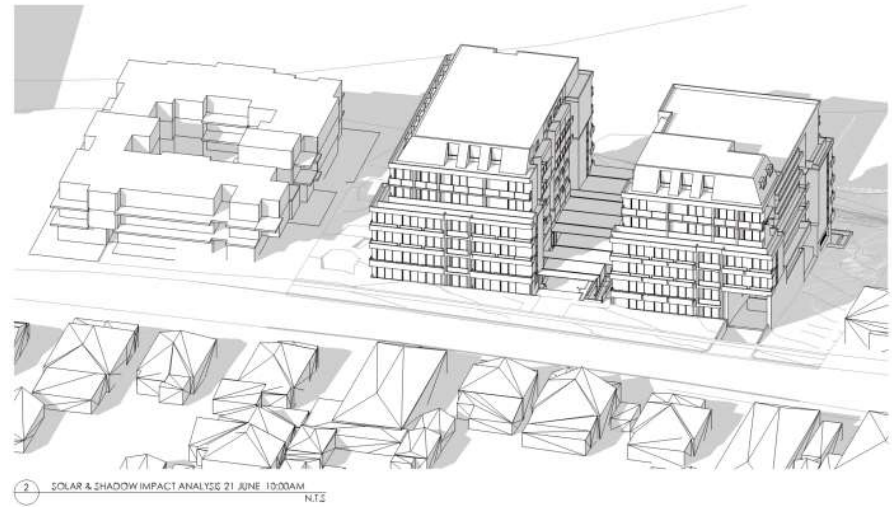
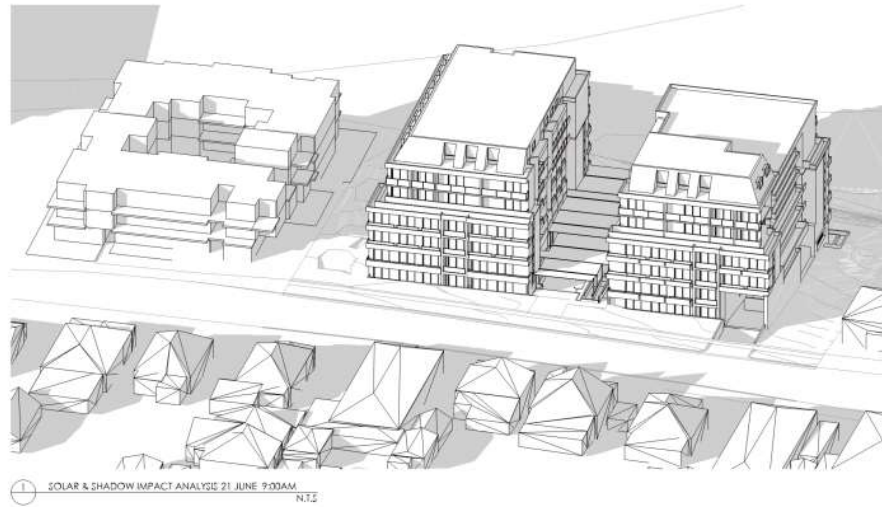
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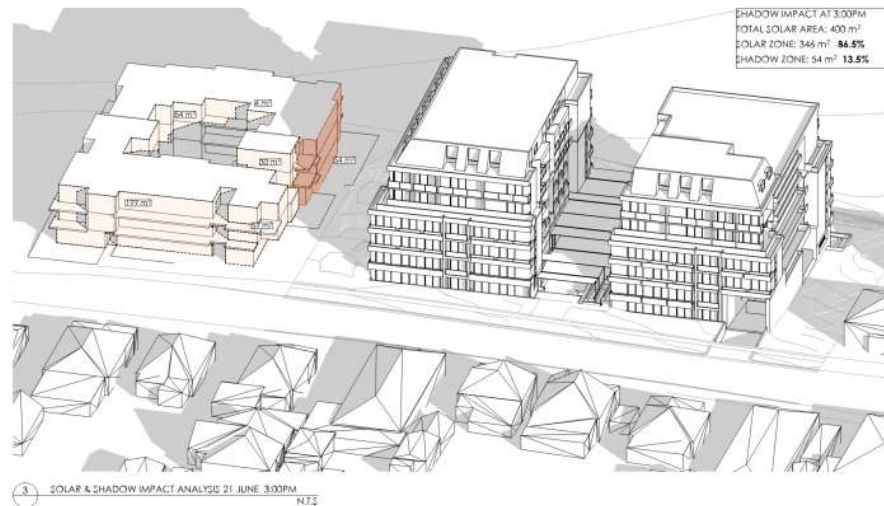
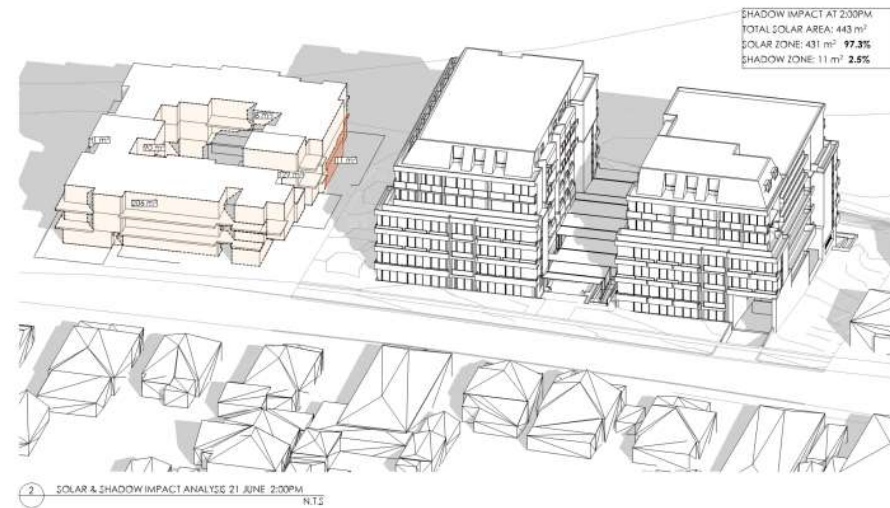
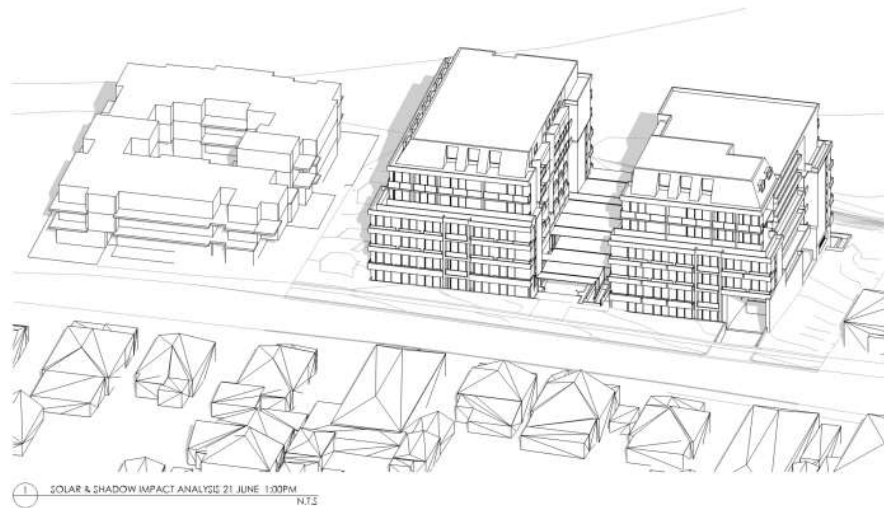
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06	11.10.20	PRELIMINARY ISSUE TO CONSULTANTS
07	14.10.20	ISSUE FOR QA
08	17.10.20	ISSUE FOR QA

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PROJECT
PROPOSED CO-LIVING DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
(DRAWING)

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Page	Page No	Section





LEGEND



NOTE:

THIS IS A STUDY OF THE SOLAR IMPACT OF THE PROPOSED DEVELOPMENT ONTO THE EASTERN NEIGHBORING BUILDING, USING A SIMPLE PERCENTAGE FIGURE OF EXISTING SOLAR ACCESS COVERAGE TO THE PROPOSED OVERSHADOWING COVERAGE PER HOUR. THE OVERALL MEAN SHADOW IMPACT IS LESS THAN 20%.



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PROJECT
PROPOSED CO-LIVING DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
SOLAR & SHADOW IMPACT DIAGRAMS
- PART 2

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9AM SHADOW STUDY



10AM SHADOW STUDY



11AM SHADOW STUDY



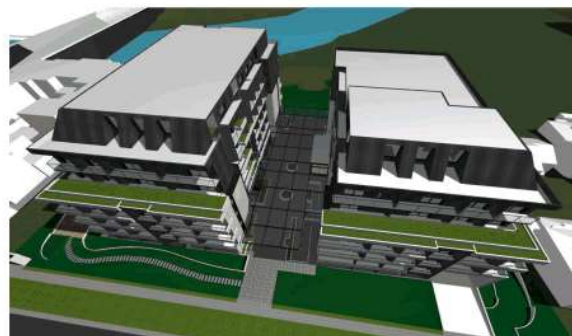
12PM SHADOW STUDY



1PM SHADOW STUDY



2PM SHADOW STUDY



3PM SHADOW STUDY

CENTRAL COMMUNAL OPEN SPACE ON GROUND FLOOR RECEIVES DIRECT SUNLIGHT ON THE 21ST JUNE BETWEEN 9AM TO 3PM THEREFORE COMPLIES WITH THE SEPP FOR AFFORDABLE HOUSING. REFER TO DRAWING 30 FOR CALCULATION TABLE AND DIAGRAMS.

1
A
AMOUNT OF SOLAR ACCESS THAT COMMUNAL AREA WILL RECEIVE



Main Office: Level 2, 88-90 Phillip Street, Sydney NSW 2000
Parramatta Office: Suite A101, 11 Rossall Street, Parramatta NSW 2150
+61 2 9553 5880 | www.phillipstreet.com.au
Non-Residential Registered Architects (Parramatta) (Reg No 5084)
ARN 00 000 000 000

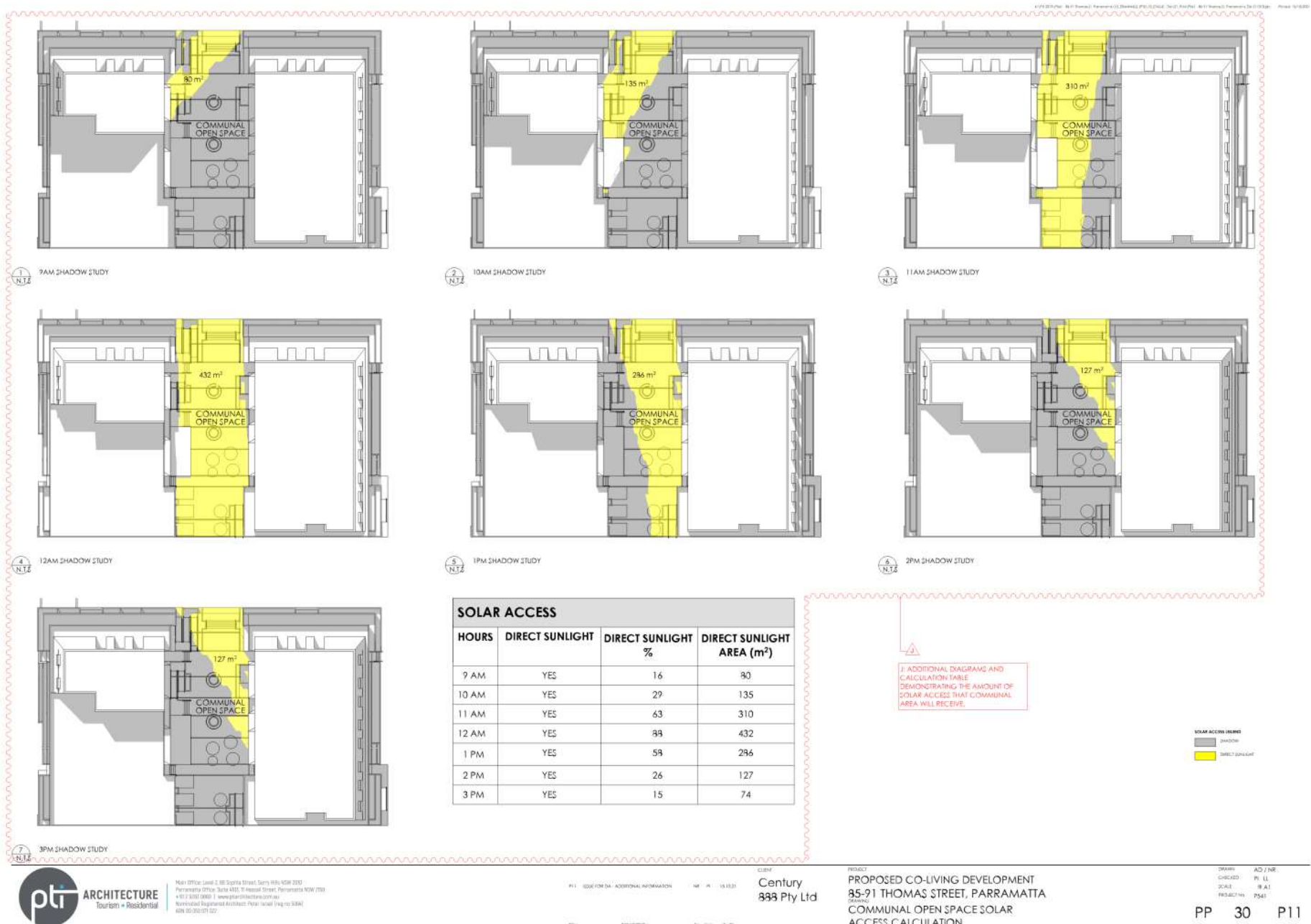
REV PRELIMINARY QUOTE FOR CONSULTATION
P1.0 QUOTE FOR DA
P1.1 QUOTE FOR DA - ADDITIONAL INFORMATION

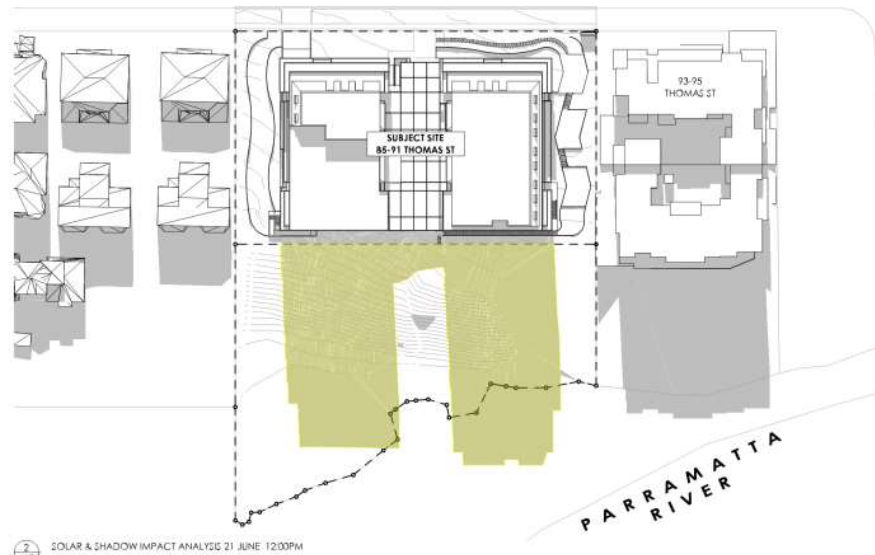
ADN 11.12.20
ADN 14.12.20
ADN 15.12.20

CLIENT
Century
833 Pty Ltd

PROJECT
PROPOSED CO-LIVING DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
(DRAWING)
COMMUNAL OPEN SPACE SHADOW
DIAGRAMS

DRAWN BY AD / NR
CHECKED BY LL
DATE 19.12.20
P1.0.01/100
P1.1
PP 28 P11
Page 28 of 100





SHADOW IMPACT LEGEND
 EXISTING SHADING
 ADDITIONAL SHADOW CAST BY PROPOSED BUILDING



Main Office: Level 2, 888 Sydney Street, Sydney NSW 2000
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 + 61 2 9350 2880 | www.ptarchitecture.com.au
 Non-qualified Registered Architects (Preliminary Stages)
 A/NZ 05 050 075 000

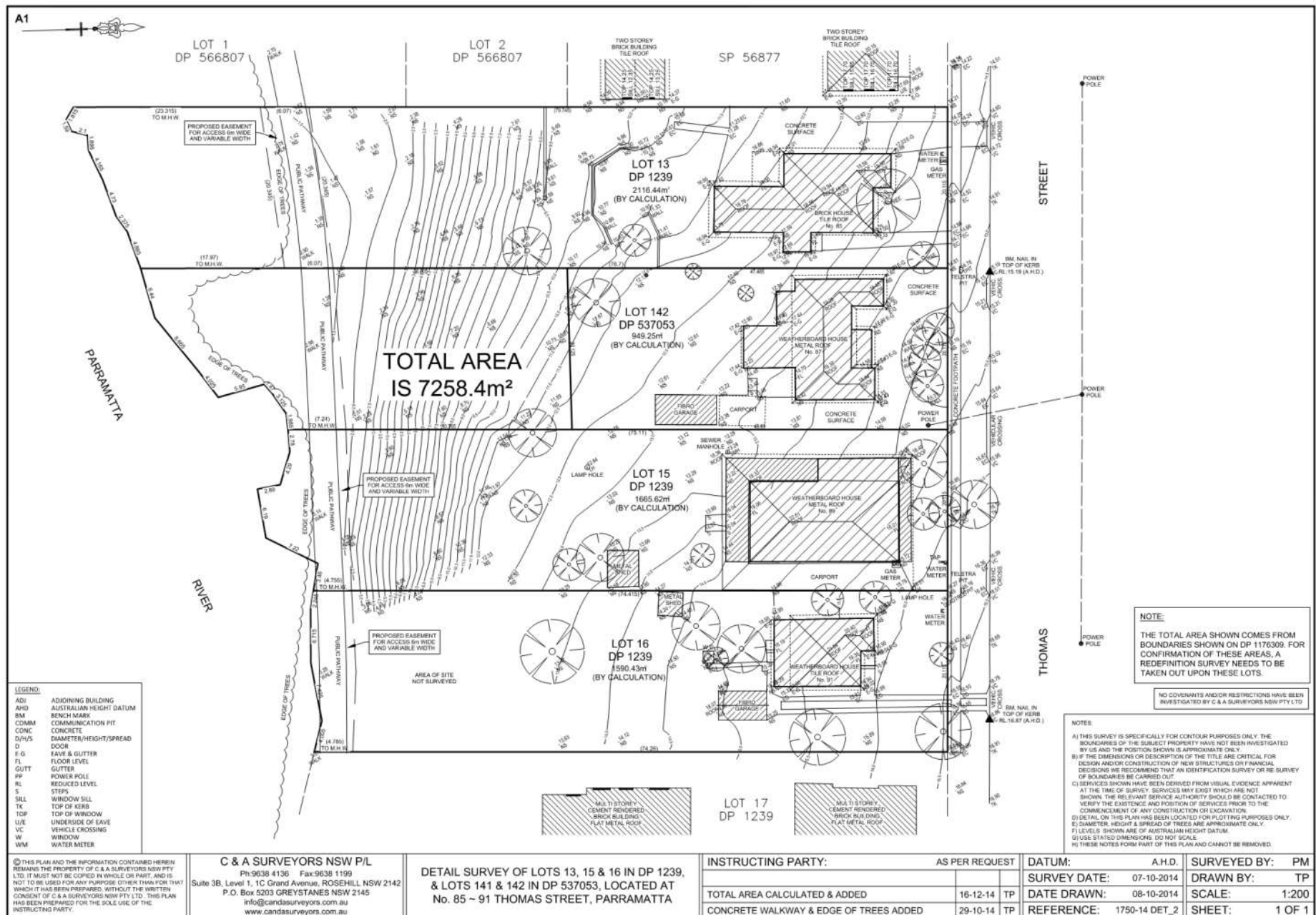
REV	DESCRIPTION	DATE
P1	PRELIMINARY ISSUE FOR CONSULTATION	31.12.20
P2	PRELIMINARY ISSUE FOR CONSULTATION	10.11.21
P3	PRELIMINARY ISSUE FOR CONSULTATION	10.11.21
P4	PRELIMINARY ISSUE FOR CONSULTATION	20.11.21
P5	PRELIMINARY ISSUE FOR CONSULTATION	24.11.21
P6	PRELIMINARY ISSUE FOR CONSULTATION	31.12.21
P7	PRELIMINARY ISSUE FOR CONSULTATION	11.12.21
P8	PRELIMINARY ISSUE FOR CONSULTATION	14.12.21
P9	PRELIMINARY ISSUE FOR CONSULTATION	14.12.21
P10	ISSUE FOR SH.	31.12.21

REV	DATE
A1	31.12.20
A2	10.11.21
A3	10.11.21
A4	20.11.21
A5	24.11.21
A6	31.12.21
A7	11.12.21
A8	14.12.21
A9	14.12.21
A10	31.12.21

Century
888 Pty Ltd

PROJECT
 PROPOSED CO-LIVING DEVELOPMENT
 85-91 THOMAS STREET, PARRAMATTA
 SHADOW DIAGRAMS

REV	DATE	REV	DATE
PP	29	P10	
Page	Page 29	Page	Page 29



PROPOSED CO-LIVING DEVELOPMENT

85 - 91 Thomas Street Parramatta NSW 2150

Landscape Development Application Drawing

DRAWING SCHEDULE

DWG NO.	DRAWING TITLE	SCALE
000	COVER SHEET	
C101	COLOUR LANDSCAPE PLAN - Ground Floor	1:150
101	LANDSCAPE PLAN - Ground Floor	1:150
102	LANDSCAPE PLAN - Level 1	1:100
103	LANDSCAPE PLAN - Level 2 & 3	1:100
104	LANDSCAPE PLAN - Level 4 & 5	1:100
105	LANDSCAPE PLAN - Level 6	1:100
501	LANDSCAPE SPECIFICATION / INDICATIVE PLANT SCHEDULE	
502	LANDSCAPE DETAILS	As Shown



Location Plan
N.T.S.

NOT FOR CONSTRUCTION

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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not use this drawing. Any requests for variations must be approved by the Landscape Architect for confirmation.

LEGEND

A	For Approval	PH	RS	26.11.2020
Issue	Revised/Description	Drawn	Check	Date

A1

Site Plan

SITE IMAGE



Level 1, 2 & 3
Level 4, 5 & 6
Level 7, 8 & 9
Level 10, 11 & 12
Level 13, 14 & 15
Level 16, 17 & 18
Level 19, 20 & 21
Level 22, 23 & 24
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The contractor shall check and verify all work on site including work by others before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

LEGEND



Key Plan

SITE IMAGE



Client
Century 888 Pty Ltd

Project
Proposed Co-Living Development
85-91 Thomas Street
Parramatta

Drawing Name
Colour Landscape Plan
- Ground Floor

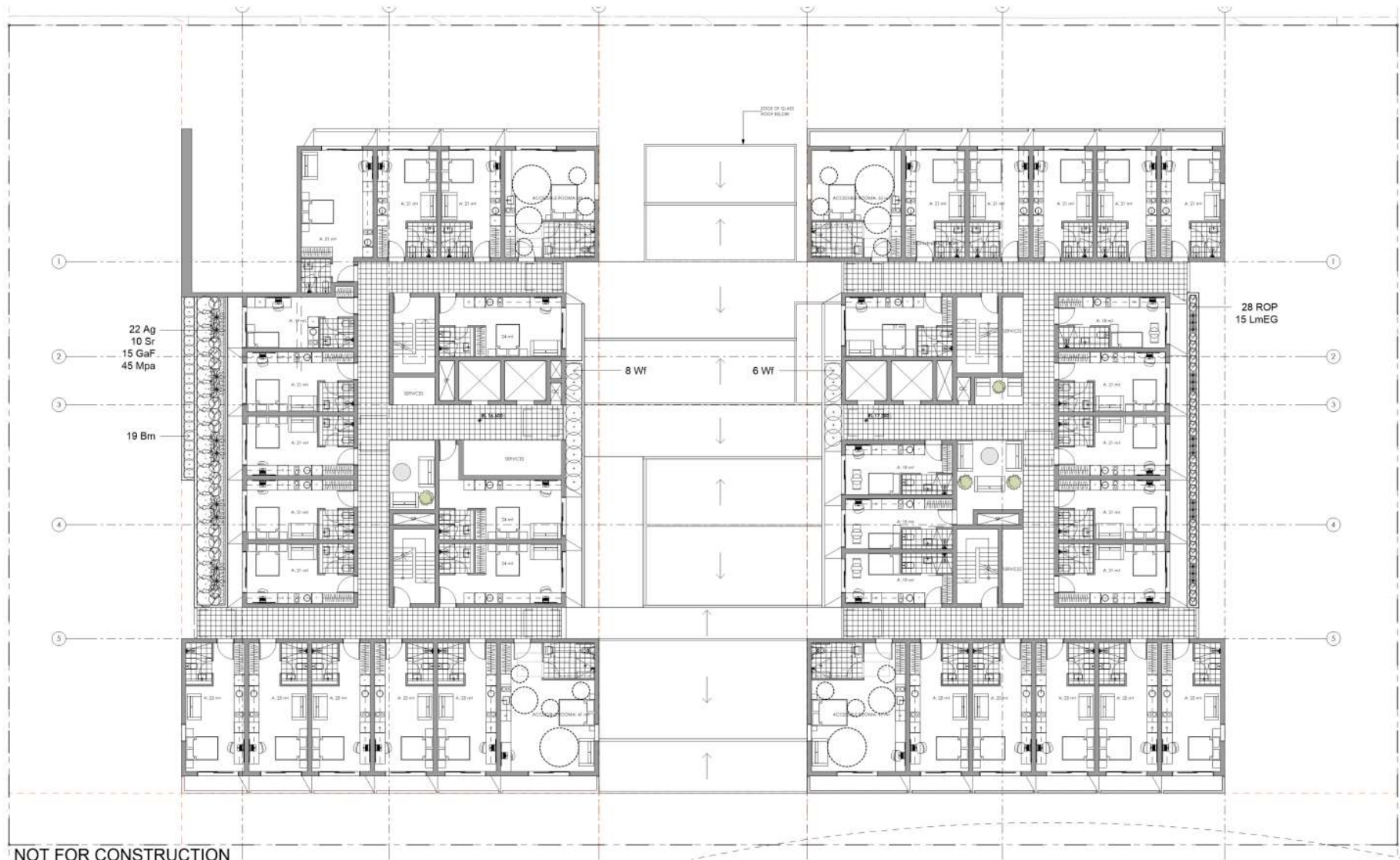
DEVELOPMENT APPLICATION
Scale: 1:150 @ A1
Job Number: SS20-4545
Drawing Number: C101
Issue: A

A1

A For Approval
Note Revision Description

PH RS 26.11.2020
Drawn Check Date





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LEGEND

For Approval
Issue Revision Description

Rev. 01 26/11/2020
Drawn Check Date

Key Plan

SITE IMAGE



Client:
Century 888 Pty Ltd

Project:
Proposed Co-Living Development
85-91 Thomas Street
Parramatta

Drawing Name:
Landscape Plan
- Level 1

DEVELOPMENT APPLICATION
Scale: 1:100 @ A1
Drawing Number: 102 A



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The contractor shall check and verify all work on site (including work by others) before commencing the construction. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

LEGEND

Site Plan

SITE IMAGE



Landscape Architects
Level 1, 15-17 Regent Street
Sydney NSW 2000
Australia
Tel: 02 9232 9000
Fax: 02 9232 9001
www.siteimage.com.au

Client
Century 888 Pty Ltd

Project
Proposed Co-Living Development
85-91 Thomas Street
Parramatta

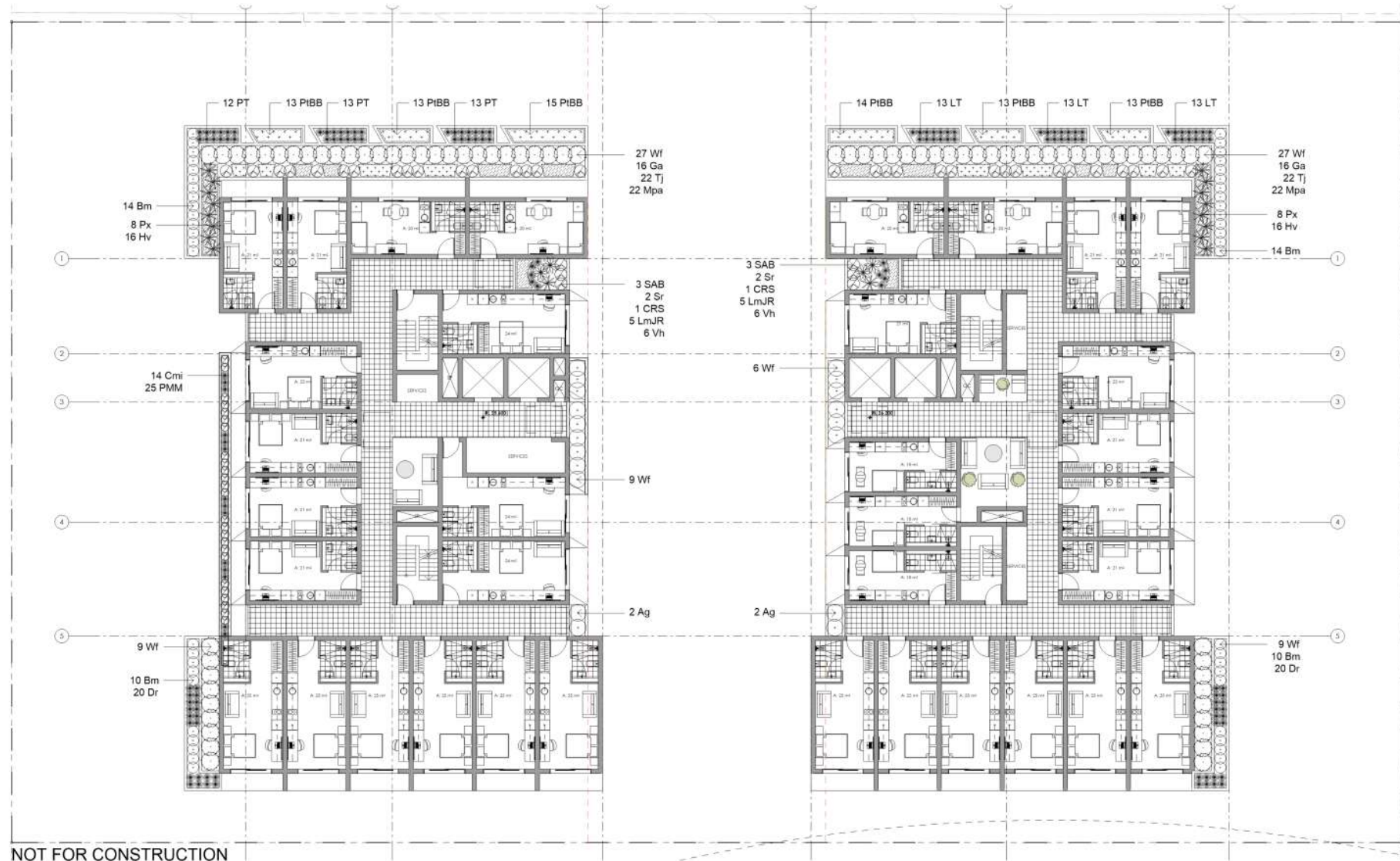
Drawing Name
Landscape Plan
Level 2 & 3

DEVELOPMENT APPLICATION
Scale: 1:100 @ A1
Job Number: SS20-4545
Drawing Number: 103
Sheet: A

A1

A For Approval
Issue Revision-Description

Rev. 05 26/11/2020
Drawn Check Date



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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

LEGEND

Key Plan

SITE IMAGE

Client
Century 888 Pty Ltd

Project
Proposed Co-Living Development
85-91 Thomas Street
Parramatta

Drawing Name
Landscape Plan
Level 4 & 5

DEVELOPMENT APPLICATION
Scale: 1:100 @ A1
Job Number: SS20-4545
Drawing Number: 104
Issue: A

A1

For Approval
Issue: Revision: Description

Rev: 05, 26/11/2020
Drawn: Check: Date:



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LEGEND

Issue	For Approval	Issue	Revision	Description	Drawn	Check	Date

Key Plan:

SITE IMAGE



Landscape Architects
Level 1, 13-15 Regent Street
Sydney NSW 2010
Australia
Tel: 02 9232 9999
Fax: 02 9232 9997
www.siteimage.com.au

Client:
Century 888 Pty Ltd

Project:
Proposed Co-Living Development
85-91 Thomas Street
Parramatta

Drawing Name:
Landscape Plan
- Level 6

DEVELOPMENT APPLICATION
Scale: 1:100 @ A1
Job Number:
SS20-4545
Drawing Number:
105 A

LANDSCAPE SPECIFICATION

GENERAL NOTES

References

All plans and details included in the project documents shall be read in conjunction with this specification. All structural and civil works components of the landscape design shall be referenced to engineers' details and specifications. Read this specification in conjunction with the plant and materials schedules on the drawings. If in doubt about any detail or if conflicts are found in the documents, seek advice.

Workmanship and Materials

The whole of the landscape works shall be carried out by a competent, trained and qualified landscape contractor who is experienced in horticultural practices, landscape construction and planting techniques. The landscape contractor shall hold a current Building Contractors License and/or be a financial member of LNA Landscape Association NSW & ACT or equivalent organisations in other states.

EXISTING TREES AND SHRUBS

Trees and Shrubs to be Retained and Protected

Identify and mark trees and shrubs to be retained using a suitable non-injurious, easily visible and removable means of identification. Protect from damage the trees and shrubs to be retained, including those beyond the site area, both above and below the ground. If a tree becomes damaged during the works or it is proposed to perform work on a tree, give written notice immediately and obtain instructions.

Work near Trees and Shrubs

Keep the area of the dip-line free from construction material and debris. Do not place bulk materials and harmful materials under foliage canopies or near trees. Do not place spoil from excavations against tree trunks. Prevent wind-blown building materials, such as cement, from covering trees and other plants. Do not remove topsoil from, or add topsoil to, the area within the dip-line of trees.

EARTHWORKS

Excavation, Trimming and Filling

Except as otherwise noted in the contract, bulk excavation is excluded from the landscape works. After the completion of bulk excavation by others, trim and fill the excavated ground surfaces to achieve design levels to accommodate finish materials as detailed. Prepare the sub-grade surface as required for the various finished ground treatments.

Sub-soil Drainage

Keep the excavated works drained and free of standing water. Allow to supply and install sub-soil drainage pipes as required for the new works to ensure that all gardens are well drained. Connect the sub-soil drainage pipes to the nearest downstream stormwater pits. Include pipe filter socks and coarse sharp aggregate backfilling of trenches.

HARDWORKS

Furniture, Handrails, Balustrades

Supply and install the scheduled items in accordance with the manufacturer's recommendations, as detailed and in the locations shown on plan. Provide all fixings and fixings required for the items to be stable and in accordance with applicable codes and standards.

Garden Walls, Fences, Steps, TGSs and Edging

Construct garden walls, fences, steps, TGSs and edging as shown on plan, as detailed and of the material scheduled. Provide footings, step nosings, tactile surfaces to comply with standards and applicable legislation. Refer to engineer's details for structural retaining walls, heavy duty slabs, concrete stairs, concrete strength, reinforcing and joint placement.

Continuous, Unit and Loose Pavement

Install the scheduled material pavement to the locations shown on plan. Ensure that all subgrade/subsurface works are complete prior to commencing paving.

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Confer with the engineer to ensure the structural integrity of the subgrade. Ensure that the base course under paved surfaces is a continuous plane offering a constant depth of bedding material not exceeding 50mm.

SOFTWORKS

Soil Testing

Where site soil is to be retrieved from and stored for reuse on site, undertake at least two (2) soil tests, in locations as advised by the Project Manager. Provide results and recommendations regarding soil additives for the benefit of healthy plant growth and to adjust the soil components to achieve an appropriate planting medium for successful plant development.

Subsoil

Excavate and/or fill all garden beds to bring the top of subsoil to at least 300mm below finished design soil levels. Excavate all turf areas to bring the subsoil to at least 100mm below finished design levels. In all areas shape the subsoil to fall to subsoil drains where applicable. Do not excavate within the dip line of trees and shrubs to be retained. Cultivate or rip the subsoil to a further depth of 100mm before placing top soil. Remove stones of size exceeding 25mm, clods of earth exceeding 50mm, and weeds, rubbish or other deleterious material brought to the surface during cultivation. Do not disturb services or existing tree roots. If necessary cultivate these areas by hand. During cultivation, thoroughly mix in materials required to be incorporated into the subsoil, as recommended in the soil testing results and to manufacturer's recommendations. Trim the surface to design levels again after cultivation.

Topsoil

Import topsoil for the garden and turf areas, unless the topsoil can be provided from material recovered from the site, as recommended in the soil testing results. Spread the topsoil on the prepared subsoil and grade evenly, compact lightly and uniformly in 150mm layers. Avoid differential subsidence and excess compaction and produce a finished topsoil surface which has the following characteristics:

- Finished to design levels, allowing for mulch or turf, which is to finish flush with adjoining hard surfaces such as paths and edges;
- Smooth and free from inorganic matter, stones or clods of soil;
- Graded to drain freely, without ponding, to catchment and/or sub-soil drains;
- Graded evenly to adjoining surfaces, and
- Ready for planting.

Compost

Provide, in accordance with AS 4454, well rotted vegetative material or animal manure, free from harmful chemicals, inorganic matter, grass, weeds and the reproductive parts of unwanted plants.

Fertiliser

Provide proprietary fertilisers, delivered to the site in sealed containers marked to show manufacturer or vendor, weight, fertiliser type, N-P-K ratio, recommended uses, application rates and safety procedures. Apply appropriate fertiliser suited to the provenance of plants (indigenous or exotic) included in the design.

Plants

Supply plants in accordance with the landscape design drawings and schedules, which have the following characteristics:

- Large healthy root systems, with no evidence of root curl, restriction or damage;
- Vigorous, well established, free from disease and pests, of good form consistent with the species/variety;
- Hardened off, not soft or forced, and suitable for planting in the natural climatic conditions prevailing at the site in full sun, partial shade or full shade conditions;
- Grown in final containers for not less than twelve weeks;
- Trees, unless required to be multi-stemmed, shall have a single leading shoot; and
- Containers shall be free from weeds and of

appropriate size in relation to the specified plant size.

Plant Installation

Following excavation of the planting hole, place and spread 15gms of wetting agent pre-mixed with one (1) litre of water. Place the plant correctly orientated to north or for best presentation. Backfill the planting holes with specified topsoil mixture. Lightly tamp and water to eliminate air pockets. Ensure that the backfill soil is not placed over the top of the root ball and that the root ball is not higher than the soil in which it is placed. Apply fertiliser, as specified around the plants in the soil at the time of planting.

Embankment Stabilisation

Where necessary and shown on the drawings prevent soil erosion or soil movement by stabilising embankments as follows. As a minimum this should be on slopes steeper than or equal to 1:3 gradient. Stabilise embankments using biodegradable fibre reinforced heavy weight jute fabric. Lay fabric from top to bottom of slope. Install in accordance with manufacturer's specification, including 300 x 300mm anchor trench at top and bottom of slope, backfilled with soil over the fabric and compacted into the trenches. Using U-shaped galvanised steel pegs at 1000 mm centres generally and 250mm centres at edge overlaps, secure the fabric to the prepared soil surface. Plant through the fabric after it is installed.

Root Barrier

Supply and install root control barriers to all new tree plantings adjacent to walls, paths, kerbs and all service trenches, where their proximity poses a threat to the stability of the built infrastructure. Install in accordance with manufacturer's recommendations.

Mulch

Unless noted otherwise, mulch shall be approved proprietary recycled wood fibre or pine bark material. Place mulch in all garden beds to a depth of 75mm after all specified plants are installed. Keep mulch clear of all plant stems and rake to an even plane, flush with the surrounding surfaces evenly graded between design surface levels. Over fill to allow mulch to settle to the specified depth.

Stakes and Ties

Stakes shall be durable hardwood, straight, free of knots and twists, pointed at one end, in the following quantities and sizes for each of the various plant pot sizes:

- Plants (>25 lt): 1 off 38 x 38 x 1200mm;
- Semi-advanced plants (>75 lt): 2 off 50x50x 1800mm;
- Advanced (>100 lt): 3 off 50 x 50 x 2400mm.

Turf

Turf shall be delivered to site as 25mm minimum thick cut rolls. Obtain turf from a specialist grower of cultivated turf. Turf shall have an even thickness, free from weeds and other foreign matter. Deliver turf to the site within 24 hours of being cut and lay it within 24 hours of delivery. Prevent it from drying out between cutting and laying. Lay the turf in the following manner:

- In stretcher pattern, joints staggered and close butted;
- Parallel long sides of level areas, with contours on slopes; and
- To finish flush, after lightly tamping, with adjacent finished surfaces and design levels.

IRRIGATION

All proposed landscape areas shall be irrigated.

The irrigation system shall be an automatic permanent system, with an irrigation controller self operated via a soil moisture sensor. The system shall be calibrated to deliver the optimum rate and volume of water appropriate to the type of plants in the design. The system shall be adjustable and fully serviceable. The layout of the entire irrigation system shall focus on delivering the required amount of water to maintain healthy and vigorous growth. The irrigation system shall be such that, component theft, vandalism, over-spray and wetting of paths shall be reduced to a minimum or completely eliminated by the use of drip, pop-up or sprinklers and judiciously placed fixed spray emitters. Generally do not use fine mist emitters that provide a drifting mist that may wet paths and the buildings

unless specifically required by the design.

LANDSCAPE MAINTENANCE

The Landscape Contractor shall rectify defects during installation and that become apparent in the works under normal use for the duration of the contract (Defects Liability Period). Unless contracted otherwise, the Landscape Contractor shall maintain the contract areas by the implementation of industry accepted horticultural practices for 52 weeks from Practical Completion of the works. The landscape maintenance works shall include, but not be limited to:

- Replacing failed plants;
- Pruning;
- Insect and pest control;
- Fertilising;
- Maintaining and removing stakes and ties;
- Maintaining mulch;
- Mowing and top dressing;
- Irrigation and watering;
- Erosion control; and
- Weeding and rubbish removal.

Maintenance Log Book

Implement and keep a maintenance log book recording when and what maintenance work has been undertaken and what materials, actions and decisions have been used, implemented and concluded to keep the landscape always looking its best. Enter data daily and review information every 2 weeks. Observe trends and develop a maintenance regime around seasonal and observed event occurrences.

Maintenance Activities

During the defects maintenance period schedule the following activities to occur on a timely basis.

- Plant replacement** - Replace plants that have failed to mature, die or are damaged. Replacement plants shall be in a similar size and quality and identical species or variety to the plant that has failed. Replacement of plants shall be at the cost of the landscape contractor unless advised otherwise. If the cause of the failure is due to a controllable situation then correct the situation prior to replacing plants. Observe and replace failed plants within 2 weeks of observation.
- Pruning** - Prune dead wood, broken limbs, dead or infected foliage and as needed to develop strong, healthy plants to achieve the shape and form expected of the plant type. Observe daily and prune plants on a needs basis.
- Insect, disease and pest control** - Avoid spraying:
 - if ever possible;
 - in wet weather or if wet weather is imminent;
 - if target plants are still wet after rain;
 - in windy weather; and
 - if non-target species are too close.
 Immediately report to the Project Manager any evidence of intensive weed infestation, insect attack or disease amongst plant material. Submit all proposals to apply chemicals and obtain approval before starting the work. When approved, spray with herbicide, insecticide, fungicide as appropriate in accordance with the manufacturers' recommendations. Observe daily and act as necessary to control any infestation or disease. Record in the logbook all relevant details of spraying activities including:
 - Product brand / manufacturer's name;
 - Chemical / product name;
 - Chemical contents;
 - Application quantity and rate;
 - Date of application and location;
 - Results of application; and
 - Use approval authority.
- Fertilising** - Fertilise gardens with a proprietary slow release fertiliser applied in accordance with the manufacturer's directions and recommendations. Apply 5-12 monthly. Record in the logbook all relevant details of fertilising including:
 - Product brand / manufacturer's name;
 - Fertiliser / product name;
 - Application quantity and rate;
 - Date of application and location.
- Stakes and ties** - Adjust and replace as required to ensure plants remain correctly staked. Remove those not required at the end of the planting

establishment period (Defects Liability Period). Inspect and act at least every 2 weeks.

- Maintaining mulch** - Maintain the surface in a clean, tidy and weed free condition and reinstate the mulch as necessary to ensure correct depth as specified. Observe weekly and replenish mulch as required.
- Mowing and top dressing** - Mow the turf to maintain a grass height of between 30-50mm and not remove more than one third of the grass height at any one time. Remove grass clippings from the site after each mowing. Top dress to a maximum of 10mm to fill depressions and hollows in the surface. Mow weekly/fortnightly in warmer months. Mow monthly or as required in cooler months. Top dress at approximately 6 monthly intervals.
- Irrigation and watering** - Maintain the irrigation system to ensure that each individual plant receives the required amount of water to maintain healthy and vigorous growth. Adjust and calibrate as required. Provide additional watering, if necessary but inspect irrigation weekly and make repairs as necessary.

85-91 Thomas St, Parramatta
INDICATIVE PLANT SCHEDULE

Botanic Name	Common Name	Mature Size (h x w) (m)	Isolation
Trees			
As Acmena smithii	Lillypil	12 x 6	75L
Ac Angophora costata	Smooth Barked Apple	20 x 8	75L
Al Angophora floribunda	Rough Barked Apple	20 x 6	75L
Ag New palmerston	Japanese Maple	5 x 3	75L
Cpu Cavendishii gummiarum	NW Christmas Bush	4 x 2	75L
Cv Callistemon viminalis	Weeping bottlebrush	7 x 5	75L
Cg Cassinia glauca	Sweeping Oak	8 x 4	75L
Cm Corymbia maculata	Spotted Gum	30 x 8	75L
Cx Cupressus anacardoides	Tuckeroo	7 x 5	75L
Er Eucalyptus reticulata	Lodderberry Ash	12 x 8	75L
Ea Eucalyptus amplifolia	Callabum Gum	18 x 6	75L
Em Eucalyptus moluccana	Grey Gum	20 x 7	75L
Ep Eucalyptus pluvialis	Blackbutt	25 x 8	75L
Ea Eucalyptus punctata	Grey Gum	20 x 7	75L
Es Eucalyptus saligna	Sydney Blue Gum	25 x 8	75L
Li Lagerstroemia indica	Crape Myrtle	5 x 4	75L
Mgl Magnolia grandiflora Elmwood	Southern Magnolia	12 x 8	75L
MyTB Magnolia grandiflora 'Teddy Bear'	Teddy Bear Magnolia	4 x 3	75L
Ml Melaleuca decora	White Feather Honeymyrtle	18 x 8	75L
Ml Melaleuca inverticollis	Swire's Summer	6 x 4	75L
Ml Melaleuca rostrata	Ball Honeymyrtle	6 x 2	75L
PCA Pyrus calleryana 'Aristocrat'	Aristocrat Pear	11 x 7	75L
Pu Pittosporum undulatum	Sweet Pittosporum	10 x 5	75L
TL 'Tristanopsis laurum 'Luscious'	Water Gum	9 x 7	75L

Shrubs			
AFB Abelia Francis Mason	Golden Abelia	1.5 x 1.5	300mm
Ag Abelia X grandiflora	Abelia	2.0 x 2.0	300mm
Ba Banksia spinulosa	Harpall Banksia	1.5 x 1.0	300mm
Ba Banksia spinosa	Blackthorn	3.0 x 2.0	300mm
Bm Buddleja microphylla Japonica	Japanese Box	1.5 x 1.0	300mm
CLJ Callistemon Little John	Bottlebrush	0.8 x 0.8	300mm
CaF Gardenia augusta 'Floral'	Gardenia Florida	1.0 x 1.0	300mm
Ml Melaleuca rostrata	Mock Orange	3.0 x 2.0	300mm
PhR Phoradendron glabra 'Robbers'	Red Phoradendron	3.0 x 1.5	300mm
PhM Pittosporum tobira 'Miss Muffet'	Miss Muffet Pittosporum	1.0 x 1.0	300mm
ROR Raderia indica 'Oriental Pearl'	Oriental Pearl Indian Hawthorn	1.0 x 1.0	300mm
SAB Syzygium 'Aussie Bloomer'	Aussie Bloomer Lay Pily	1.5 x 1.5	300mm
SC Syzygium 'Cascades'	Pink Flowering Lillypil	2.5 x 1.5	300mm
Sp Syzygium paniculata Dwarf Form	Dwarf Magnolia Cherry	3.0 x 1.5	300mm
Vt Vitex vitifolia	Laurelrose	3.0 x 2.0	300mm
WN Westringia 'Nanings'	Coastal Rosemary	1.0 x 1.0	300mm

Accents / Fern			
CRS Cordyline 'Red Sensation'	Cordyline australis	1.2 x 0.6	150mm
Cm Cornus pedunculata	Swamp Lily	1.5 x 1.5	150mm
Dc Doryopteris excelsa	GYMEA LILY	2.0 x 0.2	150mm
Ph Phlox paniculata	Yanaka	1.0 x 1.0	150mm
PBB Phlox paniculata 'Blossom Baby'	NZ Flax	0.7 x 0.8	150mm
SL Streptocarpus reginae	Bed Of Paradise	1.2 x 1.5	150mm

Groundcovers & Grasses			
Cgl Carpobrotus glaucocentrus	Pfaffia	0.2 x 1.0	150mm
Ac Agrostis australis	Atlantic Lily	1.0 x 1.5	150mm
Cm Cymbidium	KAFFIR LILY	0.45 x 0.5	150mm
Dc Dianella caerulea	Blue Flax Lily	0.5 x 0.5	150mm
Dc Dianella involuta	Blue Flax Lily	0.5 x 0.5	150mm
Al Acorus subulatus	Common Rush	0.8 x 0.5	150mm
Hv Hardenbergia violacea MEEMA	Falls Sarsaparilla	0.2 x 2.0	150mm
LMHG Linum catharticum 'Evergreen Giant'	Linum	0.5 x 0.5	150mm
LROR Loropetalum chinensis 'Red Flame'	Red Flame Loropetalum	0.4 x 0.5	150mm
LT Lomandra longifolia	Spiny Matrush	1.0 x 1.5	150mm
LT Lomandra longifolia	Tanka	0.5 x 0.5	150mm
Np Nymphaea paniculata	Creeping Broomrape	0.2 x 1.5	150mm
Hs Hibiscus scandens	Snake Vine	0.2 x 2.0	150mm
St Trachelospermum jasminoides	Star Jasmine	0.4 x 0.5	150mm
Vt Viola hederacea	Native Violet	0.3 x 0.3	150mm

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For Approval:
 Issue:
 Revision: Description:
 Date: Check: Date:

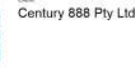
LEGEND

Site Plan:

SITE IMAGE



Client:
 Century 888 Pty Ltd

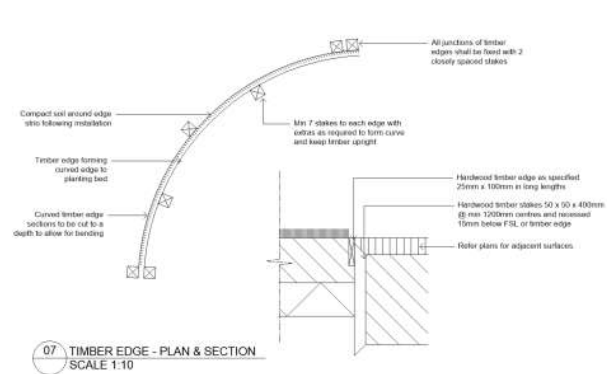
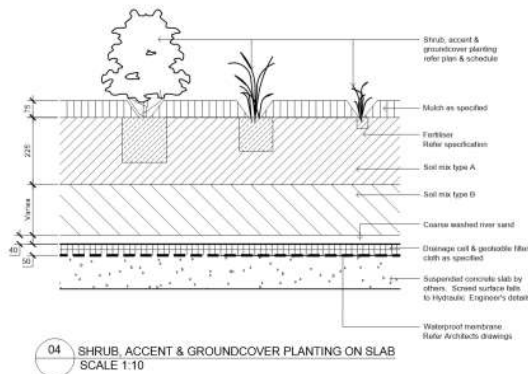
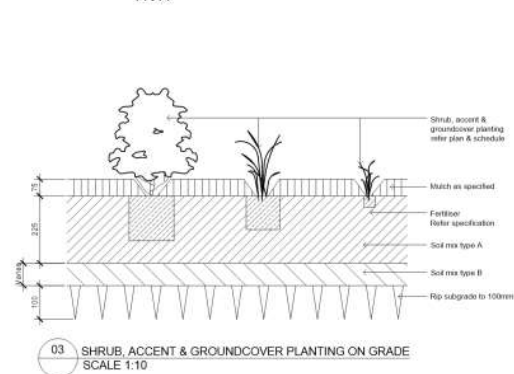
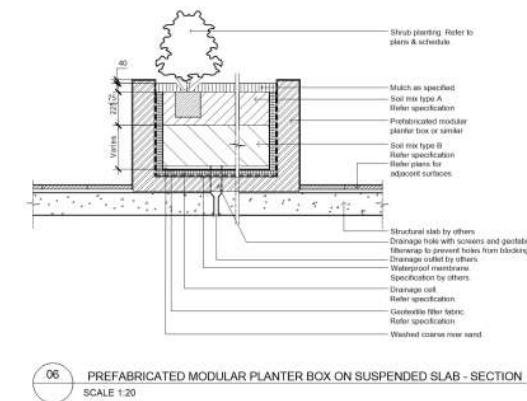
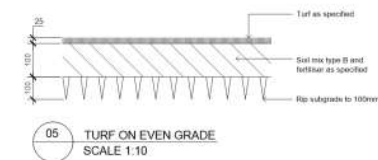
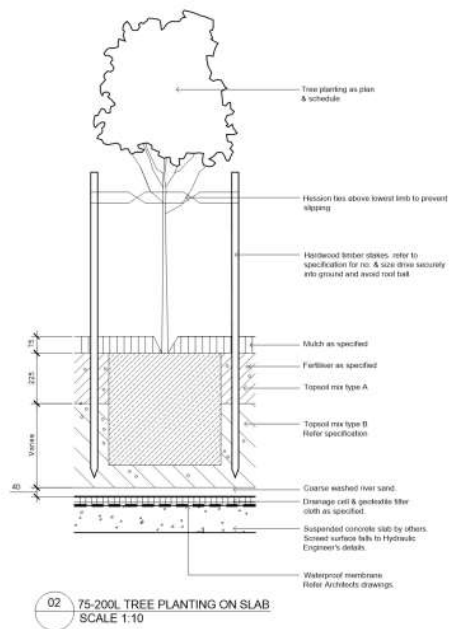
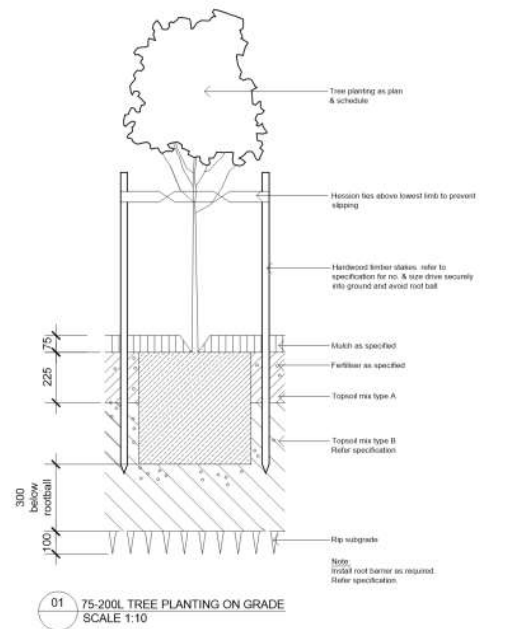


Project:
 Proposed Co-Living Development
 85-91 Thomas Street
 Parramatta

Drawing Name:
 Landscape Specification
 / Indicative Plant Schedule

DEVELOPMENT APPLICATION

Issue:
 Job Number:
 Drawing Number:
 S520-4545
 501 A



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LEGEND

A For Approval
Issue Revision-Description

PH RS 26.11.2020
Drawn Check Date

Site Plan

SITE IMAGE

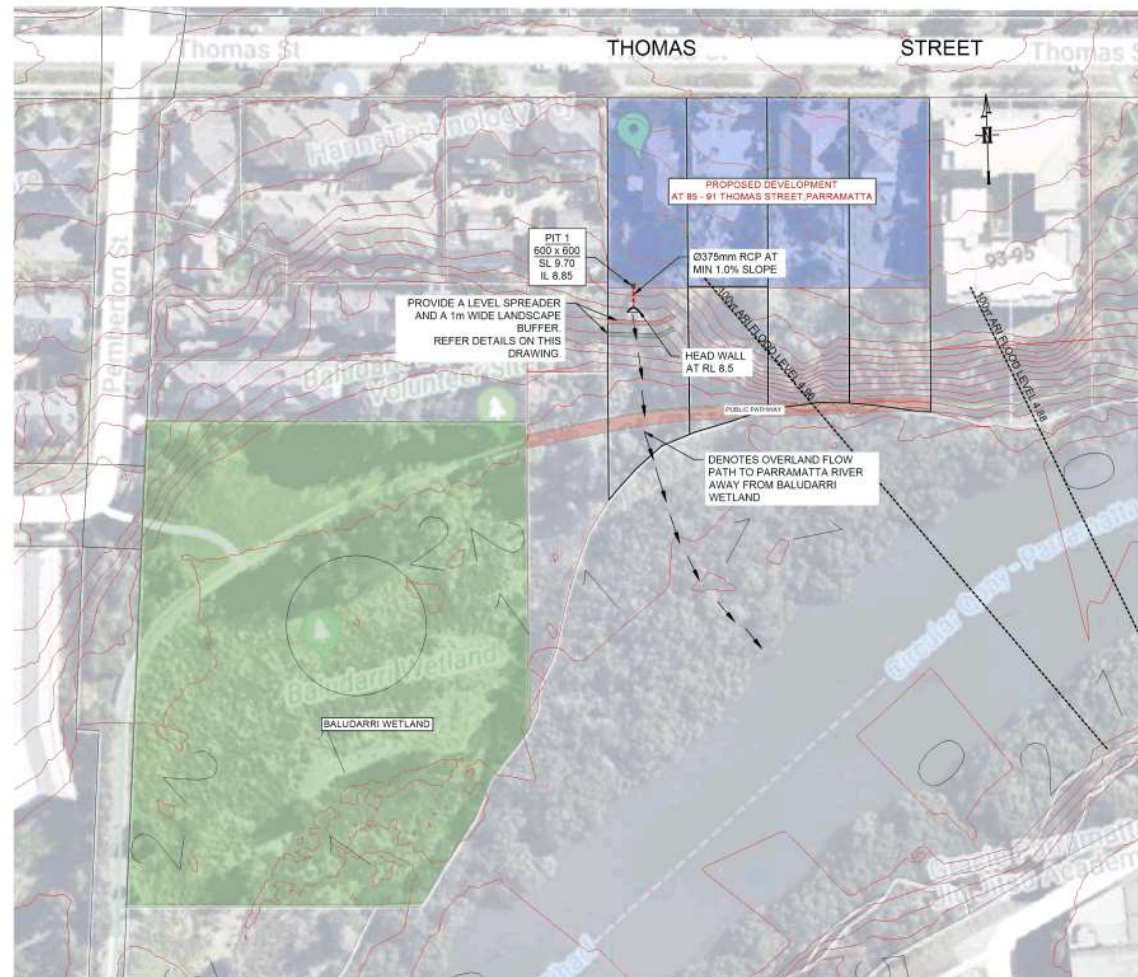
Century 888 Pty Ltd
Project
Proposed Co-Living Development
85-91 Thomas Street
Parramatta

Client
Century 888 Pty Ltd

Drawing Name
Landscape Details

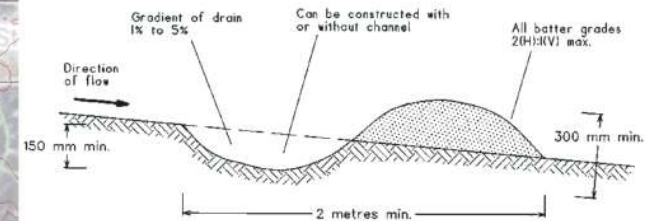
DEVELOPMENT APPLICATION

Scale: As Shown
Job Number: S520-4545
Drawing Number: 502
Issue: A

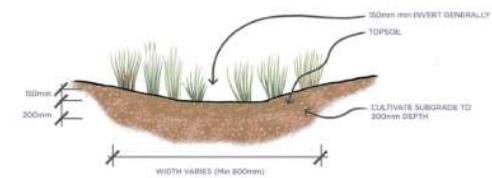


SITE PLAN
N.T.S.

NOTE:
THE LAND'S TOPOGRAPHY FALLS AWAY FROM
THE EXISTING BALUDARRRI WETLAND.
BASED ON GIS DATA, RUNOFF FROM THE SITE
DOES NOT FLOW TO THE EXISTING WETLAND



NOTE: Only to be used as temporary bank
where maximum upslope length is 80 metres.



VEGETATED SWALE

Construction Notes

1. Build with gradients between 1 percent and 5 percent.
2. Avoid removing trees and shrubs if possible - work around them.
3. Ensure the structures are free of projections or other irregularities that could impede water flow.
4. Build the drains with circular, parabolic or trapezoidal cross sections, not V shaped.
5. Ensure the banks are properly compacted to prevent failure.
6. Complete permanent or temporary stabilisation within 10 days of construction.

LEVEL SPREADER & LANDSCAPE BUFFER DETAILS

EXTRACTED FROM "MANAGING URBAN STORMWATER: SOILS AND
CONSTRUCTION (THE "BLUE BOOK" NSW GOVERNMENT,
4TH EDITION, 2004)"

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PROJECT				CLIENT		SCALE		DESIGNED BY		PROJECT		DRAWING TITLE	
PTI ARCHITECTURE				Parramatta City Council		SCALE 1:100 @A1		Anthony Hasham		85-91 THOMAS STREET, PARRAMATTA		DISCHARGE POINT DETAILS	
Level 2, 68 Sophia Street, Surry Hills NSW 2010 Suite 4103, 11 Hassall Street, Parramatta NSW 2150 www.ptiarchitects.com.au PH: 2 9283 0860				Century 888 Pty Ltd				ACE CIVIL STORMWATER SERVICES PTY LTD ABN 57 646 463 846 SUITE 111 CONNOR ROAD BENTLEY STATION, NSW 2155 PH: 02 9751 1363 info@stormwater.com.au		PROPOSED CO-LIVING DEVELOPMENT STORMWATER CONCEPT PLAN DEVELOPMENT APPLICATION			
A				29/10/2021		D.B.F.		E.H.		O.C.		1:150	
Issue				Description		Date		Designed		Engineered		Project No.	
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Our Ref: IDA21/97 (Replaces IDA21/42)

12 July 2021

Your Ref: CNR-21031 and DA/312/21

Mr Jonathan Cleary
Council Assessing Officer
City of Parramatta
via ePlanning Portal
c/o: jcleary@cityofparramatta.com.au

Mr Cleary,

Proposal: IDA referral for subdivision of land and erection of boarding house (co-living) and basement parking
Property: 85-91 Thomas Street, Parramatta NSW 2150 (Lot 13, 15 & 16 DP 1239 and Lot 142 DP 537053) – Parramatta River

Thank you for your email request of 07/07/2021 seeking clarification on DPI Fisheries comments on this proposal, CNR-21031. This advice updates and replaces IDA21/42 issued by this office on 03/05/2021.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries has reviewed the original advice made in IDA21/42 and wishes to clarify comments:

1. DPI Fisheries objects to the proposed placement of a headwall adjacent to the site that would be located approximately 90m away from the waterline of the Parramatta River.
2. Stormwater would be discharged through the headwall and run over-ground to the Parramatta River, through the *Baludarri Wetlands* located adjacent to the proposal to access the Parramatta River. As this office described in C17/215 (issued 19/05/2017) and C17/310 (issued 21/07/2017) this area is a significant and environmentally sensitive area. It is protected by the FM Act and is also mapped on the State Environment Planning Policy – Coastal Management.
3. This is not an appropriate location for the stormwater headwall outlet structure and the change in hydrology and water chemistry would have a negative effect on this environmentally sensitive area.
4. DPI Fisheries has reviewed the Cumberland Ecology Addendum Ecology Letter Report (02/12/2020) in relation to the shading effect on adjacent sensitive mangrove habitat. DPI Fisheries understands that a Planning Proposal is currently before City of Parramatta Council to increase the allowable density at this site.



It is noted that though an incorrect reference to infrastructure type was made in IDA21/42, however, it does not change DPI Fisheries position on issuing GTA's for this proposal.

DPI Fisheries is not able to issue General Terms of Approval for this development. We are pleased to discuss design options in the future and refer the applicant to the abovementioned *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. If the City of Parramatta Council or the proponent require any further information, please do not hesitate to contact me on (02) 4222 8311 or email josi.hollywood@dpi.nsw.gov.au

Yours sincerely,

J. Hollywood

Josi Hollywood
Fisheries Manager, Coastal Systems



2 December 2020

Century 888 Pty Ltd
60 Burwood Road
Burwood NSW 2124

Ecology letter report detailing requirements for a new Development Application for 85-91 Thomas Street, Parramatta.

Dear Linh

Cumberland Ecology understands that Century 888 (the 'client') is preparing a Development Application (DA) submission at Lot 13, 15 and 16 DP 1239, and Lot 141 and 142 DP 537053, otherwise known as No 85, 89 and 91 Thomas Street, Parramatta (the 'subject site'). It is understood that the DA seeks consent for high density urban development by way of a six-storey co-living development. In addition to this, it is understood that the City of Parramatta (Council) has made requests in relation to the Development Control Plan (DCP) requesting details on the effect of stormwater run-off and overshadowing on the adjoining saltmarsh and mangrove ecological communities.

It is understood that a previous DA has been submitted for the development of the subject site for which Cumberland Ecology prepared a Ecological Assessment Report and a Mangrove Assessment Report to assess the impacts of shading on adjacent mangrove and coastal saltmarsh communities. It is understood that due to changes in the design and material use, a new DA is required. The purpose of this Addendum Ecology Letter Report is to detail whether the previous Ecological Assessment remains valid, or if a new Ecological Assessment will be required and to detail whether impacts to mangrove and saltmarsh communities will be similar to that identified in the previous Mangrove Assessment.

The Addendum Ecology Letter Report is provided as **Appendix A** below.

Yours sincerely

A handwritten signature in blue ink, appearing to read "T Meers".

Dr Trevor Meers
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APPENDIX A :

Addendum Ecology Letter Report

A.1. The Subject Site

The subject site is located at 85 - 91, Thomas Street, Parramatta and consists of Lot 13, Lot 15 and Lot 16 of DP 1239 and Lot 141 and Lot 142 of DP 537053. The subject site is bordered by Thomas Street to the north, existing residential developments to the west and east and foreshore vegetation and a shared pathway/cycleway along the Parramatta River to the south.

The land within Lot 141 DP 537053 is zoned RE1 – Public Recreation while the remainder of the subject site is zoned R4 – High Density Residential under the Parramatta Local Environment Plan 2011 (LEP). The northern half of Lots 13, 15 and 16 DP 1239 and Lot 142 DP 537053 contain existing residential developments that are fronted by Thomas Street. The southern half of Lots 13, 15 and 16 DP 1239 and Lot 141 DP 537053 consists of plantings from revegetation works. The revegetation areas of all four lots slope down towards the Parramatta River foreshore while the residential areas of all four lots are located on higher ground overlooking the river.

The previous development application (referred to hereafter as the previous development proposal) was for the development of a multi-storey residential and retail/commercial building with a promenade and recreational areas along the foreshore.

A.1.1. The Proposed Development

The proposed development (referred to hereafter as new development proposal) is for two student housing (co-living) apartment buildings to provide accommodation to students attending the adjacent Western Sydney University Parramatta Campus. The new development proposal will consist of a west block building and an east block building. The west block will be six storeys with a relative elevation of 34.7m to roof, and the east block will be seven storeys with a relative elevation of 35.3m to roof.

A.1.2. Site Context

The subject site has been extensively modified with existing residential developments in the northern half and extensive revegetation works on the southern half. Developed sections of the Parramatta Valley Cycleway (the cycleway) pass through the foreshore vegetation to the immediate south of the subject site.

Vegetation within the northern half of the subject site consists of landscaped garden areas and mown lawns associated with the existing residences. Vegetation communities occurring on the southern half of the subject site and adjacent foreshore areas include a range of vegetation communities that include: Exotics and Revegetation Plantings, Mangroves, Coastal Saltmarsh and Wetlands.

Coastal Saltmarsh is listed as a Threatened Ecological Community (TEC) under both the NSW *Biosecurity Act 2016* (BC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Both Mangroves and Coastal Saltmarsh are listed as Key Fish Habitat under the *Fisheries Management Act 1994* (FM Act). While Freshwater Wetlands are listed as a TEC under the BC Act, the wetlands within the subject site do not meet criteria for listing (Cumberland Ecology 2016).

A.2. Ecological Assessment History

The previous planning proposal was submitted to the City of Parramatta (Council) with an Ecological Assessment Report. Due to the proximity of the site to the Parramatta River and associated wetlands, Council referred the proposal to the then NSW Department of Primary Industries (DPI) - Fisheries NSW (hereafter DPI Fisheries) for consideration. DPI Fisheries responded and raised concerns about the potential of the proposal to shade wetlands and so impact two plant communities listed as Key Fish Habitat by the FM Act: Mangroves and Coastal Saltmarsh. In particular, DPI Fisheries raised concerns about impacts to such vegetation within the adjacent Baludarri Wetlands. The Baludarri wetland is located within the floodplain of the Parramatta River. The wetlands are situated on an alluvial floodplain and comprise a number of vegetation communities including mangrove and saltmarsh.

A range of ecological assessments have been prepared by Cumberland Ecology associated with the previous development application, and to address impacts on mangroves and saltmarsh as listed under the FM Act. These include:

- 85-91 Thomas Street, Parramatta NSW, Saltmarsh Assessment for Conquest Group of Companies, September 2016 (16166 RP1) (Cumberland Ecology 2016);
- Ecological Assessment of Impacts of Shading on Saltmarsh from Proposed Development at 85-91 Thomas Street, Parramatta (16166 Let4 dated 13 March 2017) (Cumberland Ecology 2017a);
- Preliminary Response to DPI Fisheries Advice Relating to Impact Overshadowing on Coastal Saltmarsh Communities from a Proposal to Increase Building Height at 85-91 Thomas Street, Parramatta (16166 Let 4 dated 16 June 2017) (Cumberland Ecology 2017b);
- 85-91 Thomas Street, Parramatta NSW, Assessment of the Effects of Shading on Mangrove and Saltmarsh Communities for Conquest Group of Companies, November 2017 (16166 RP2) (Cumberland Ecology 2017c);
- Advice Relating to Overshadowing on Coastal Saltmarsh and Mangrove Communities at 85-91 Thomas Street, Parramatta (16166 Let 9 dated 31 July 2018) (Cumberland Ecology 2018)

The outcome of these assessments was that Cumberland Ecology and DPI Fisheries agreed that the proposed development at 85-91 Thomas Street, Parramatta would have no significant ecological impacts upon the adjacent mangroves and saltmarsh communities.

A.3. Legislative Changes

There have been legislative changes since the previous DA was submitted with the potential to impact on the submission of a DA for the new development proposal. Of particular relevance is the introduction of the NSW *Biodiversity Conservation Act 2016* (BC Act) and associated regulations, which replaced the former *Threatened Species Conservation Act 1995*.

The BC Act requires consideration of whether a development or an activity is likely to significantly affect threatened species. For Part 4 local developments, projects that significantly affect threatened species trigger

the Biodiversity Offsets Scheme (BOS). The BOS is intended to simplify biodiversity assessment and improve biodiversity outcomes by creating consistent assessment requirements to measure the likely biodiversity loss of development proposals and gains in biodiversity value achieved at offset sites through active management. Projects that trigger the BOS require an assessment following the Biodiversity Assessment Methodology (BAM) by an accredited BAM assessor and the preparation of a Biodiversity Development Assessment Report (BDAR).

Under Part 4 (Local Development) of the EP&A Act, it is necessary to determine whether the project triggers the Biodiversity Offsets Scheme (BOS). For a project to trigger the BOS, it needs to be considered as likely to significantly affect threatened species or communities, which can occur as follows:

- It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the Test of Significance in Section 7.3 of the BC Act; or
- It exceeds the biodiversity offsets scheme threshold according to Clause 7.1 of the NSW *Biodiversity Conservation Regulation 2019* (BC Regulation), with the thresholds being:
 - The clearing of native vegetation of an area above a prescribed threshold based on the minimum lot size; or
 - The clearing of native vegetation, or other prescribed action, on land included on the Biodiversity Values Map.
- It is carried out in a declared Area of Outstanding Biodiversity Value (AOBV).

If any of the above three thresholds are met, the DA will require the preparation of a Biodiversity Development Assessment Report (BDAR) and assessment following the BAM. The impact of the new development proposal against the above triggers is considered in more detail below.

A.3.1. Significant Impact to Threatened Species or Ecological Communities

In the previous Ecological Assessment Report (16166 RP1) Tests of Significance were undertaken for Coastal Saltmarsh TEC using a 7 Part Test under Section 5A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This has since been replaced by a 5 Part Test under Section 7.3 of the BC Act. This 5 Part Test is provided in **Appendix B** and supports the same conclusion of no significant impact to threatened ecological communities and species.

A.3.2. Native Vegetation Clearing Threshold

Any development being assessed under Part 4 of the EP&A Act that clears native vegetation above a threshold specified based on minimum lot size would automatically enter into the Biodiversity Offsets Scheme (BOS) and may require offsetting. The threshold levels of clearing for each minimum lot size are shown in **Table 1**.

Table 1 Area of clearing thresholds

Minimum Lot Size of Land	Area of Clearing
Less than 1 hectare	0.25 hectares or more
Less than 40 hectares but not less than 1 hectare	0.5 hectares or more

Minimum Lot Size of Land	Area of Clearing
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

The minimum lot size for the subject site under the LEP is 550 square metres (0.55 ha). In the previous Ecological Assessment Report (16166 RP1) only the vegetation in the southern portion on the subject site was mapped (as Exotics and Revegetation Plantings) while the remainder is described as landscaped garden areas and mown lawns associated with the existing residences, for which the area is not mapped. The Exotics and Revegetation Plantings would likely conform to native vegetation, while any planted natives within the landscaped garden areas would also be considered native vegetation. If the entirety of the woody vegetation within the development footprint was native vegetation (which is unlikely) this would correspond to approximately 0.15 ha of vegetation, which would be insufficient to trigger the area of clearing threshold of 0.25 ha.

A.3.3. Biodiversity Values Map

If impacts occur on an area mapped on the Biodiversity Values map published by the Chief Executive of the NSW Office of Environment and Heritage, then the BOS would be triggered. On viewing the Biodiversity Values Map we note that while the development footprint is not mapped on the Biodiversity Values map, the mangrove, saltmarsh and wetland communities to the south of the shared pathway/cycleway extending to the water's edge are mapped. The Biodiversity Values mapping is provided as **Figure 1**. Impacts include both clearing and other impacts, and as such if this area was indirectly impacted it could trigger the BOS.

These other impacts are detailed in Section 6.1 of the *Biodiversity Conservation Regulation 2017* and include:

1. *The impacts on biodiversity values of the following actions are prescribed (subject to subclause (2)) as biodiversity impacts to be assessed under the biodiversity offsets scheme*
 - a. *the impacts of development on the following habitat of threatened species or ecological communities*
 - (i) *karst, caves, crevices, cliffs and other geological features of significance,*
 - (ii) *rocks,*
 - (iii) *human made structures,*
 - (iv) *non-native vegetation,*
 - a. *the impacts of development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range,*
 - b. *the impacts of development on movement of threatened species that maintains their lifecycle,*
 - c. *the impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including from subsidence or upsidence resulting from underground mining or other development),*
 - d. *the impacts of wind turbine strikes on protected animals,*

- e. *the impacts of vehicle strikes on threatened species of animals or on animals that are part of a threatened ecological community.*
2. *The additional biodiversity impacts prescribed by this clause:*
 - a. *are prescribed for the purposes of assessment and biodiversity assessment reports under the Act, but are not additional biodiversity impacts for the purposes of calculating the number and class of biodiversity credits that are required under a biodiversity assessment report to be retired to offset the residual impact on biodiversity values of proposed development, proposed clearing of native vegetation or proposed biodiversity certification of land, and*
 - b. *may be taken into account in the determination of the biodiversity credits required to be retired (or other conservation measures required to be taken) under a planning approval or vegetation clearing approval or under a biodiversity certification of land.*

Based on Section 6.1 of the *Biodiversity Conservation Regulation 2017* shading impacts on areas mapped on the Biodiversity Values map are not specifically required to be considered as an additional biodiversity impact. The potential impacts of shading associated with the new development proposal are discussed further in **Section A.4**. However, the impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities are required to be considered. An assessment of whether stormwater and drainage would impact on the area mapped on the Biodiversity Values map is provided in **Section A.5**.

A.3.3.1. Area of Outstanding Biodiversity Value

The following are currently identified as AOBV under the BC Act:

- Gould's Petrel habitat on Cabbage Tree Island;
- Little Penguin critical habitat in Manly;
- Mitchell's Rainforest Snail habitat in Stotts Island Nature Reserve; and
- Wollemi Pine habitat in Blue Mountains National Park.

None of the subject site is currently mapped as an AOBV. Therefore, the BOS is not currently triggered by this mechanism. Although unlikely to be included in the near future, the list of AOBVs would need to be consulted during the development application process.

A.4. Shading Impacts

Shading impacts associated with the previous development proposal were assessed in detail in 16166 Let4. Shadow modelling of the previous development proposal provided by Conquest determined that vegetation within the Baludarri Wetlands would primarily be shaded during the winter months (i.e. modelling for the longest day of the year on 21 June). The level of shading progressively reduced over spring and no shading of the Baludarri Wetlands occurs during summer. Shading then progressively increased over autumn before peaking again in June. The areas of vegetation that are shaded at different times of the day during winter

months is summarised in **Table 2** below and shown in **Figure 2**. Shading for 21 June for the new development proposal is also detailed in **Table 2** and shown in **Figure 3**.

Table 2 Shading impacts for 21 June for the previous and new development proposals

Vegetation Community	Area (ha) shaded		
	9am	12pm	3pm
Previous development proposal			
Mangroves	0.24	0.11	0.11
Mangrove-saltmarsh intergrade	0.00	0.00	0.02
<i>Juncus kraussii</i> saltmarsh	0.17	0.01	0.00
<i>Typha</i> wetland	0.06	0.00	0.00
<i>Carex</i> dominant wetland	0.02	0.00	0.00
Planted and landscaped areas	0.00	0.00	0.01
Exotic and revegetation plantings	0.56	0.14	0.24
New development proposal			
Mangroves	0.04	0.04	0.10
Mangrove-saltmarsh intergrade	0.00	0.00	0.02
<i>Juncus kraussii</i> saltmarsh	0.04	0.01	0.00
<i>Typha</i> wetland	0.00	0.00	0.00
<i>Carex</i> dominant wetland	0.00	0.00	0.00
Planted and landscaped areas	0.00	0.00	0.00
Exotic and revegetation plantings	0.36	0.16	0.21

The shading calculations in **Table 3** indicate that shading impacts in winter associated with the new development proposal will be very minor, and for all communities will be considerably lower than what was assessed for the previous development proposal. The greatest shading impact is to Exotic and revegetation

plantings which already receive extensive shading, with a minor shading impact to Mangroves at 3 pm in winter. For all other vegetation communities shading impacts in winter are expected to be very minor.

There is some level of overlap in areas that are shaded at the different modelled times of the day. However, based on the modelling, no areas of vegetation within the Baludarri Wetlands will be permanently shaded by the new development and all areas will be exposed to sunlight during parts of the day.

The previous assessment of shading impacts (16166 Let4) detailed that many areas of Mangrove and Saltmarsh are subject to shading from existing buildings and vegetation with no evidence of ill health of the vegetation as a result of the shading within such areas. This situation remains unchanged since that assessment was undertaken.

Given that previous assessments undertaken by Cumberland Ecology indicated no significant shading impacts would occur to Mangroves and Saltmarsh, we conclude that the new development proposal, which has a lower shading impact in winter than the previous planning proposal would also not significantly impact on vegetation within the Baludarri Wetlands.

A.5. Stormwater Drainage

A.5.1. Stormwater Drainage Impacts

According to the information provided by Australian Consulting Engineers, stormwater is likely to be discharged to the south west of the development footprint (**Figure 4**), in a location mapped as Exotic and Revegetation Plantings (see **Figure 3** for vegetation communities). Discharge would be to the surface, via headwall and rip-rap rock at this location. It is likely that the installation of stormwater discharge would require some removal of this vegetation.

Given that this location is at the top of a slope it is likely that stormwater would run down slope towards the Baludarri Wetlands. During high rainfall events, rainfall discharge could result in erosion and scouring of the slope, and result in sedimentation impacts on adjacent saltmarsh, mangroves and wetlands.

Recognised threats to Coastal Saltmarsh TEC associated directly and indirectly with stormwater discharge (NSW Scientific Committee 2004) include:

- Storm water discharge creating freshwater channels and spreading weeds (include quality and quantity);
- Waterborne pollution - including oil and chemical spills, and catchment runoff of nutrients and agricultural chemicals;
- Discharge of stormwater that alters salinity regimes, increases nutrient levels and facilitates the spread of *Phragmites* and weeds; and
- Dumping of rubbish, waste, and pollution.

These threats could similarly impact on adjacent mangroves.

Given the location of the subject site, discharge of stormwater to the Parramatta River would be unavoidable. Given that stormwater would discharge from a residential area, it has potential to contain litter, nutrients, and other pollutants.

The vegetation immediately below the discharge location is Exotic and revegetation plantings, then *Juncus kraussii* saltmarsh and Mangroves. It would be likely that the Exotic and revegetation plantings would trap most sediment before it enters the *Juncus kraussii* saltmarsh and Mangroves.

A.5.2. Mitigation Measures

A range of mitigation measures should be put in place to minimise impacts to the Mangrove-saltmarsh intergrade and Mangroves potentially associated with stormwater discharge. These include:

- Set up pollution traps or filters to catch land-based pollution (leaves, litter, and sediments etc.) before it enters stormwater drainage;
- Discourage the dumping of chemicals into stormwater and the washing of cars on paved surfaces;
- Ensure that the flow path below the discharge point is lined with rock to prevent erosion and is planted with native species that will stabilise the slope and trap sediments;
- Create an artificial wetland, to act as pollution trap, before discharge enters saltmarsh and mangroves;
- Replant any areas disturbed during the installation of stormwater discharge with suitable native species;
- Clean or empty pollution traps, and remove litter regularly;
- Undertake weed control within the Exotic and revegetation plantings to prevent weeds invading adjacent saltmarsh and wetlands; and
- Maintain all erosion and sediment control structures on a regular basis.

Additional sediment control measures will be required during construction, separate from the operation of stormwater discharge.

A.6. Summary

A.6.1. Summary of BOS Entry Triggers

Based on the assessment detailed in this Ecology Letter Report, the BOS would only be triggered if the new development proposal was deemed to have a significant impact on the adjacent area mapped on the Biodiversity Values map. Our assessment of shading impacts indicates that these impacts would be less than associated with the previous development proposal. For the previous development proposal, following the detailed assessments undertaken by Cumberland Ecology, it was agreed by DPI Fisheries that the former development proposal would have no significant ecological impacts upon the adjacent mangroves and saltmarsh communities. Given the lower shading impact, the new development proposal would also have no significant ecological impacts upon the adjacent mangroves and saltmarsh communities.

Stormwater discharge has the potential to impact on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities within an area mapped on the Biodiversity Values map, which would trigger the BOS and the requirement for a BDAR to accompany the DA. However, these impacts can largely be mitigated through the appropriate erosion and control measures as detailed in **Section A.5.2.**, and such measures if thoroughly detailed and implemented would likely avoid this trigger.

Note that our assessment of stormwater discharge is based on very limited information provided by Australian Consulting Engineers, and the findings would be subject to change based on further information, or changes to proposed stormwater drainage.

A.6.2. Assessment Requirements

Proponents need to supply evidence relating to the triggers for the Biodiversity Offsets Scheme Threshold and the test of significance when submitting their application to the consent authority. This information was not detailed in the previous Ecological Assessment Report (16116 RP1) which was prepared prior to the BOS, and this report will need to be updated to include this information.

As such, an updated Ecological Assessment Report is required to be prepared. Additional information to be included that was not included in the previous report should include;

- Details of impacts associated with stormwater discharge and associated mitigation measures, in particular in relation to the Biodiversity Values mapped area and the Coastal Saltmarsh TEC within;
- Mapping of the extent of native vegetation within the development footprint;
- Details of why the BOS is not triggered;
- An updated assessment of shading impacts; and
- The test of significance detailed in Section 7.3 of the BC Act must be used to determine whether a local development is likely to significantly affect threatened species or communities (provided in **Appendix B**).

Much of the required information above is already provided in this Addendum Letter Report.

A.7. References

Cumberland Ecology (2016) 85-91 Thomas Street, Parramatta NSW, Saltmarsh Assessment for Conquest Group of Companies, September 2016 (16166 RP1)

Cumberland Ecology (2017a) Ecological Assessment of Impacts of Shading on Saltmarsh from Proposed Development at 85-91 Thomas Street, Parramatta (16166 Let4 dated 13 March 2017);

Cumberland Ecology (2017b) Preliminary Response to DPI Fisheries Advice Relating to Impact Overshadowing on Coastal Saltmarsh Communities from a Proposal to Increase Building Height at 85-91 Thomas Street, Parramatta (16166 Let 4 dated 16 June 2017)



Cumberland Ecology (2017c) 85-91 Thomas Street, Parramatta NSW, Assessment of the Effects of Shading on Mangrove and Saltmarsh Communities for Conquest Group of Companies, November 2017 (16166 RP2)

Cumberland Ecology (2018) Advice Relating to Overshadowing on Coastal Saltmarsh and Mangrove Communities at 85-91 Thomas Street, Parramatta (16166 Let 9 dated 31 July 2018)

NSW Scientific Committee (2004) Coastal saltmarsh in the NSW North Coast, Sydney Basin and South East Corner bioregions - endangered ecological community listing, NSW Scientific Committee – Final Determination

APPENDIX B :

5 Part Test of Significance

B.1. Coastal Saltmarsh

Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions is listed as an Endangered Ecological Community under the BC Act, a Vulnerable Ecological Community under the EPBC Act and is also protected under the FM Act.

Coastal Saltmarsh occurs in the intertidal zone on the shores of estuaries and lagoons that are permanently or intermittently open to the sea. It is frequently found as a zone on the landward side of mangrove stands. Characteristic plants include *Baumea juncea*, Sea Rush (*Juncus kraussii* subsp. *australiensis*), Samphire (*Sarcocornia quinqueflora* subsp. *quinqueflora*), Marine Couch (*Sporobolus virginicus*), Streaked Arrowgrass (*Triglochin striata*), Knobby Club-rush (*Ficinia nodosa*), Creeping Brookweed (*Samolus repens*), Swamp Weed (*Selliera radicans*), Seablite (*Suaeda australis*) and Prickly Couch (*Zoysia macrantha*). Occasionally mangroves are scattered through the saltmarsh. Tall reeds may also occur, as well as salt pans (NSW Scientific Committee, 2016).

The Test of Significance under Section 7.3 of the BC Act for Coastal Saltmarsh is provided below. This is based on the shading impacts provided by project architects for the new development proposal and based on the proposed stormwater discharge location provided by Australian Consulting Engineers. It also assumes that mitigation measures for stormwater discharge (detailed in **Section A.5.2** are installed). In the event these assumptions change, the findings of this Test of Significance could vary.

B.1.1. Test of Significance

a) *In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

Not applicable.

b) *In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*

- i. *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
- ii. *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.*

Coastal Saltmarsh adjoins the subject site, within Council land to the south of the Parramatta Cycleway. No Coastal Saltmarsh will be removed by the proposed development, however, the buildings will act to shade the community. Depending on the time of day in mid-winter, approximately 0.04 ha of *Juncus kraussii* Saltmarsh and 0.02 ha of Mangrove-saltmarsh intergrade will be shaded at some point in the day. The minor shading is not likely to reduce the area of occupancy of this community.

The shading processes are already in operation, with the Coastal Saltmarsh present in areas adjoining the subject site, including shading from the cycleway, the encroaching mangroves and the existing building to the east of the proposed development.

Stormwater discharge has the potential to impact on Coastal Saltmarsh due to increased freshwater inputs, sedimentation, and increased nutrient inputs resulting in weed invasion. Freshwater inputs would be temporary after rainfall. Nutrient inputs can be mitigated through the creation of an artificial wetland before water enters Coastal Saltmarsh. If other erosion and sediment control measures as detailed in **Section A.5.2** are implemented sediment inputs would also be minimal.

Furthermore, weed invasion is already evident, particularly from *Hydrocotyle bonariensis* which is currently threatening the Coastal Saltmarsh.

As such the new development proposal is not likely to have an adverse effect on the extent of the community such that its local occurrence is likely to be placed at risk of extinction.

As discussed above, the shading processes, mangrove encroachment and weed invasion are currently impacting on the Coastal Saltmarsh, and the proposal is not likely to significantly exacerbate the effects of these impacts. The potential for a minor increase in shading is not likely to substantially and adversely modify the composition of this community such that a local occurrence would be placed at risk of extinction. Likewise, although stormwater discharge could modify the composition of the community, this can be mitigated, and impacts are unlikely to be such that they would place the community at risk of local extinction.

c) In relation to the habitat of a threatened species, population or ecological community:

- i. the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
- ii. whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
- iii. the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.*

No Coastal Saltmarsh will be removed by the proposed development, and the Coastal Saltmarsh will not be fragmented or isolated. Very minor modification is possible as a result of shading and stormwater inputs.

The buildings will act to shade the community. Depending on the time of day in mid-winter approximately 0.04 ha of *Juncus kraussii* Saltmarsh and 0.02 ha of Mangrove-saltmarsh intergrade will be shaded at some point in the day. Stormwater discharge has the potential to modify Coastal Saltmarsh due to increased freshwater inputs, sedimentation, and increased nutrient inputs resulting in weed invasion. Freshwater inputs would be temporary after rainfall. Nutrient inputs can be mitigated through the creation of an artificial wetland before water enters Coastal Saltmarsh. If other erosion and sediment control measures as detailed in **Section A.5.2** are implemented modification resulting from sediment inputs would also be minimal.

The increased impacts associated with stormwater discharge and shading have the potential to modify the community present, to some extent, however, the existing impacts, including weed invasion and mangrove encroachment are likely to have a greater potential to modify the community composition. Therefore, Coastal Saltmarsh is not likely to be substantially modified by the new development proposal.

d) Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly).

Not Applicable

e) Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process

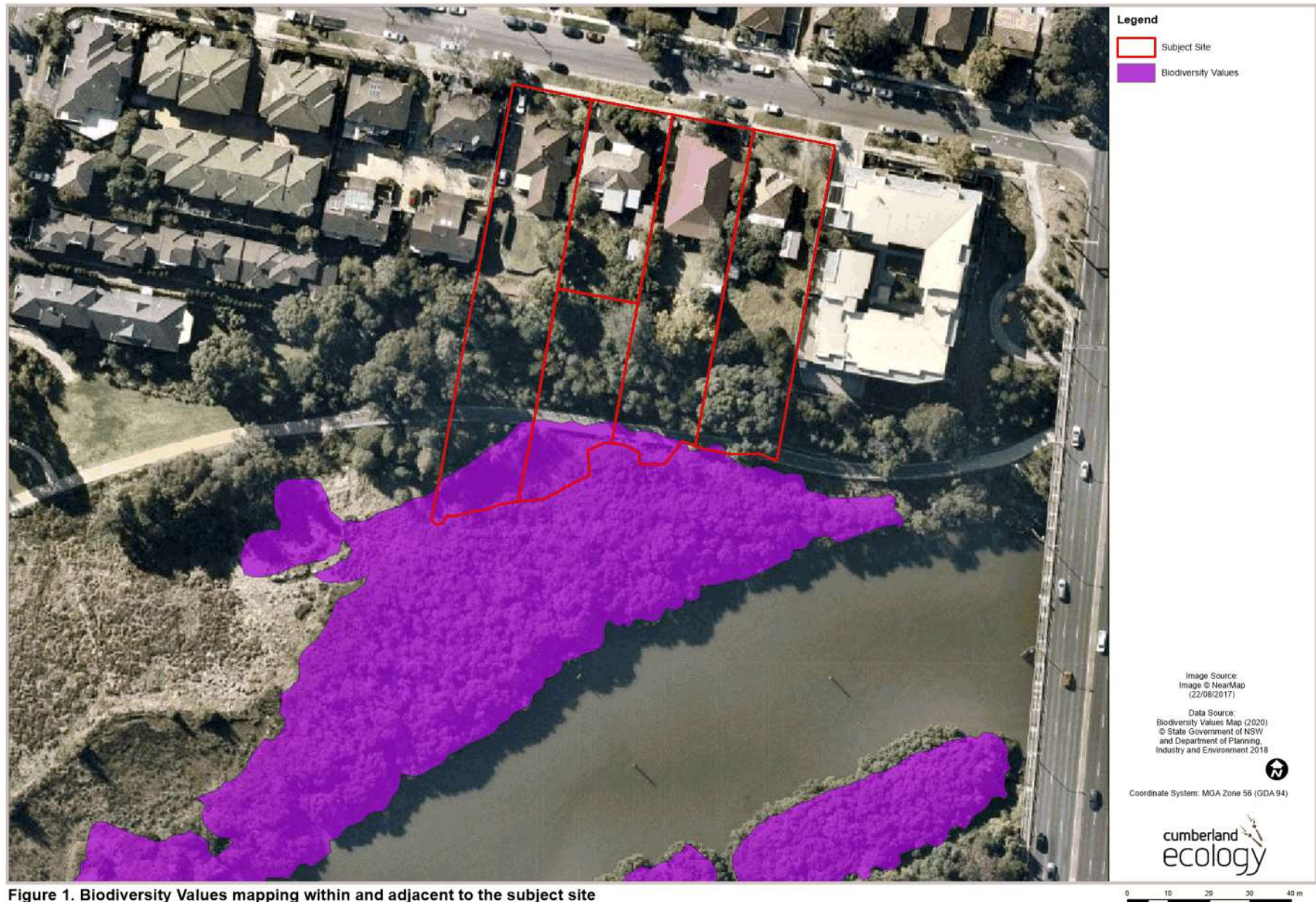
Key threatening processes are those described in Schedule 4 of the BC Act. Of these key threatening processes, only one is relevant to the new development proposal, being loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants. The discharge of stormwater containing increased nutrient levels could create conditions more favourable for the establishment of escaped garden plants, including aquatic plants. However, nutrient inputs can be mitigated through the creation of an artificial wetland before water enters Coastal Saltmarsh. Some weed invasion is already present within the Coastal Saltmarsh and the proposed development would only very marginally increase this key threatening process.

Conclusion

The new development proposal will not remove any area of Coastal Saltmarsh, although a small area, could potentially be modified through shading and stormwater discharge. However, the Coastal Saltmarsh present will not be completely shaded throughout the day (the length of time will vary throughout the year). Existing impacts from weed invasion, mangrove encroachment and shading from existing vegetation and buildings are likely to present greater risks to the local occurrence of Coastal Saltmarsh. In consideration of all criteria above, the new development proposal is not likely to have a significant impact on Coastal Saltmarsh.

FIGURES





\\A.116166\Figures\Letter 1\20201201\Figure 1. BVM

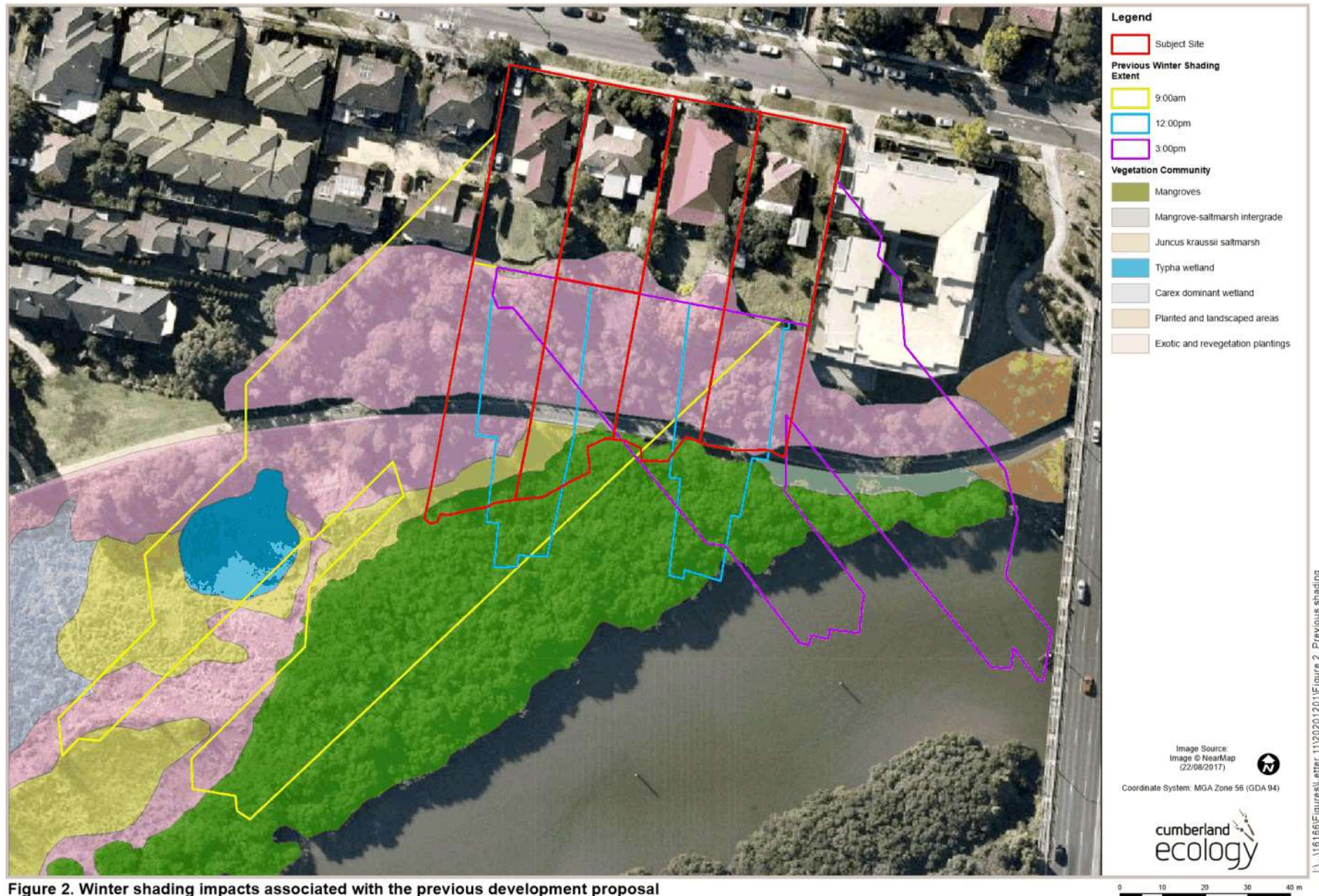


Figure 2. Winter shading impacts associated with the previous development proposal



Figure 3. Winter shading impacts associated with the new development proposal

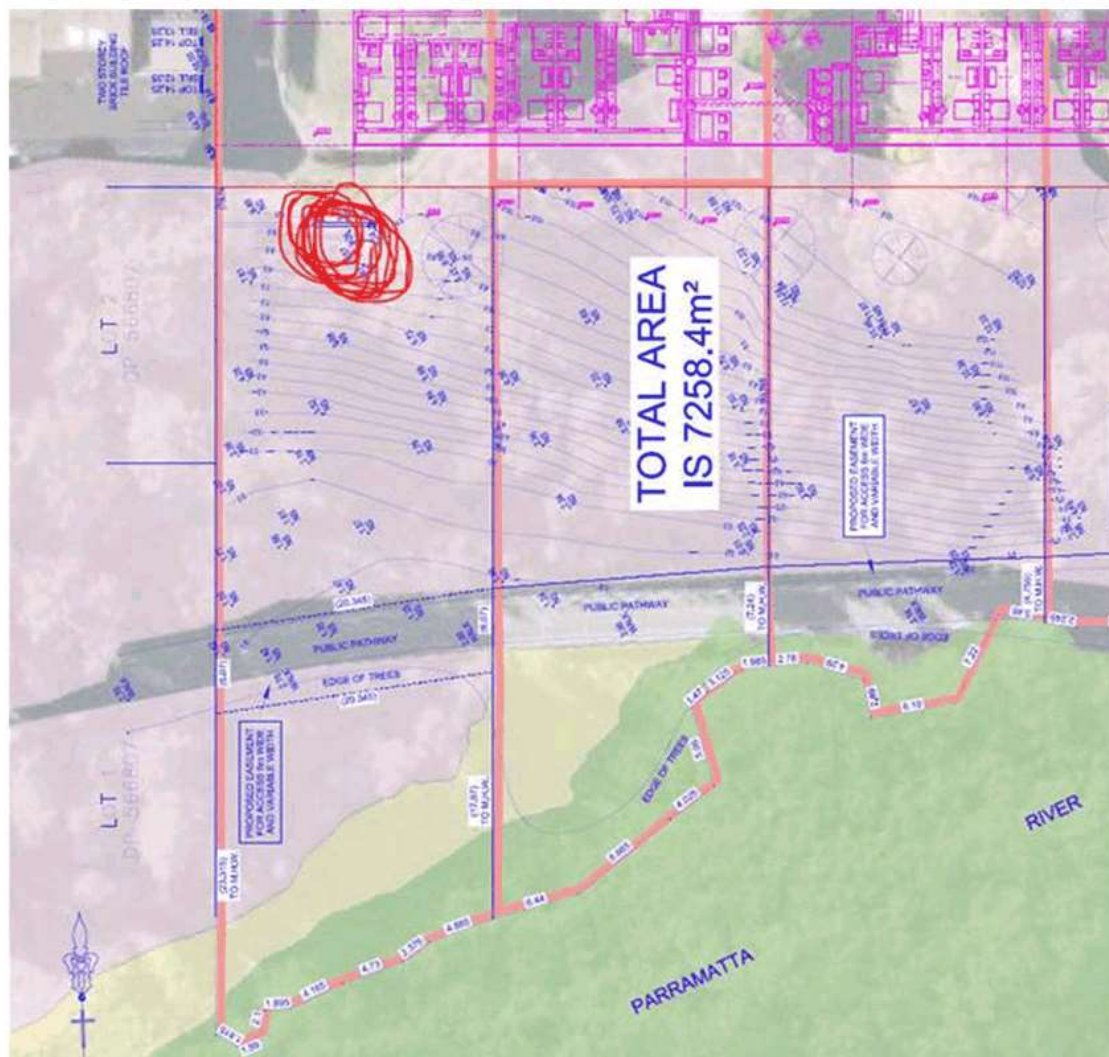


Figure 4 Proposed location of stormwater discharge (red outline)



20 October 2021

Century 888 Pty Ltd
c/ Glenda Lam
via email: glenda@conquest.com.au

RFI - Ecology Issues : 85-91 Thomas Street, Parramatta

Dear Glenda,

The purpose of this letter is to respond to ecological issues raised in the latest Request for Information (RFI) for the proposed redevelopment of Thomas Street.

To respond I have read the RFI and reproduced the ecological issues below in italics. As these issues relate largely to stormwater matters, I have also read the response to these comments by Ace Civil Stormwater Services ("Ace response"), which is reproduced in **Appendix A**. My responses are provided in plain text beneath each italicised issue:

Point 2. Development History

a) DPI Fisheries objects to the proposed placement of a headwall adjacent to the site that would be located approximately 90m away from the waterline of the Parramatta River

b) Stormwater would be discharged through the headwall and run over-ground to the Parramatta River, through the Baludarri Wetlands located adjacent to the proposal to access the Parramatta River. As this office described in C17/215 (issued 19/05/2017) and C17/310 (issued 21/07/2017) this area is a significant and environmentally sensitive area. It is protected by the FM Act and is also mapped on the State Environment Planning Policy – Coastal Management.

c) This is not an appropriate location for the stormwater headwall outlet structure and the change in hydrology and water chemistry would have a negative effect on this environmentally sensitive area.

d) DPI Fisheries has reviewed the Cumberland Ecology Addendum Ecology Letter Report (02/12/2020) in relation to the shading effect on adjacent sensitive mangrove habitat. DPI Fisheries understands that a Planning Proposal is currently before City of Parramatta Council to increase the allowable density at this site.

According to the ACE response, water from the subject land does not drain to the Baludarri Wetlands. The ACE report also states that additional water retention and water

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NSW Australia
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quality measures including Level Spreader, Proprietary Tertiary Treatments Systems and Landscape Buffers will be documented in the next issue of the plans to fully address these concerns about the quality of water leaving the subject land.

Water leaving the subject land is not currently managed or treated. If in future treatment is provided as indicated in the ACE Report, then water quality would be improved before it leaves the site and risks of harm to the wetland flora and fauna would not be significant.

In response to part (d) Cumberland Ecology previously provided reports to DPI Fisheries concerning potential shading impacts to wetland vegetation from the proposed development. DPI Fisheries agreed with the conclusions of the Cumberland Ecology assessments that shading impacts were not likely to be significant to any wetland biota.

Point 5 Open Space and Natural Resources

b) Biodiversity Offset Scheme triggers

The ecological letter states: "Stormwater discharge has the potential to impact on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities within an area mapped on the Biodiversity Values map, which would trigger the BOS and the requirement for a BDAR to accompany the DA." In addition, section A5.2 of the report makes recommendations to mitigate the impacts of the stormwater discharge. These mitigation measures have not been adopted in the provided stormwater plan prepared by ACE, dwg 104, revision A, dated 9/12/2020.

It is agreed that if water quality and hydrological processes in the wetland vegetation were impacted by the proposal, then this would trigger the need for a Biodiversity Development Assessment report (BDAR). However, as explained above, the water flowing from the site does not flow directly to the native vegetation in the Baludarri Wetland.

Also, water currently leaves the site untreated, but in future, if the proposed development takes place, there will be water treatment measures put in place as explained in the ACE report. These will treat water as it leaves the site, removing nutrients and pollutants and providing further protection for offsite lands.

If the stormwater measures are provided, as described in the ACE report, there would be no requirement for the preparation of a BDAR.

c) Illumination mitigation measures. The updated ecological report is to address and consider the potential of illumination by the proposed proposal on nocturnal fauna and outline mitigation measures, including lighting designs that will minimise light spill into the ecologically sensitive river riparian corridor. Architectural plans are to be updated accordingly.

This is not a major ecological issue and fauna that occur in the locality are accustomed to standard residential lighting and built forms in the Parramatta CBD and environs. Nothing arises that will impact on flora on site or adjacent the site in terms of lighting.

d) Bird collision mitigation measures. The updated ecological report is to address and consider the potential of bird collision and outline mitigation measures, including having a building design to minimise the potential for bird collisions with exterior surfaces through glazing and fenestration treatments. Architectural plans are to be updated accordingly.

The incidence of bird strike is rare and there are examples of significantly taller buildings in the locality that have not led to significant harm to bird populations in the area.

e) Sydney Harbour SREP the updated ecological report must also address how the proposed development will meet the requirements of the Sydney Harbour Catchment SREP, particularly Division 2 (Matters for Consideration) and part 6 (Wetland Protection).

As outlined above, the proposed development addresses SREP because water from the site does not currently flow directly into the wetland. The water currently leaving the site is untreated, and the proposal is to be modified to include water management devices as outlined above. That will ensure that in future water leaving the site will be of improved water quality to that which occurs now, which is consistent with the requirements of wetland protection under the SREP.

Yours sincerely



David Robertson
Director
david.robertson@cumberlandecology.com.au

APPENDIX A :

ACE Civil Stormwater Services Response Letter 19/10/2021



ACE Civil Stormwater Services Pty Ltd
ABN: 27 644 422 506

Date: 19 October 2021

Ref: 200994 - Rev 01

Response Letter

Attention: Frances Mehrstens (Senior Development Assessment Officer)
City of Parramatta

RE: 85-91 Thomas Street, Paramatta

In response to the **Council RFI Report** dated 1st October, 2021, we are pleased to provide you with our response below:

Item	Comments	Response
2.	Development History	
	<p>a) DPI Fisheries objects to the proposed placement of a headwall adjacent to the site that would be located approximately 90m away from the waterline of the Parramatta River</p> <p>b) Stormwater would be discharged through the headwall and run over-ground to the Parramatta River, through the <i>Baludarri Wetlands</i> located adjacent to the proposal to access the Parramatta River. As this office described in C17/215 (issued 19/05/2017) and C17/310 (issued 21/07/2017) this area is a significant and environmentally sensitive area. It is protected by the FM Act and is also mapped on the State Environment Planning Policy – Coastal Management.</p> <p>c) This is not an appropriate location for the stormwater headwall outlet structure and the change in hydrology and water chemistry would have a negative effect on this environmentally sensitive area.</p> <p>d) DPI Fisheries has reviewed the Cumberland Ecology Addendum Ecology Letter Report (02/12/2020) in relation to the shading effect on adjacent sensitive mangrove habitat. DPI Fisheries understands that a Planning Proposal is currently before City of Parramatta Council to increase the allowable density at this site.</p>	<p>As discussed with DPI Fisheries manager, Josi Hollywood, over the phone on 14-10-2021, these raised concerns will be alleviated if it can be shown that the land's topography falls away from the existing <i>Baludarri Wetlands</i>. Based on GIS Data, runoff from the site does not flow to the existing wetland. Findings will be documented on the next issue of the plans.</p>
5.	Open Space and Natural Resources	
	<p>b) <u>Biodiversity Offset Scheme triggers</u></p> <p>The ecological letter states: <i>"Stormwater discharge has the potential to impact on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities within an area mapped on the Biodiversity Values map, which would trigger the BOS and the requirement for a BDAR to accompany the DA."</i></p> <p>In addition, section A5.2 of the report makes recommendations to mitigate the impacts of the stormwater discharge. These mitigation measures have not been adopted in the provided stormwater plan prepared by ACE, dwg 104, revision A, dated 9/12/2020.</p>	<p>Additional water retention and water quality measures including Level Spreader, Proprietary Tertiary Treatments Systems and Landscape Buffers will be documented in the next issue of the plans to address these concerns.</p>
6.	Stormwater	
	<p>a) <u>On-Site Retention requirements</u></p> <p>There is a Council reserve in the back of the subject lots. The proposed development will increase the quantity of stormwater runoff and the number</p>	<p>This will be incorporated in the</p>

FORM: ACECSW5738.1.00-Civil Design Certificate. Issue 1. 15/01/2021

Page 1 of 4

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ACE Civil Stormwater Services Pty Ltd
ABN: 27 644 422 506

Date: 19 October 2021

Ref: 200994 - Rev 01

(BMT WBM, 2015).

With regard to Climate data, 6min interval rainfall data for Parramatta North (Mason Drive, station 066124) for the period 25 December 1984 to December 2007 to be used. Daily average PET to be set based on the Prospect Reservoir Gauge (station 067019) as summarised in Table 1.

Treatment nodes

The nodes to be generally set in accordance with the NSW MUSIC Guidelines 2015 (BMT WBM, 2015) and considering the following additional notes. The catchments area discharging to each treatment node should be consistent with the stormwater plans.

Rainwater tanks

- A maximum 80% of the physical capacity of rainwater tank to be used for modelling.
- External re-use should be modelled as annual demand scaled by daily PET-RAIN option in the re-use box
- Internal re-use should be modelled as an average daily demand

d) Final discharge point

The proposed headwall and single discharge point will not be supported.

The applicant's engineer to design a suitable outlet that will not cause erosion and/or creating nuisance downstream of the subject site such as wetting the existing footpath. Council may accept a level spreader within the site along the rear boundary and downstream of the OSD tank outlet pipe. The concentrated flow to spread over the level spreader and a 1m wide landscape buffer shall be provided downstream of the spreader within the site (see Figure 1). The applicant's engineer to ensure that the spreader will be hydraulically functional considering the OSD system outlet RLs. Upon reviewing the proposed design and the results of the water balance model, Council may approve such an outlet.

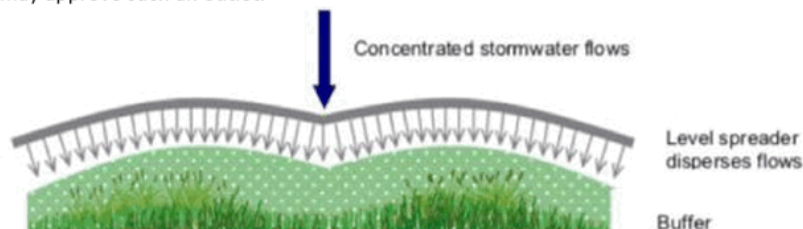


Figure 1. Arrangement of the level spreader and landscape buffer (adopted from Developer Handbook for WSU, Blacktown City Council)

e) Water Sensitive Urban Design Requirements

The arrangement of the Storm Filter (SF) chamber within the OSD tank should be designed in accordance with the Council Technical Practice note.

The OSD orifice size shall be adjusted based on the outflow from the storm filter underdrain pipes.

All the required models and certificates summarised in the practice note to be provided.

f) Sydney Water Pipe

There is a Sydney Water pipe running within the subject lots. The proposed development may impact the existing pipes. In this regard, the proposed plans must be submitted to Sydney Water to obtain approval.

This will be incorporated in the next issue of the plans.

This will be incorporated in the next issue of the plans.



ACE Civil Stormwater Services Pty Ltd
ABN: 27 644 422 506

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	<p>g) <u>Flooding Recommendation</u></p> <p>The submitted flood management report relies upon residents to observe and monitor weather conditions and to implement the evacuation. Considering the number of residents and the required evacuation from the basemen carparks, these responsibilities must be under the building manager's duties. The evacuation and seeking local authorities' advice must be undertaken by the building manager.</p> <p>Clear evacuation procedure and maps must be installed in the basement car parks and the building manager to ensure that the associated alarm system is functional and well maintained.</p> <p>The flood-affected area in the back of the lots (lands proposed to be dedicated to the Council) must be completely separated from the residential area with open style fencing and appropriate signage to be installed to indicate that the area is flood-affected.</p>	<p>This will be incorporated in the next issue of the plans.</p>
--	---	--

If you'd like to discuss these matters further, please do not hesitate to contact the undersigned.

For and on behalf of:

ACE CIVIL STORMWATER SERVICES Pty Ltd

Yours truly,

PER

Dr. Anthony S. Hasham

B.E., M.E., M.B.A., Ph.D., F.I.E. Aust., CPEng., N.P.E.R., R.P.E.Q.,

BPB0173 - DEP0000109

Civil/Structural Engineer, Accredited Certifier,
Design Practitioner



Plan of Management

85-91 THOMAS STREET
PARRAMATTA

DECEMBER 2020





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PLAN OF MANAGEMENT OVERVIEW

This Plan of Management has been prepared for the operation and management of a new age 'Boarding House' at 85-91 Thomas Street, Parramatta.

The boarding house is to accommodate a total of 237 boarding rooms/suites, each with full bathroom, kitchenette and living area and includes common rooms & common spaces, motorbike and bicycle parking area and a total of 118 car parking spaces (including 6 accessible spaces) within two basement levels.

The boarding house is intended to accommodate a total of 237 lodgers based on the room size and configuration.

This plan of management identifies appropriate strategies and procedures to address potential social or environmental impacts associated with Boarding Houses. The plan of management embraces current best practice methodologies such as casual surveillance, formal CCTV surveillance, clear contact points and procedures, complaint handling processes, articulation of responsibilities, and agreed house rules.

A plan of management is an accepted concept in environmental law and can be used in a range of circumstances. This plan of management assists in addressing the amenity impacts on the neighbours and integrating the proposed development with the existing development in the street.

The plan of management assists in addressing any adverse impacts on the amenity and characteristics of the established residential area. It provides a procedure to receive and resolve complaints.

The measures outlined in this plan of management will be of assistance in maintaining the amenity and characteristics of the area.





LEGISLATIVE FRAMEWORK

The Boarding House is regulated by the Boarding Houses Act 2012 and the associated Boarding Houses Regulation 2013. The provisions of the Act and Regulations are to be complied with at all times.

Objects of the Act

The objects of the Act are to *establish an appropriate regulatory framework for the delivery of quality services to residents of registrable boarding houses, and for the promotion and protection of the wellbeing of such residents, by:*

- (a) providing for a registration system for registrable boarding houses, and*
- (b) providing for certain occupancy principles to be observed with respect to the provision of accommodation to residents of registrable boarding houses and for appropriate mechanisms for the enforcement of those principles, and*
- (c) providing for the licensing and regulation of assisted boarding houses and their staff (including providing for service and accommodation standards at such boarding houses), and*
- (d) promoting the sustainability of, and continuous improvements in, the provision of services at registrable boarding houses.*

Definition

The proposal is defined as a 'general boarding house' under the Act:

- (2) Boarding premises are a **general boarding house** if the premises provide beds, for a fee or reward, for use by 5 or more residents (not counting any residents who are proprietors or managers of the premises or relatives of the proprietors or managers).*

KEY REQUIREMENTS

Registration of Boarding Houses

The boarding house is required to Notify the Commissioner the following according to Section 9:

9 Notification of particulars about registrable boarding house

(1) A proprietor of boarding premises that are used as a registrable boarding house must notify the Commissioner, in accordance with this section, of the following particulars so as to enable the Commissioner to include information about the boarding house in the Register:

- (a) the name, and the residential or business address, of each proprietor of the boarding house,*
- (b) the name (if any) and the address of the registrable boarding house,*
- (c) whether the boarding house is a general or regulated assisted boarding house,*



- (d) whether development consent or approval is required under the Environmental Planning and Assessment Act 1979 to use the boarding house as boarding premises and, if so, whether such consent or approval has been granted,
- (e) the number of residents of the registrable boarding house,
- (f) the number of residents who are under 18 years of age,
- (g) the name of the manager (if any) of the registrable boarding house,
- (h) the total number of bedrooms provided as sleeping accommodation for the residents,
- (i) such other particulars as may be approved by the Commissioner or prescribed by the regulations.

The additional particulars specified by Section 9(1)(i) are identified in Section 4 of the Regulations and stated as:

- (1) The following additional particulars are prescribed for the purposes of section 9 (1) (i) of the Act:
 - (a) the telephone number and email address, if any, of the manager (if any) of the registrable boarding house,
 - (b) the telephone number, email address and website address, if any, of the registrable boarding house,
 - (c) the local government area in which the registrable boarding house is located,
 - (d) the telephone number and email address, if any, of each proprietor of the registrable boarding house,
 - (e) the maximum number of fee-paying residents who can be accommodated in the registrable boarding house,
 - (f) the method or methods for calculating charges for fee-paying residents and the fee amounts payable,
 - (g) the methods of payment used by fee-paying residents (including cash payments, credit cards, cheques, direct bank debits, money orders, BPay and Australia Post),
 - (h) the kinds of services provided to any residents (including accommodation, meals and personal care services),
 - (i) whether the registrable boarding house has special provisions for physical access and, if so, the kind of provisions provided,
 - (j) the numbers of residents who fit into each of the following categories (to the extent that it is reasonably practicable to ascertain this information):
 - (i) males,
 - (ii) females,
 - (iii) elderly persons (that is, persons 60 years of age or more),
 - (iv) students of tertiary institutions,
 - (v) persons who are mentally ill persons within the meaning of the Mental Health Act 2007,
 - (vi) persons who have a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments,



- (vii) persons with significant health problems,
- (viii) persons needing assistance with daily tasks and personal care.

Occupancy Agreements

A written Occupancy Agreement is to be formulated in accordance with the Act and associated Regulations that sets out the terms of the occupancy agreement. The Occupancy Agreement is to align with the Occupancy Principles contained in Schedule 1 of the Act, as stated below (but may be updated from time to time):

Schedule 1 Occupancy principles

(Section 30 (1))

1 State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2 Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

3 Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

7 Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A **utility** for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,



(e) the supply of any other service prescribed by the regulations.

8 Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

(a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and

(b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:

(a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,

(b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,

(c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,

(d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,

(e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

(a) any failure by the resident to comply with the terms of an occupancy agreement, or

(b) any damage to the boarding house caused by the resident or an invitee of the resident, or

(c) any other matter or thing prescribed by the regulations.

9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

10 Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.



11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.





MANAGEMENT OF THE BOARDING HOUSE

The Boarding House will be managed by an appointed on site manager for each building, with a secondary Property Management Company available. The managers are to be contactable 24 hours a day and 7 days per week.

The on site managers are to be trained and have resources to screen potential occupants, manage complaints efficiently and ensure maintenance of common property is systematic and thorough.

The on site managers are to be engaged by contract on an annual basis. The on site managers are to be able to respond within short timeframes, and be responsible for contracts and contacts with maintenance persons and companies, manage the facilities for the recording and storing of CCTV footage, and have established relationships/contacts with security companies and services such as the NSW Police Force, NSW Ambulance Service and NSW Fire Brigade.

Any matters that require urgent and potentially life threatening responses are the responsibility of either police, ambulance or fire services.

The managers must:

- Be experienced in the operation of multiple occupancy residential development.
- Oversee all occupancy agreements and ensure such agreements align with the provisions of the Boarding Houses Act 2012 and associated Regulations, including setting out information about occupancy evictions (such as the amount of notice to be provided of eviction).
- Organise building and landscaping maintenance as required through the engaging of contractors to undertaken maintenance, landscaping and cleaning functions.
- Promptly address and respond to tenant issues and building operation and maintenance matters.
- Maintain an incident register and record any complaints. The register is to be made available to Council.
- Ensure that the total occupancy of the boarding rooms pursuant to the leases does not exceed the approved number of lodgers.
- Provide the tenant with a copy of the Resident Information Brochure and House Rules with any new occupancy agreement;





- Undertake periodic inspections of the boarding rooms to ensure that they are being maintained in a clean and tidy fashion and that maximum occupant numbers are maintained.





MAINTENANCE OF COMMON AREAS AND RESPONSIBILITIES

Common areas are to be maintained by users and spaces should be left as they are found, in a clean and tidy state.

Cleaner will be employed, at the cost of the Boarding House owner / operator, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

The Boarding House off site manager is to employ the services of professional maintenance companies to undertake regular maintenance of the building. The maintenance companies are to enter the premises regularly and complete all maintenance required.

Any damage of internal or external property is repaired immediately together with all wear and tear items.

MAINTENANCE OF INDIVIDUAL AREAS AND RESPONSIBILITIES

Individual residents are responsible for maintaining their rooms in a clean and tidy state and must be made available for inspection by the boarding house manager upon request (48 hours' notice).

PEST CONTROL ARRANGEMENTS

Cleaning will also include regular inspections for vermin control and pest control services will be arranged by the boarding house managers on a regular basis.

WASTE MANAGEMENT AND COLLECTION

A weekly cleaner will be employed, at the cost of the Boarding House owner / operator, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

FIRE SAFETY

A Fire Safety Evacuation Plan will be prepared and attached to this Plan of Management prior to commencement of operations of the boarding house. The plan will contain pictorial instructions detailing evacuation steps in the case of an emergency.

The plan is to include evacuation routes, assembly points, and a plan of action once a fire alarm has been activated.



The Fire Safety Evacuation Plan is to be prominently located in each room and in the common area.

The phone numbers of appropriate contacts will be prominently displayed throughout the premises e.g. NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services.

EMERGENCY CONTACTS AND PROCEDURES

The phone numbers of appropriate contacts will be prominently displayed throughout the premises (foyer and common room) e.g. NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services. Phone numbers are also to be provided for appropriate support infrastructure service providers such as Telstra, Electrical Authority, Water Authority, local Council, etc.

CONFLICT RESOLUTION

Complaints from the community and between lodgers are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint. The task of the off site managers is to ensure that all neighbourhood and internal complaints are recorded, and management responses documented.

A Management Diary and an Incident Register is to be kept.

The site managers will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Boarding House intends minimising any further impact in the future on neighbours or between residents.

The procedures detailed in this Plan of Management are designed to minimise complaints. The site managers are to deal with empathy and respect to any person making a complaint.

COMPLAINTS MECHANISM: EXTERNAL

The managers are responsible for establishing contact and maintaining a relationship with the neighbours of the Boarding House within a 100m radius by undertaking the following tasks:

- Upon appointment letterbox drop all mail boxes within 100m radius of the Boarding Housing advising of their appointment and nominating all methods to contact them should any matter arise that warrants addressing. There shall be no less than two after hours contact numbers.





- Provide a clear sign at the front of the Boarding House, that is visible to the public, identifying the names of the managers and the methods of contacting the Managers in the event that there is a matter that warrants addressing.

Complaints from the community are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.

The task of the managers is to ensure that all neighbourhood complaints are recorded, and management responses documented.

A Management Diary and an Incident Register is to be kept. The managers will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Boarding House intends minimising any further impact in the future.

The procedures detailed in this Plan of Management are designed to minimise complaints.

The managers are to deal with empathy and respect to any person making a complaint.

COMPLAINTS MECHANISM: BETWEEN LODGERS

The manager is responsible for acting as mediator in disputes between lodgers.

Complaints from the lodgers are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint. The task of the off-site manager is to ensure that all complaints are recorded, and management responses documented. A Management Diary and an Incident Register is to be kept.

The manager will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how it is intended to minimise any further impact in the future.

The procedures detailed in this Plan of Management are designed to minimise complaints.

The managers are to deal with empathy and respect to any person making a complaint.

HOUSE RULES - AMENITY OF THE NEIGHBOURHOOD AND CONTROL OF NOISE

The draft "House Rules" for the Boarding House are attached to this Plan of Management.





It is noted that the document is a draft as it outlines the minimum requirements to be implemented by the managers; however, it may be appropriate to amend and add to the House Rules as the Boarding House operations evolve.

The House Rules are to be prominently displayed in the common areas.

Each new tenant is to be provided with a copy of the House Rules when signing their leasing agreement and agree to be bound by the House Rules.

House Rules relate to:

- The emission of noise (from within the boarding house and the external spaces);
- prohibition of large gatherings and parties on the premises;
- interference with the peace and quiet of other residents and neighbours;
- volume of television and music players;
- control of alcohol intake and prohibition of illegal substances;
- anti-social behaviour; and
- Parking of vehicles.

The emission of noise and appropriate hours for noise emission is dictated in legislation and enforced by parties such as the local Council.

The managers are to be familiar with the legislative requirements and rules and be aware of the relevant authorities that are responsible for enforcement of noise issues.





HOUSE RULES

The following rules are a condition of your occupancy agreement – Any breach of these rules will result in termination of your occupancy agreement.

Resident Behaviour & Neighbour Relations

Each occupant is required to ensure that other occupants of this boarding house as well as surrounding neighbours are allowed to peacefully and quietly enjoy their own premises. Each occupant is required to ensure they do not do anything or allow anything to occur that will impact on the quiet enjoyment of each tenant and neighbour of this boarding house.

Occupants of each boarding room shall make available their boarding room available for inspection by the property manager. This shall be by appointment with 24 hours' notice. However, in the case of an emergency, no notice is required, and the property manager may use the spare key to enter the premises.

Occupants are not to congregate in groups in any part of the common property, especially the external common property. Anti-social behaviour of any kind is prohibited and will be referred immediately to the police.

Any breach of the house rules will result in warnings initially, and in the case of persistent and serious breaches, termination of your lease and eviction from the premises.

Noise & Radio / TV

At any time noisy activities are occurring, occupants should keep doors any windows closed where possible to reduce noise emission and impact on neighbours.

Television, music players and any other sound emitting devise should be kept at a moderate level and not be audible from neighbouring properties

Use of External Areas

The common rooms and common courtyard shall only be used during the following Hours:

Sunday to Thursday 7am to 10pm

Friday and Saturday 7am to 10pm

Alcohol and Smoking

No Alcohol or illegal substances are to be consumed or be brought into common property at any time. Alcohol consumed in rooms must be disposed of in designated recycling bins.





No smoking is permitted within the Boarding House. Smoking is to be limited to visually obscured external open space areas only. No smoking is to be undertaken at the front of the property, only in the designated external smoking spaces.

Parking of Vehicles and Vehicular Access Arrangements

The development has defined parking spaces, and these are the only areas where parking is permitted.

Entry and Exit of Cars and Turning Area

When entering and exiting the site in a vehicle, vehicles must enter and leave the site in a forward direction.

Parking of Cars

Only people who have carparking approved in their lease agreement can park cars within the basement. Cars are not to block driveways or be parked in no parking or no stopping zones. At no time are cars authorised to park on the footpath area in a manner that is not permitted by relevant legislation.

Register of Complaints & Dealing with Complaints: Neighbours

The managers are responsible for establishing contact and maintaining a relationship with the neighbours of the Boarding House within a 100m radius by undertaking the following tasks:

Upon appointment letterbox drop all mail boxes within 100m radius of the Boarding Housing advising of their appointment and nominating all methods to contact them should any matter arise that warrants addressing. There shall be no less than two after hours contact numbers.

Provide a clear sign at the front of the Boarding House, that is visible to the public, identifying the name of the managers and the methods of contacting the Managers in the event that there is a matter that warrants addressing.

Complaints from the community are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint. This is to include specific room numbers that generate complaints.

The task of the managers is to ensure that all neighbourhood complaints are recorded, and management responses documented. A Management Diary and an Incident Register is to be kept.

The managers will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Boarding House intends minimising any further impact in the future.



Register of Complaints & Dealing with Complaints: Between Tenants

If conflict between lodgers cannot be resolved amicably complaints are to be directed to the boarding house managers who will act as a mediator between lodgers. Complaints are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.

This is to include specific room numbers that generate complaints.

The task of the managers is to ensure that all internal complaints are recorded, and management responses documented.

A Management Diary and an Incident Register is to be kept.

The managers will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how it is intended to minimise any further impact in the future.

Cleaning Schedules

Each resident is required to keep common areas clean. After using common facilities residents are clean up after themselves. Residents are encouraged to use their own private kitchen and bathroom where possible.

Common areas are to be maintained by users and spaces should be left as they are found- in a clean and tidy state.

Waste Disposal

Waste is to be disposed to the communal waste bins once bins are full.

Number of Approved Boarding House Rooms

There are to be no more than 1 lodger in each room.

Common Areas and Usage Times

Common areas are available for the enjoyment of boarders provided good order is maintained. All waste is to be disposed of and not left in the common areas or externally in common areas.

The common room and common area shall only be used during the following hours:

Sunday to Thursday 7am to 10pm

Friday and Saturday 7am to 10pm

Behaviour and Guest Visiting Times





Each tenant of this boarding house is responsible for themselves and their visitors. Tenants should ensure their visitors enter and exit the site in a quiet and respectful manner, having regard to the time of day or night they are entering or exiting the site.

Guests are permitted on site however they are not to stay overnight as this would lead to more than 1 persons being located in the boarding room.

Animals

There is to be no keeping of animals on the premises as this may compromise the health and/or safety of other residents and will impact upon maintenance and cleanliness requirements within the Boarding House.

Smoking

No smoking is permitted within the Boarding House. Smoking is to be limited to visually obscured external open space areas only. No smoking is to be undertaken at the front of the property, only in the designated external smoking spaces.

Alcohol and Drugs

No Alcohol or illegal substances are to be consumed or be brought into common property at any time. Alcohol consumed in rooms must be disposed of in designated recycling bins.

Security

The Boarding House is to be fitted with recording CCTV cameras in the common areas such entries, car parking area and common spaces. All movement in these areas is to be recorded and monitored. The footage is to be capable of being viewed live and recorded, over the Internet from any fixed or portable Internet viewing device, from anywhere locally or internationally. The continual electronic monitoring and recording of common areas is a key function of providing actual and perceived security.

These premises are under 24/7 video surveillance which is recorded and held and will be provided to council and/or law enforcement at any time. Disturbances are to be reported to the manager and NSW Police (if manager unavailable).

Function and Event Restrictions

No Parties are any other noise generating activity is to occur after 10pm Sunday to Thursday and after midnight Friday and Saturday.



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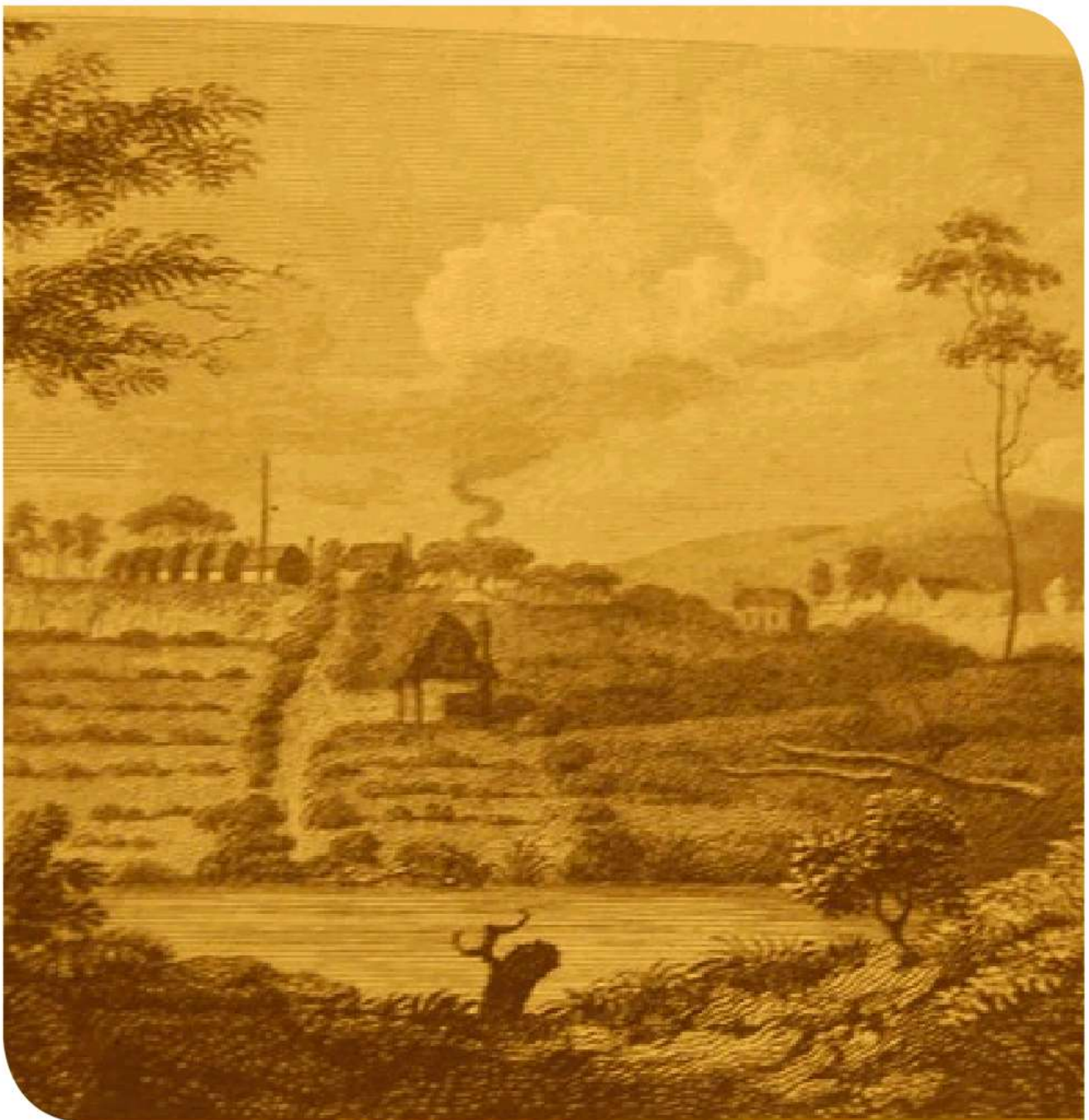


85 – 91 Thomas Street, Paramatta

**Statement of Heritage Impact
and Archaeological Assessment**

Prepared for Century 888 Pty Ltd

Prepared by Niche Environment and Heritage | 24 March 2021





niche-eh.com

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Document control

Project number	Client	Project manager	LGA
6472	Century 888 Pty Ltd	John McLellan Gillen	Parramatta City

Version	Author	Review	Status	Comments	Date
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1. Introduction

1.1 Project Background

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by Century 888 Pty Ltd to prepare a Statement of Heritage Impact (SoHI) for a proposed development of a new generation boarding house at Thomas Street, Parramatta. This was in response to a development application return letter with comments from Parramatta City Council.

1.2 Location of the Subject Area

The focus of this report is within a residential area at 85-91 Thomas Street, Parramatta, New South Wales (henceforth referred to as the 'Subject Area'). The Subject Area is also part of the Parramatta Historical Archaeology Management study (PHALMS) – Archaeology Management Unit (AMU) 3017. The site comprises of:

- Lot 13 DP 1239
- Lot 142 DP 537053
- Lot 15 DP 1239
- Lot 16 DP 1239

1.3 Proposed Works

The proposed development relates to the construction of a new generation boarding house which will consist of two buildings, a communal space and parking.

A Development Lodgement Application DL/1163/2020 for the proposed works was submitted and comments from Parramatta City Council, in relation to the heritage and archaeology of this project were received. The proposed works requires Niche to prepare a Statement of Heritage Impact (SoHI) including archaeological assessment according to the Heritage Council of NSW Guidelines and Parramatta DCP 2011.

The proposed works will be contained to the north half of the Subject Area, as delineated in Figure 3. The southern half of the Subject Area will be preserved as a conservation area and be handed over to Parramatta City Council. No works are to be undertaken in the southern area.

1.4 Project objectives

This SoHI report addresses the following outcomes:

- **Statutory overview:** identification of the statutory constraints which apply to the proposed works.
- **Historical overview:** analysis of the history of the Subject Area in order to inform the assessment of heritage significance and archaeological profile of the site.
- **Physical evidence at the site:** a site inspection of the Subject Area which is used to further inform this assessment and amend or confirm the historical analysis.
- **Significance assessment:** using the standard NSW assessment criteria to develop a statement of heritage significance which entails the assessment of the Subject Area with respect to the immediate region and the individual significance of items identified within the Subject Area.
- **Impact assessment:** evaluates the potential impacts of the proposed works on the identified heritage values.
- **Recommendations:** strategies to manage the impacts of the proposed works on the heritage significance of the Subject Area and its components. The assessment will also provide recommendations for unexpected finds during trenching activities.

1.5 Methodology

This SoHI has been prepared in accordance with the principles and methodology contained in The Burra Charter: *The Australia ICOMOS Charter for Places of Cultural Significance (2013)*.

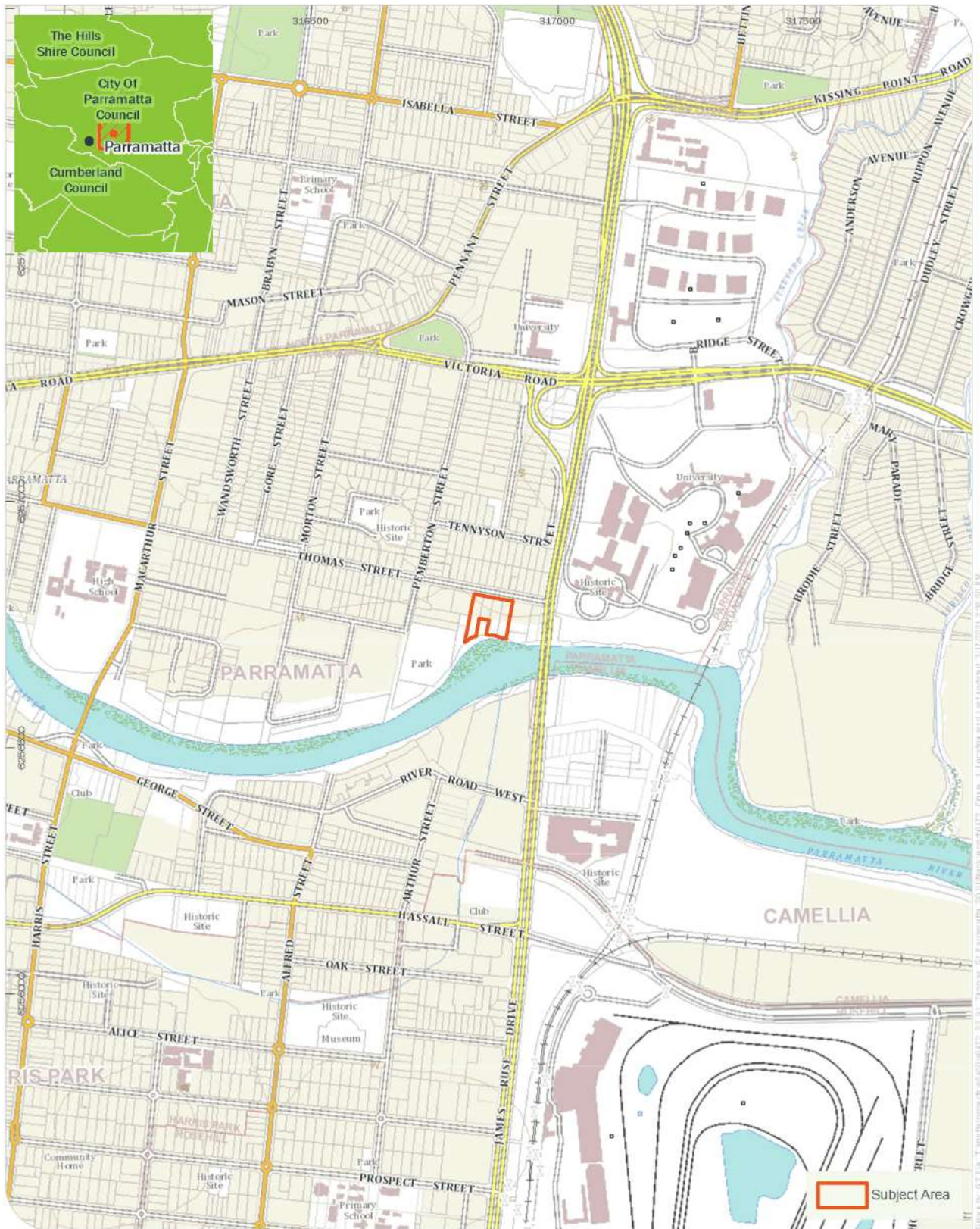
The Burra Charter outlines a series of best practice principles and measures for heritage investigation and conservation. The Charter is supported by a series of Practice Notes that provide practical advice in the application of the Burra Charter. The Charter was first adopted in 1979 and has been subject to numerous updates with the most recent iteration adopted in October 2013. The policies and legislative guidelines developed by the Heritage Council of NSW are guided by the Burra Charter.

This report has also been prepared in accordance with the best practice standards set out by the NSW Heritage Division including:

- *Assessing Heritage Significance (Heritage Office (former), 2001)*,
- *Assessing Significance for Historical Archaeological Sites and 'Relics' (Heritage Council, 2009)*.

1.6 Authorship and acknowledgements

This SoHI has been written by John McLellan Gillen (Heritage Consultant, Niche), with document review and quality control provided by Sarah McGuinness (Senior Consultant, Niche) with technical assistance provided by Yin Hua (GIS Consultant, Niche). Unless otherwise attributed, images used in this report are produced by Niche.







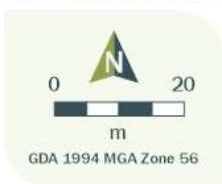
GDA 1994 MGA Zone 56

Location Map
85-91 Thomas St Parramatta SOHI

Figure 1

Niche PM: John Gillen
Niche Proj. #: 6472
Client: Century 888 Pty Ltd

publicRDP_Base_Map © Department of Customer Service 2023



Proposed Works
85-91 Thomas St Parramatta SOHI

Niche PM: John Gillen
Niche Proj. #: 6472
Client: Century 888 Pty Ltd

Figure 2



2. Regulatory and Assessment Framework

This section provides a summary of relevant legislation and associated planning instruments designed to protect and conserve significant heritage items and their values.

2.1 Commonwealth and National Legislation

2.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Under the EPBC Act, protected heritage items of significance are listed on the National Heritage List (NHL) or the Commonwealth Heritage List (CHL). The NHL provides protection to places of cultural significance to the nation of Australia, while the CHL comprises natural, Aboriginal and historic heritage places owned and controlled by the Commonwealth.

No items on the CHL or NHL were identified within the Subject Area

2.2 NSW State Legislation

Heritage Act 1977

The *Heritage Act 1977* affords statutory protection to those items identified as having heritage significance and which form part of the NSW heritage record. The Act defines a heritage item as "a place, building, work, relic, moveable object or precinct". Items that are assessed as having State heritage significance are listed on the NSW State Heritage Register (SHR). Proposals to alter, damage, move or destroy heritage items listed on the SHR (or protected by an Interim Heritage Order [IHO]), require an approval under s60 of the *Heritage Act 1977*.

Archaeological features and deposits are afforded statutory protection by the 'relics provisions' of the Act. A relic is defined as "any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and is of State or local heritage significance". Land disturbance or excavation that will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed is prohibited under the provisions of the Act, unless carried out in accordance with a permit issued under s140 or s139 for Local heritage sites and s60 for State heritage sites of the Act.

There is no SHR listing within the Subject area that is being assessed.

State Heritage and Conservation (s.170) registers

Under s.170 of the *Heritage Act 1977*, NSW government agencies are required to maintain a register of heritage assets under their control or ownership. Each government agency is responsible for ensuring that the items entered on its register under s.170 are maintained with due diligence in accordance with State Owned Heritage Management Principles. Items listed on s.170 Heritage and Conservation Registers are listed on the State Heritage Inventory (SHI), and some are also listed on the SHR.

There are no s.170 listings for the items within the Subject Area that are being assessed.

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning process in NSW. The EP&A Act also requires local governments to prepare planning instruments, such as Local Environmental Plans (LEPs) to provide guidance on the level of environmental assessment required.

Parramatta LEP (2011)

Heritage items within the Parramatta City LGA are listed in Schedule 5 of the Orange LEP 2011. Orange Development Control Plan (DCP) (2011) gives guidance and outlines controls in place to regulate development within the Parramatta City LGA. These items are subject to the planning controls and provisions set out in Clause 5.10 (Heritage Conservation) of that LEP.

There is one LEP listing for the items within or in near proximity the Subject Area that are being assessed.

2.3 Summary of Heritage items

The below tables list the heritage items identified within the Subject Area (**Table 1**) (**Error! Reference source not found.**):

Table 1: Heritage items within or near the Subject Area

Item #	Item Name	Location	Level of Significance	Proximity to Subject Area
I735	Parramatta Wetlands	Parramatta River	Local	Within SE of Subject Area.

2.3.1 The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (2013)

This SoHI has been prepared in accordance with the principles and methodology contained in *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (2013)*.

The Burra Charter outlines a series of best practice principles and measures for heritage investigation and conservation. The Charter is supported by a series of Practice Notes that provide practical advice in the application of the Burra Charter. The Charter was first adopted in 1979 and has been subject to numerous updates with the most recent iteration adopted in October 2013. The policies and legislative guidelines developed by the Heritage Council of NSW are guided by the Burra Charter.

3. Historical Context

This section draws on the PHALMS historical assessment to define the physical evolution and associations of the Subject Area. This analysis informs the archaeological assessment and evaluation of heritage significance.

3.1 Historical 'Phases' of the Subject Area

PHALMS identified several main historical phases of development across the Parramatta area, which includes the Subject Area. These phases are:

- Phase 1 – The Pre-European Aboriginal Landscape
- Phase 2 – The Contact Landscape
- Phase 3 – The Convict Landscape
- Phase 4 --The Landscape of Control
- Phase 5 – The Landscape of Production
- Phase 6 – The Landscape of Consumption

3.2 Historical Overview

3.2.1 Environmental Context

The Subject Area is situated on the northern bank of the Parramatta River (Figure 1), within the residual Blacktown (bt) and Lucas Heights (lh) soil landscapes. The Blacktown soil landscape is generally characterised by gently undulating rises on Wianamatta group shales. Soil profiles within this soil landscape are typically up to 100 cm in depth and are comprised of mottled texture contrast soils and podzolic soils (Chapman & Murphy 1989). Blacktown soils are subject to seasonal waterlogging, and sheet erosion, particularly in areas cleared of vegetation. The Lucas Heights soil landscape comprises gently undulating crests and ridges on plateau surfaces on Mittagong Formations geology of embedded shale, laminate and fine to medium grained quartz sandstone. Soils of this landscape are generally deep, from 50 to 150 cm of hard setting yellowish-brown loam (Hazelton 1992).

Pre-settlement vegetation within the Subject Area would have consisted of Cooks River Clay Pan Scrub Forest and Shale/Sandstone Transition Forest (GML 2000). The modern landscape of the Subject Area consists of cleared, urban settlement in the northern half, and mangrove and saltmarsh complex along the Parramatta River foreshore.

3.2.2 Pre-European Aboriginal Landscape

It is now proposed that Aboriginal occupation of Australia dates back at least 65,000 years (Clarkson et al, 2017) and the Sydney Basin was occupied and used by Aboriginal people for thousands of years prior to European settlement. The result of this extensive and continued occupation has left a vast amount of accumulated depositional evidence. The earliest known occupational site of the Cumberland Plain and generally in the Sydney Basin is located north of Pitt Town, south of the Hawkesbury and the cultural deposits have been dated by optically stimulated luminescence (OSL) to 36,000+/-3000 BP (AHMS, 2012). In the Parramatta area (located on George Street, Parramatta), the cultural deposits have been dated by thermoluminescence (TL) to 30,735 +3000/-2000 BP (Attenbrow, 2010:18). There are also a number of sites within the Sydney Basin that are dated to the Holocene (within the last 10,000 years BP).

Early historical accounts indicate that prior to British colonisation the Subject Area was the territory of the 'Burramattugal', the word from which the name Parramatta is derived. These sources suggest that Parramatta translates as 'the place where eels lie down' or the head of the river'. The Burramattugal were

an inland group of the Darug people, who occupied the area now known as Western Sydney. The significance of the area to Aboriginal people is evident in the cultural material found throughout the Parramatta region.

3.2.3 The Aboriginal- European Contact Landscape

Initial accounts suggest that the Burramattagal people appear to have provided assistance and engaged in friendly relations with the British settlers under Governor Phillip who had arrived in Sydney Cove and spread west into the Paramatta area seeking fertile farming ground. The Burramattagal traded fish and provided guides for exploration to the settlers. Relationships soured as the agricultural works of the colonists encroached further into the Aboriginal lands and threatened their resources. Violent encounters began between the two groups. Some historians have argued that the violence across the Cumberland Plain was a war of resistance. In 1791 Collins described how trade had been established between the two peoples of foodstuffs but the destruction of a canoe by convicts led to the cessation of this trade and the injury of one of the convicts. Parramatta was then largely avoided by Aboriginal people. Certainly, by the time of Macquarie's government the violence between the two groups was at an all-time high. In 1814 the Native Institution was established in Parramatta by Governor Macquarie and missionary William Shelley with the objectives of replacing aboriginal cultural traditions with those of the Europeans and evangelising the young Aboriginal people of the settlement. A large feast was held for the local people in the town marketplace in 1814. It became an annual gathering drawing hundreds of Aboriginal people from across the country as far west as Bathurst. The last feast was held in 1835.

The PHALMS mapped zones within the Parramatta area likely to contribute information about the Aboriginal- European landscape (GML 2000). Plate 1 below indicates the general location of the Subject Area in red in reference to the PHALMS Aboriginal- European Contact Landscape mapping. No specific features relating to this historical phase have been identified in the study, with the closest item a general zone of Aboriginal camping sites along Clay Cliff Creek. The proximity to the river and wetlands and distance from the main settlement however indicate that the general location of the Subject Area is likely to have been used for both transient and longer-term use by Aboriginal people during the contact phase.

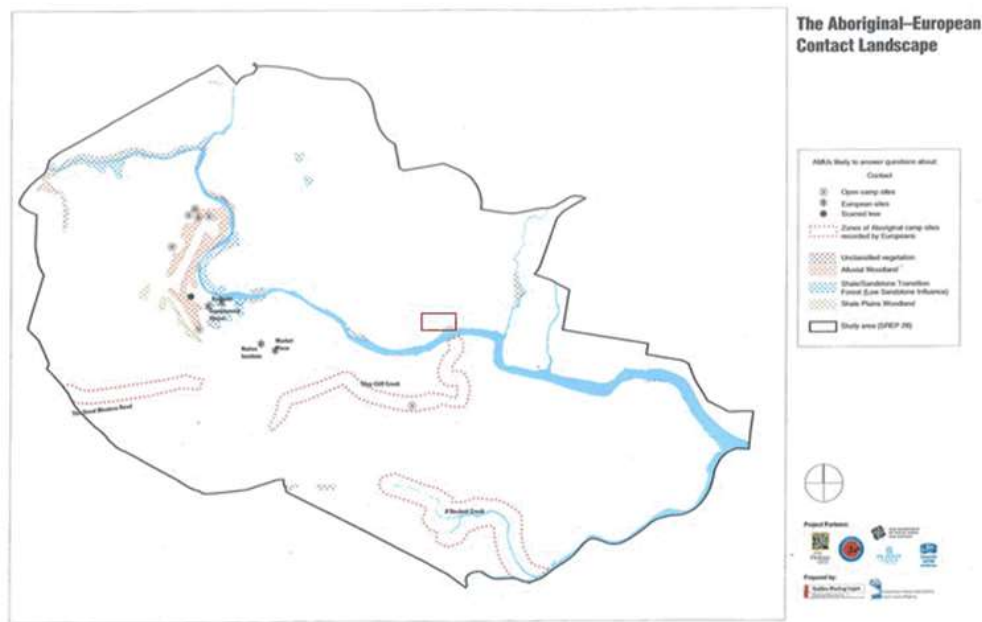


Plate 1: The Aboriginal- European Contact Landscape, as identified in PHALMS. Subject Area indicated in red (Source: GML 2000 with Niche annotations).

3.2.4 The Convict Landscape

Governor Phillip's plan for the town of Parramatta sought to move away from the urban landscape of the Sydney settlement that had been shaped largely by the convicts themselves, and not Government dictates (Karskens 2009). Parramatta was a 'start over' town, where private buildings, hidden alleys and areas outside of government regulation would not be tolerated. Governor Phillip's vision for Parramatta was one of government control of land and buildings, with carefully laid out streets lined with convict huts and allotted gardens (Karskens 2009: 79).

Accordingly, the areas of convict labour were also carefully defined within the new settlement. Plate 2 shows the Convict Landscape, as identified in the PHALMS (GML 2000). From the 1820's, government convicts were sent to work as labourers in lumberyards or in construction gangs (GML 2000: 97). The Subject Area is situated in zones assigned to such convict labour, outside of the main settlement area.

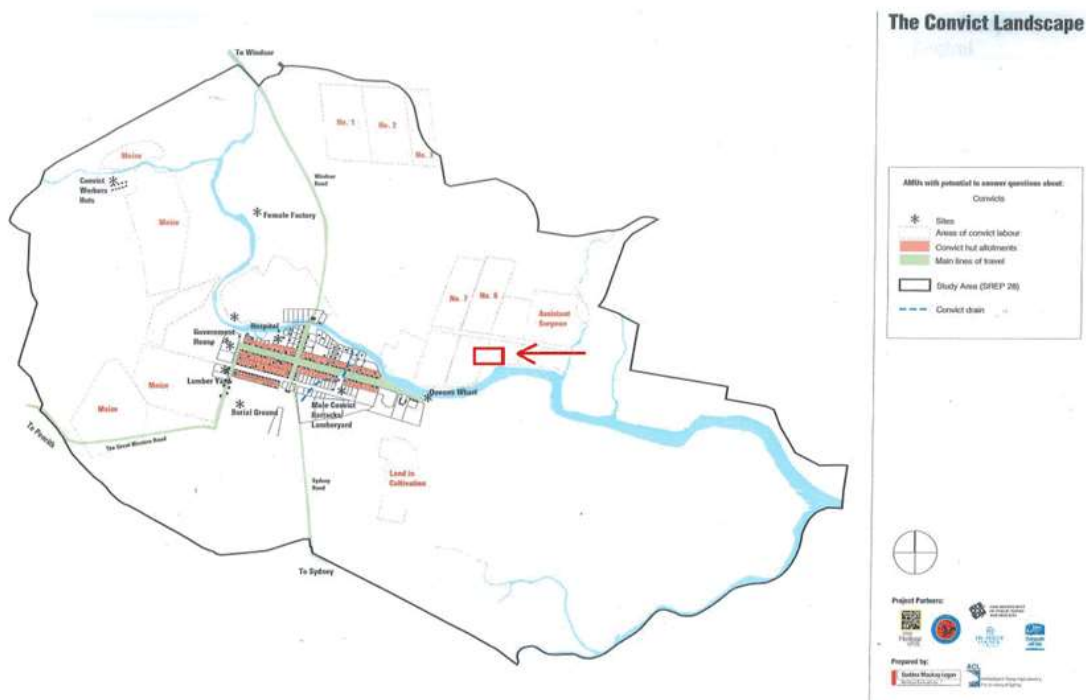


Plate 2: The Convict Landscape, as identified in PHALMS. Subject Area indicated in red (Source: GML 2000 with Niche annotations).

3.2.5 The Landscape of Control

Central to Governor Phillip's plan of governmental control over the Parramatta settlement, was infrastructure designed to contain, regulate and manage the convict population and regularise the town layout.

The PHALMS identified the government controlled services relating to this phase including town boundary stones, a watch house, gaol, Female Factory and military barracks (Plate 4). The Subject Area is largely situated away from the main settlement and infrastructure, however the PHALMS identified a town boundary stone erected in 1839 to the immediate south-east.

Nine such town boundary stones were erected in 1839 following the 1839 Town Police Act delineating the boundaries of Parramatta (SHI Database # 4681034). Only three of these stones are known to have survived.



Plate 3: Example of an 1839 Parramatta town boundary stone (Source: Heritage NSW)

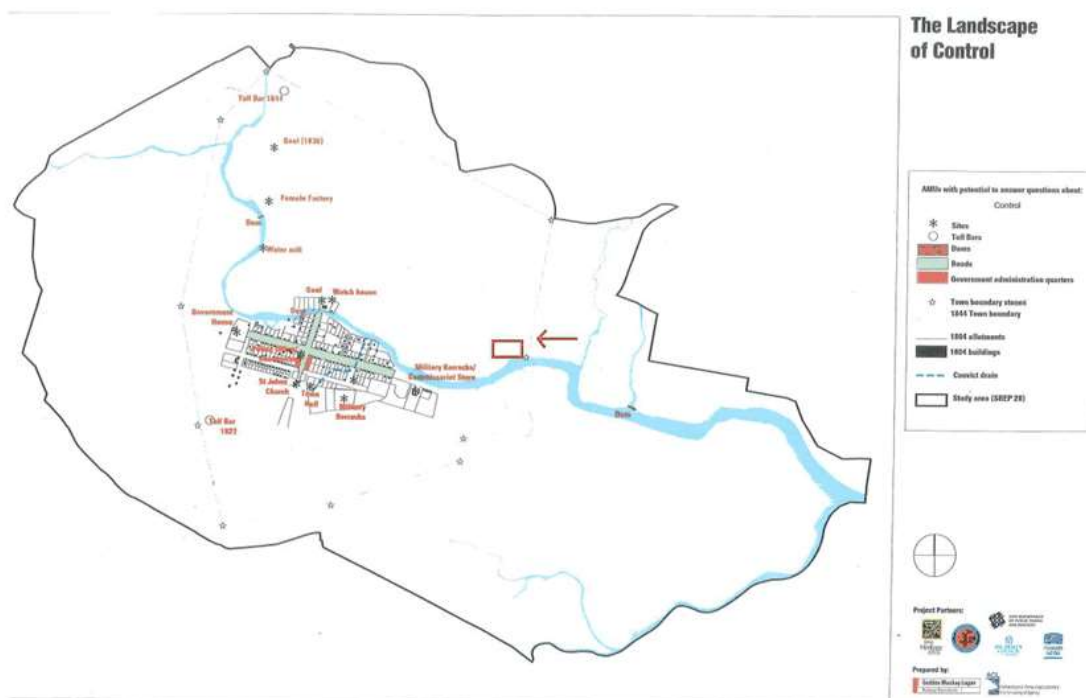


Plate 4: The Landscape of Control, as identified in PHALMS. Subject Area indicated in red (GML 2000 with Niche annotation).

3.2.6 The Landscape of Production

The failure of successful farming at Sydney Cove led to an agricultural focus up the river in the Parramatta area, in order to ensure the colony's self-sufficiency. Governor Phillip established a series of large

government farms that were worked by convict labour; a scheme that endured for 40 years. Karskens (2009: 84) describes the system of public farming as:

"... an important part of Sydney's rural history, and the convict experience. Many of them, simply by being reserved lands, also left significant legacies which shaped the future city".

However, the farms did not lead to instant success; the land required clearing and preparation, and the convicts themselves were not experienced in farming in an Australian landscape. Following much trial and error, the public farms began to produce successful crops including the colony's first wheat crop (Karskens 2009: 84).

The PHALMS identified that in c.1790 the Subject Area is situated within Town Boundary Farms Nos 6 and 7, and a farm granted to Assistant Surgeon John Irving (Kass et al 1996) (Plate 5). These sixty acres lots were situated on the fertile soil on the northern banks of the Parramatta River and were likely planted with crops of wheat and barley (GML 2000: 103). Farms Nos 6 and 7 were granted by Governor Phillip to Robert Webb and William Reid, who were assigned convicts, food, seeds, agricultural tools, livestock and medical attention. Huts were also built for them on their grants (GML 2000: 1127).

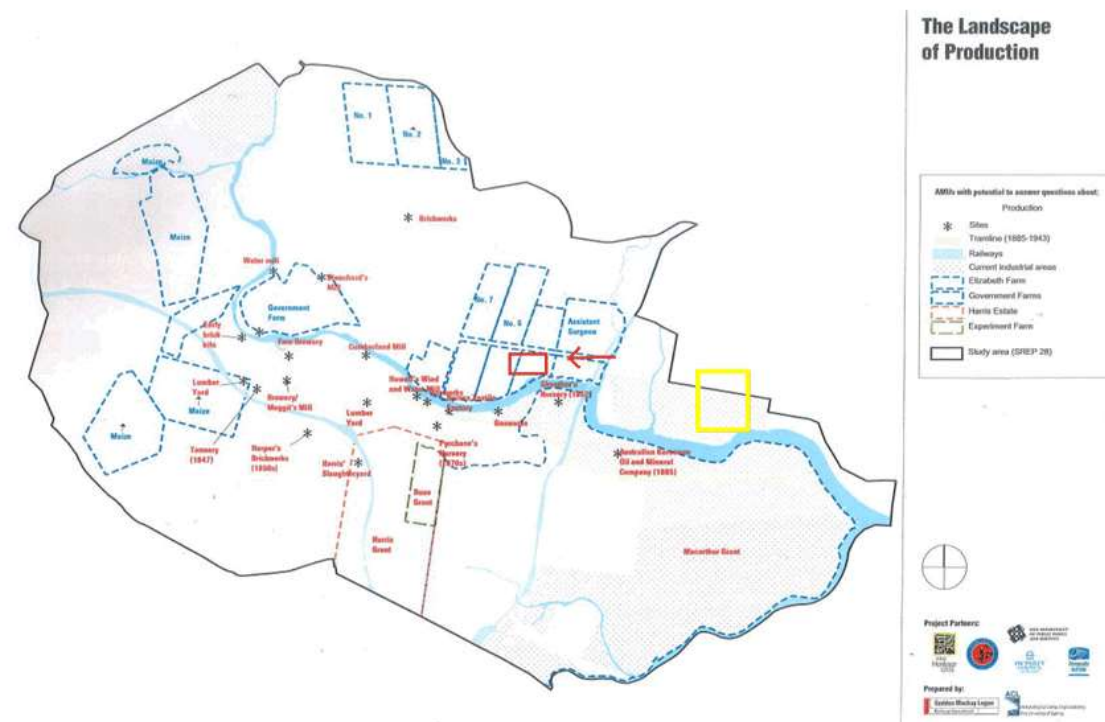


Plate 5: The Landscape of Production, as identified in PHALMS. Subject Area indicated in red (source: GML 2000 with Niche annotation.)

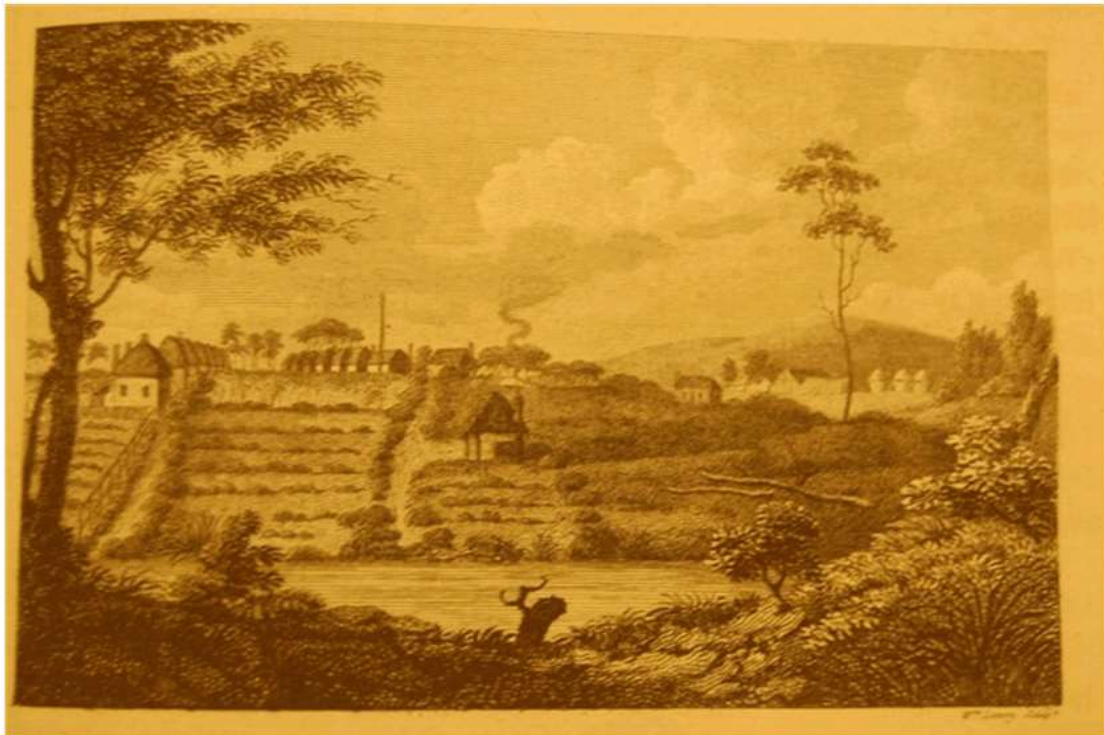


Plate 6: Example of a government farm at Toongabbie, west of the Subject Area (Source: Heritage NSW)

3.2.7 The Landscape of Consumption (Urbanisation)

The town of Parramatta was officially laid out in 1791, primarily on the southern side of the river and situated around Government House and the convict farms. The government farms were generally located outside of the town limits, but as Parramatta continued to expand *“new huts and streets were built right over that first cultivated ground”* (Karskens 2009: 84).

The town plan of early Parramatta from c. 1791 (Plate 7) shows no development in the vicinity of the Subject Area, with a road to the north the only clear illustration of use nearby. The original grants changed hands over the last decades of the 18th century to the Palmer and Marsden families- both part of the Parramatta gentry (GML 2000). Father John Palmer retired to this grant and Waldon Cottage in 1819. Mrs Gore from nearby Pemberton Grange and Mrs Wall on the eastern part of the estate were identified as residing on the Palmers estate by 1844 (GML 2000).

The 1844 Plan of the Town of Parramatta (Plate 8) shows that very little development had occurred in or around the Subject Area by this time. The PHALMS suggests that the structures associated with the Palmer estate fall outside of the Subject Area, but that it is likely that other structures or features were built elsewhere on the estate (GML 2000). A small structure on the 1844 Plan of the Town of Parramatta to the east of the Subject Area is likely to have been a worker’s cottage, or part of the estate houses.

The Subject Area is situated outside of the town allotments even beyond 1895 and is likely to have remained as farmed rural land during this time. The PHALMS mapped the changing town extent from 1804 to 1895 (Plate 9) and notes that this area does not appear on any major maps or images of Parramatta until 1951, when it was subdivided for residential development (GML 2000).



Plate 7: c 1791 Plan of Parramatta. General location of the Subject Area indicated in red and modern lots overlaid in blue (Source: GML 2000 with Niche annotations)



Plate 8: 1844 Plan of the Town of Parramatta and Adjacent Properties. General location of the Subject Area indicated in red and modern lots overlaid in blue (Source: GML 2000 with Niche annotations)

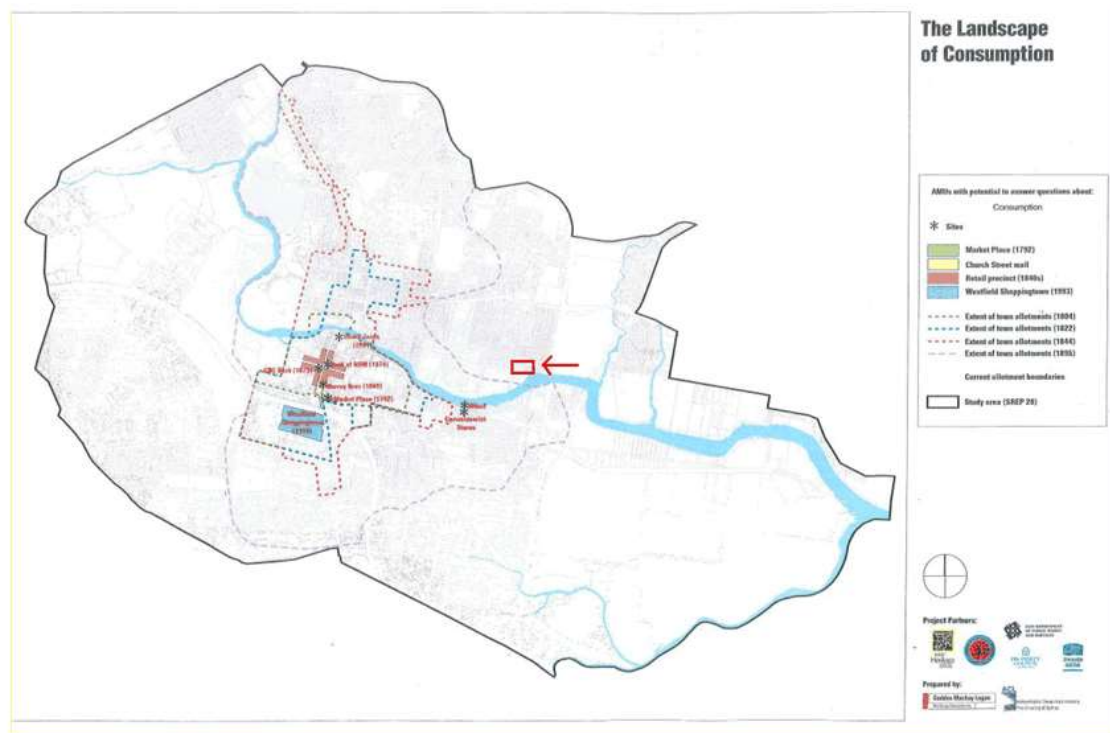


Plate 9: The Landscape of Consumption, as identified in PHALMS. General location of the Subject Area indicated in red. (Source: GML 2000 with Niche annotations)

4. Physical Analysis

4.1 Site inspection

The site inspection was carried out on 09th March 2021 by John McLellan Gillen (Historical Heritage Consultant, Niche Environment and Heritage).

4.1.1 Methodology

Prior to the site inspection, analysis was undertaken of historical aerial images and historical sources as a means of identifying potential heritage items within the Subject Area. The site inspection was carried out from the entrance at Thomas Street and along the public walkway along the river. However, there was a significant amount of vegetation and poor visibility of the ground's surface. Despite this, the inspection was able to be carried out with photographs taken, and notes made.

4.1.2 Historical Aerial imagery

The historical imagery shows that the Subject Area has undergone multiple phases of land redevelopment and the construction of the former dwelling. This includes redevelopment of the gardens of the former dwelling.

The 1943 imagery (Plate 10) shows that the surrounding area and the Subject Area had relatively little land development at the time. The Subject Area has some development at this point which appears to be small rectangular building or concreted area. However, by the 1960s this area had been absorbed into the construction of the former dwelling within the Subject Area. The 1965 image (Plate 11) shows that the former house had been constructed by this point and that the concrete area had been redeveloped into the backyard. The 1986 image (Plate 12) shows that the Subject Area began to become overgrown towards the south of the property boundary but overall remained unchanged since 1965.



Plate 10: 1943 imagery showing the Subject Area in centre (Source: Environment NSW)



Plate 11: 1965 imagery showing the Subject Area in centre (Source: Environment NSW)



Plate 12: 1986 imagery showing the Subject Area in centre (Source: Environment NSW)

4.1.3 Physical Description of Subject Area

The Subject Area consists of two residential allotments, located along Thomas Street, Parramatta (Figure 2). The areas are roughly rectangular and span from the pedestrian walkway to the embankment and wetlands along Parramatta River. The Subject Area has a sharp downwards slope at the south of the boundary that runs towards Parramatta River.

There is a high level of disturbance within the Subject Area. Much of the Subject Area is covered in vegetation and ground surface exposure is little to none. Overall, the Subject Area's condition means that surveying the area is difficult.

The Subject Area can be divided into two areas: the top of the slope where the residential dwellings area is located and bottom of the slope which has the public bicycle and pedestrian walkway located to the immediate south (as seen with division in Figure 3) .



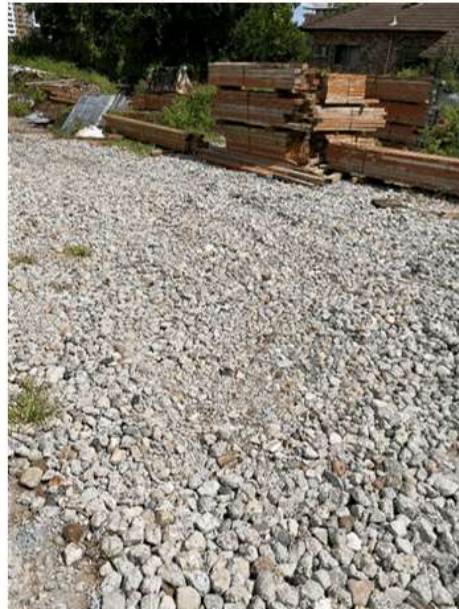
Plate 13: Subject Area at the top of the slope



Plate 14: Subject Area of the bottom of the slope

Top of slope along Thomas Street

This area was the location of the former dwelling and much of the remnants of this building are apparent. The driveway from the public footpath is still present and the demolished foundations of the previous building also remains. The area which is likely where the garden would have been is completely overgrown as is much of the rest of the area. As much of the surface coverage was high, no identified heritage items were discovered.

**Plate 15: Shot of driveway from Thomas Street****Plate 16: Foundation of former dwelling****Plate 17: Shot of the rear of the former dwelling**

Bottom of slope

The Subject Area at the bottom of the slope consists of dense vegetation, the wetlands and embankments along Parramatta River, and a public bicycle/pedestrian suspended path. The area is unmanaged environment causing the ground surface to be completely covered. The public path runs east-west along the southern edge of the Subject Area and is suspended above the ground meaning little vegetation clearance has occurred.



Plate 18: Shot of ground surface coverage at the bottom of the slope of the Subject Area



Plate 19: Shot of the wetland area adjacent to the Subject Area along the Parramatta River

4.2 Evaluation/Summary of Physical Evidence

The conclusions from this survey may be summarised as follows:

- The ground surface visibility is limited.
- The overgrown garden and poor ground visibility within the Subject Area also make the identification of previously unknown heritage items difficult.
- The disturbance to the Subject Area is high. The demolition of the former dwelling appears to have included the removal of the building's subsurface foundations. The construction of the public path, although suspended, would likely have caused some disturbance to the Subject Area during the initial development.
- The Subject Area is also located within a densely developed residential area meaning that any potential archaeological deposits remaining is low.

5. Assessment of Archaeological Potential

This section provides an assessment of the archaeological profile of the Subject Area. This assessment is based on the evidence derived from the archival analysis (Historical Context), site inspection and previous investigations near the Subject Area. This profile contributes to the assessment of cultural significance of the Subject Area.

Archaeological potential is defined as the likelihood that an area may contain physical evidence related to earlier phases of occupation, activity and/or development. Physical evidence can encompass structural remains and footings, occupational deposits, artefacts and/or features. These archaeological remains have the potential to contribute to our knowledge and understanding of the development of this area and the region and its association with the community using information otherwise unavailable. The potential for preserved archaeological evidence can range from very low to high, as follows:

Table 2: Grading of archaeological potential

Grade	Definition
Very Low	The degree of ground disturbance suggests minimal or no potential for any archaeological evidence to survive
Low	It is unlikely that any archaeological evidence survives
Moderate	Some archaeological evidence associated with a particular historical phase or feature survives. It may be subject to some disturbance.
High	It is likely that archaeological evidence associated with this historical phase or feature survives intact

5.1 Previous archaeological investigations within or close to the Subject Area

The following assessments and studies have been conducted within, or nearby to the Subject Area.

5.1.1 PHALMS Godden Mackay Logan 2000

The Subject Area was previously assessed in 2000 as part of the wider Parramatta Heritage Archaeological Landscape Management Study (GML). No archaeological investigations were undertaken as part of the study.

The assessment found that the general location of the Subject Area (AMU 3017, as defined in GML 2000) has potential to contain intact subsurface deposit that relate to the Palmer and Marsden estates and early farming practices and structures.

The PHALMS found that no relics were able to be identified on maps or historic documents, but the existence of structures or features related to early farming or estate management were possible.

It was noted that 20th century development in the area is likely to have disturbed, and in some cases completely removed archaeological deposits or features.

Overall, the PHALMS concluded that the location of the Subject Area has moderate archaeological research potential (Plate 20).

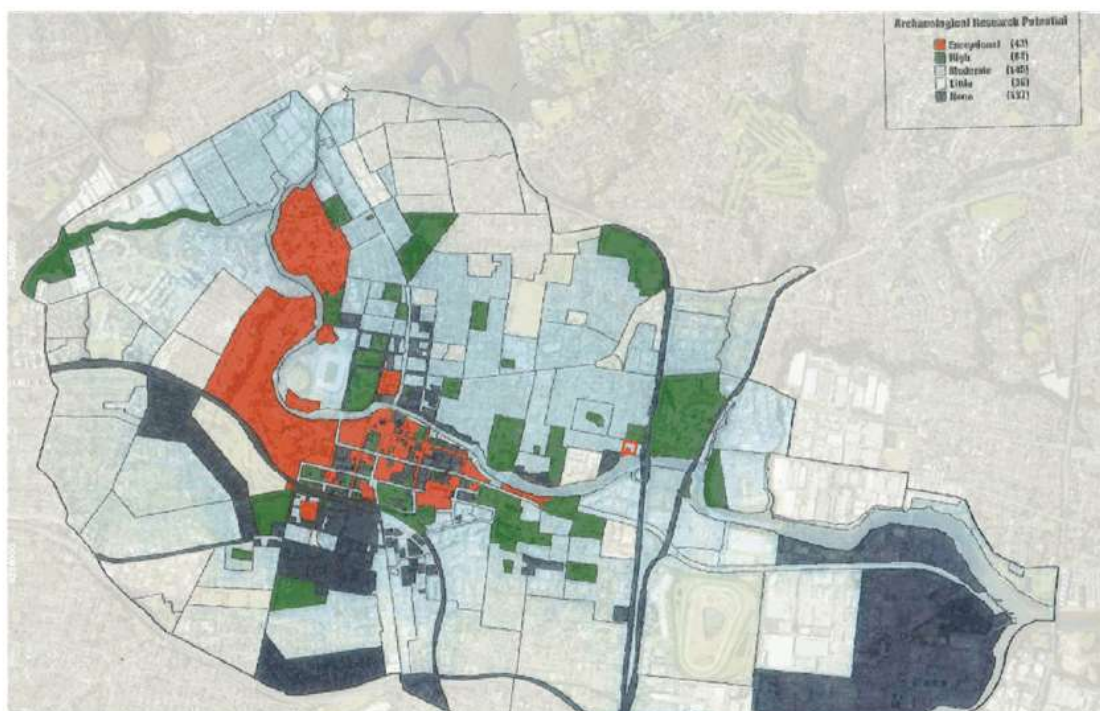


Plate 20: Archaeological Potential as indicated in PHALMS. Subject Area indicated in red outline (Source: GML 2000 with Niche annotations)

5.1.2 Test Excavation of Baludarri Wetland AHMS 2006

An assessment of the Baludarri Wetland (within and just south of the Subject Area) in 2006 identified no Aboriginal or historic cultural heritage items recorded within the area. An archaeological test excavation of the site found that the potential for the area to contain heritage items is classed as negligible due to catastrophic flooding in 1864 and 1890 (AHMS 2009).

5.1.3 Baludarri Wetland Plan of Management Parramatta City Council 2010

Parramatta City Council produced a Plan of Management of the Baludarri Wetland in 2010. It found that:

"The location on the floodplain combined with European past uses of the site including clearing and filling make it unlikely that items of European or Indigenous heritage would/will be found (2010: 23)."

5.2 Analysis of potential archaeological evidence for the Historical Phases

Table 3 below presents an analysis of the archaeological potential of the identified historical phases, using the historical assessment and the known integrity of the Subject Area.

Table 3: Archaeological potential of Historic phases

Historical Phase	Analysis of Archaeological Potential Associated with Historical Phase
Phase 1: Pre-European Aboriginal Landscape	N/A – note that the assessment of Aboriginal Archaeological potential is beyond the scope of this report.
Phase 2: The Aboriginal-European Contact Landscape	Aboriginal campsites were noted and recorded as situated on the southern side of the Parramatta River during the contact period and it is highly likely that the Subject Area served as both a transitory and semi-permanent campsite for Aboriginal people throughout history. The early

Historical Phase	Analysis of Archaeological Potential Associated with Historical Phase
	<p>European camps were situated further south-east toward the modern Parramatta CBD, but it is likely that early settlers travelled further afield in exploration, interaction and later settlement.</p> <p>However, there is unlikely to be evidence of Aboriginal- European contact within the Subject Area, due to the ephemeral nature of likely remains, and the various levels of disturbance across the site. The most likely archaeological evidence of this phase would be glass artefacts, however test excavations in the area identified a limited potential for in situ archaeological objects and features.</p> <p>The potential for an archaeological profile from this phase is very low.</p>
Phase 3: The Convict Landscape	<p>During the early phases of convict labour in the Parramatta area, the convicts lived structured lives within the confines and control of the original township and under the watch of Government House. This focus of convict life to the southwest of the Subject Area indicates that it is unlikely that archaeological evidence relating to convict habitation will be uncovered within the Subject Area.</p> <p>The general location of the Subject Area however was the focus of day to day convict labour on the early government farms. There is potential for evidence relating to convict labour to be identified within the Subject Area, however the ephemeral nature of such evidence, and 20th century development and disturbance make this unlikely.</p> <p>The potential for an archaeological profile from this phase is minimal.</p>
Phase 4: The Landscape of Control	<p>The epicentre of governmental life and control in early Parramatta was situated to the southwest of the Subject Area, near Government House. The Subject Area was utilised for farming through both convict labour and public farming but was largely situated away from the main infrastructure of control.</p> <p>Historic maps indicate that a Town Boundary stone was located near to the Subject Area by 1844, likely placed there in 1839 as part of the defining of the town boundary under the Town Police Act. It is known that of the nine town boundary stones erected in 1839, six were destroyed and the whereabouts of the other three are established (SHI Database #4681034).</p> <p>The potential for an archaeological profile from this phase is very low.</p>
Phase 5: The Landscape of Production	<p>The Subject Area was utilised for agricultural means from early settlement until mid-20th century subdivision and urbanisation. The first grants of the Palmer Marsden Estate included the Subject Area and</p>

Historical Phase	Analysis of Archaeological Potential Associated with Historical Phase
	<p>surrounds, although the main estate houses were located outside of the Subject Area.</p> <p>While it is possible that associated structures and features such as outbuildings, workers cottages and refuse pits may be situated within the Subject Area, 20th century urbanisation and development are likely to have disturbed or removed any in situ archaeological deposits.</p> <p>The potential for an archaeological profile from this phase is low.</p>
Phase 6: The Landscape of Consumption (Urbanisation)	<p>As above, the Subject Area and surrounds remained semi-rural and low density until subdivision and urbanisation in the mid-20th century.</p> <p>The Subject Area was considered outside of the Parramatta town until after 1895, with no evidence of development or high intensity use noted on any plans or maps until 1951.</p> <p>While there is no mapped archaeological features such as structures or estate houses in the 19th and early 20th centuries, it is possible that associated structures and features such as outbuildings, workers cottages and refuse pits may be uncovered. High density urbanisation and use however has resulted in a high level of disturbance across the Subject Area, further limiting the potential archaeological resource.</p> <p>The potential for an archaeological profile from this phase is low.</p>

5.3 Integrity of Archaeological Evidence/Level of disturbance across the Subject Area

The results of the site inspection combined with the assessment of historical use in the area, indicate that the Subject Area has been exposed to varying levels of disturbance.

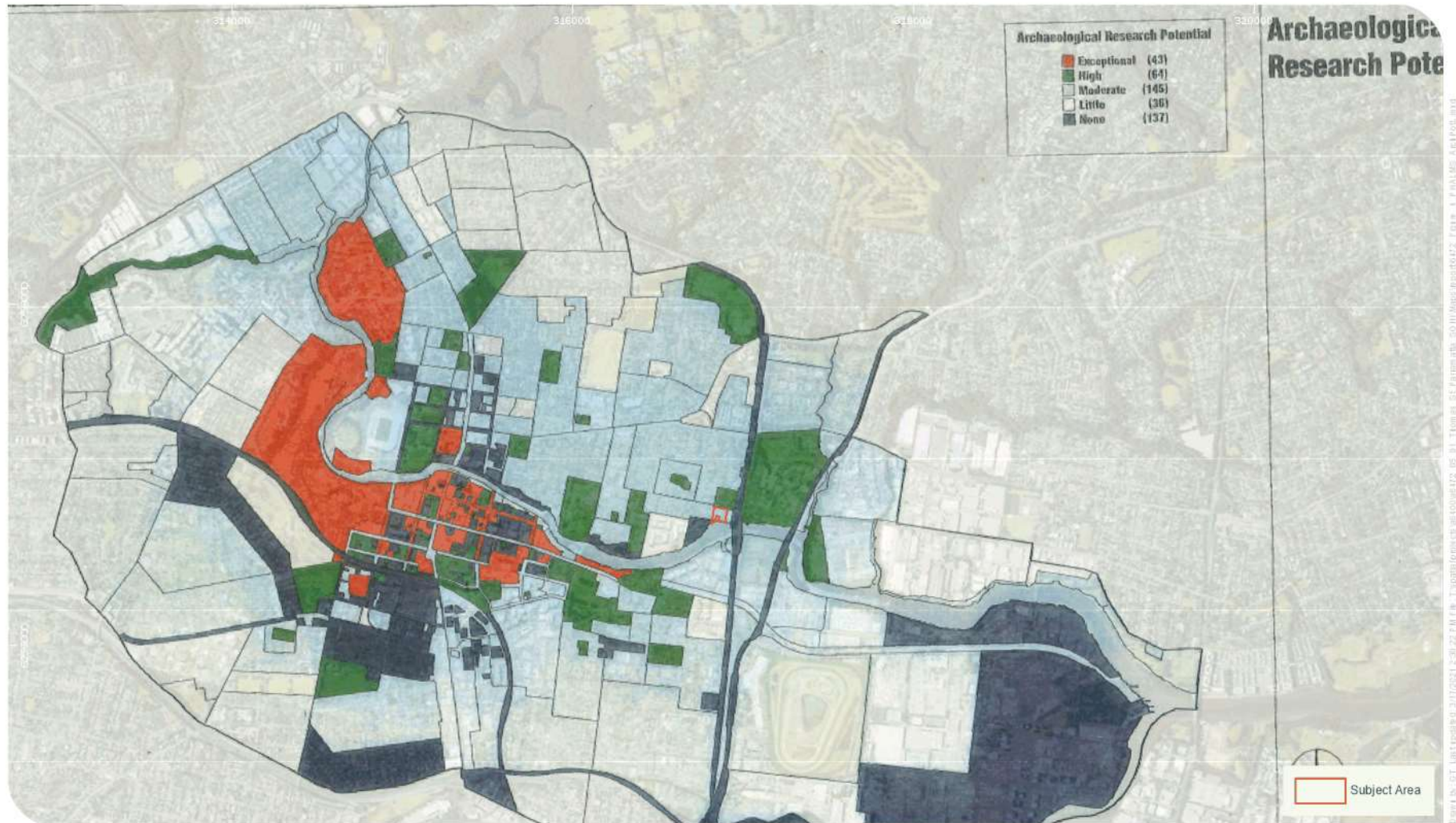
The Subject Area is within a heavily developed residential area which means that the likelihood of undisturbed land containing archaeological deposits to be low. The Subject Area has previously contained a dwelling which has subsequently been removed. The subsurface foundations of the former dwelling have also been removed, heavily impacting the probability of surviving archaeological deposits in the area. The dense vegetation means that bioturbation will be commonplace and root action may have damaged potential deposits also. Lastly, the suspended public path at the southern boundary of the Subject Area would have likely contributed to the disturbance of any potential deposits during its construction.

The GML (2000) report also states that the Subject Area has historically experienced disturbance by stating that *"Some blocks have been cut or infilled for levelling (eg 85 Thomas Street)"*.

5.4 Summary of Archaeological Profile

Varying levels of subsurface disturbance across the Subject Area associated with the intensive urbanisation of outer Parramatta have likely resulted in a significant impact to in situ archaeological resources and deposits associated with the various historical phases.

An assessment of previous studies including PHALMS (GML 2000) and a physical analysis of the Subject Area has concluded that there is a very low potential for in situ archaeological resources associated with the historical phases of Aboriginal and European Contact, the Convict Landscape and the Landscape of Control. This assessment has concluded that there is a low potential for in situ archaeological resources associated with the historical phases of the Landscape of Production and the Landscape of Consumption (Urbanisation).



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PHALMS - Identified Archaeological Potential within the Subject Area
85-91 Thomas St Parramatta SOH

Figure 4

Archaeological Potential

6. Assessment of Cultural Significance

6.1 Methodology for Assessing Significance

The NSW Heritage Manual guideline, 'Assessing Heritage Significance' (NSW Heritage Office 2001) provides the framework for the following significance assessment and Statement of Significance. These guidelines incorporate the seven aspects of cultural heritage value identified in the Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013 (Burra Charter) into a framework currently accepted by the NSW Heritage Council.

6.1.1 Criteria for Assessing Significance

The State Heritage Register (SHR) criteria are outlined in *Assessing Heritage Significance* (Heritage Office 2000) and are summarised in Table 4. Using these criteria, a place can be assessed to be of local, state or no heritage significance.

Table 4: Heritage Assessment Criteria

Criteria	Value	Description
Criterion A)	Historical Significance	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion B)	Associative significance	An item has strong or special association with the life or works of a person or group of persons, of important in NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion C)	Aesthetic significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
Criterion D)	Social significance	An item has strong or special association with a particular community or cultural group in NSW (or the local area). for social, cultural or spiritual reasons.
Criterion E)	Research potential	An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
Criterion F)	Rarity	An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (or the cultural or natural history of the local area).
Criterion G)	Representativeness	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places, or cultural or natural environments. (or a class of the local area's cultural or natural places, or cultural or natural environments.)

6.1.2 Grading of significance

A five-tier system detailing levels of significance is outlined in *Assessing Heritage Significance* (Heritage Office 2000). The grading system is used to identify the overall significance of items or sites being assessed. The levels of significance and their justification to be applied to items is listed in Table 5 below.

Table 5: Grading of significance

Grading	Justification	Status
Exceptional	Rare or outstanding element directly contributing to an item's local or State listing.	Fulfils criteria for local and/or State significance.
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for local and/or State significance.
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for local and/or State significance.
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing.
Damaging	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing.

6.2 Existing Assessment for Subject Area

The following significance assessment has been prepared for the AMU 3017 by GML (2000), which contains the Subject Area:

This AMU has moderate archaeological research potential.

Significance: In the 1790s, this AMU was part of farms granted by Governor Phillip to seamen-settlers Robert Webb and William Reid and emancipist Assistant Surgeon John Irving. By the 1810s, these farms had been acquired by the Palmer and Marsden families, and, while not built on, was part of their estates. By the 1830s, part of this land had been subdivided and there were further subdivisions in the 1880s. In the twentieth century, this area was further subdivided for residential development. The physical archaeological evidence within this area may include built landforms, structural features, open deposits and scatters, ecological samples and individual artefacts which have potential to yield information about use of the Estate's grounds, or other uses not known from historical sources, relating to major historic themes including Agriculture, Convicts, Technology, Housing, Cultural Sites and Land Tenure. Archaeological evidence at this site is likely to be subject to minor disturbance.

This AMU is of Local significance

6.3 Assessment of Significance for the Subject Area

Following the results of the background reviews and historical research, a significance assessment for each of the Subject Area is presented below, and an overall Statement of Cultural Significance is presented in Section 6.4.

The GML (2000) states that the AMU is likely to be subject to only minor disturbance. However, in conclusion of the site inspection of the Subject Area the probability of disturbance is much greater. The Subject Area has been through multiple phases of disturbance including the construction and demolition of the former dwelling. The likelihood of in situ archaeological deposits with moderate significance is unlikely.

6.3.1 Comparative Analysis

Table 6 below presents a comparative analysis of Broughton House and the sites archaeological potential which is located nearby to the Subject Area at 43a Thomas Street, Parramatta.

This comparative analysis shows that the Subject Area does not hold the same level of significance as Broughton House or of archaeological potential.

Table 6: Comparative Analysis of Broughton House, Parramatta

Item	Region	Level of Significance	Date	Description (Source: NSW Heritage Directory)	Archaeological Potential
Broughton House SHR #01302	Parramatta	State	c.1790	Broughton House is a two storey Regency style stucco brick dwelling with faceted bays to three elevations. Curved bay sections and French doors opening to verandahs. It has a hip roof covered in slate. Arched entry porch rising to a tower with a metal dome topped by a weather vane. First floor verandah bays are glassed in. Original twin verandah posts to both levels. Cast iron valance to ground floor verandahs. Twelve pane sash windows. The hall has an ornately carved timber dog leg double staircase and return landing with elaborate timber balustrades and coffered Jacobean like timber ceiling. A panelled room leads of the hall with finely carved timber fireplace and coloured panes to the twelve paned sash windows. All the main doors have ornate pedimented architraves. The servants' wing exists (AHC, 1991).	<p>This AMU has high archaeological research potential.</p> <p>In the 1790s, this AMU was part of a farm granted by Governor Phillip to seamen-settler William Reid. This, along with adjacent grants, were acquired by Samuel Marsden to form his 'Newlands Estate'. In 1835, Marsden built the home which was later known as Broughton House and is now within the Parramatta Convalescent Home, for his daughter and her husband, Rev Thomas Marsden. The house was later used by The King's School and is now the Parramatta Convalescent Home.</p> <p>The physical archaeological evidence within this area may include structural features, intact subfloor deposits, open deposits and scatters, ecological samples and individual artefacts which have potential to yield information about the life of Jane and Rev Thomas Marsden, relating to major historic themes including Housing, Persons, Religion, Cultural Sites, Land Tenure, Townships, Agriculture and Welfare.</p> <p>Archaeological evidence at this site is likely to be largely</p>

Item	Region	Level of Significance	Date	Description (Source: NSW Heritage Directory)	Archaeological Potential
					intact, though subject to minor disturbance in some areas. This AMU is of Local significance.

6.3.2 Broughton House Statement of Significance

The heritage listing for Broughton House summaries its significance stating that:

Broughton House is an item of State significance, being a notable example of a Victorian Regency style house that reflects the social and economic status of the wealthier free settler who played an essential part in the establishment of New South Wales. It has strong associations with the Marsden family and the King's School. It has association with educational, religious, scientific and literary training through William Woolls School and Kings School. It is the sole remaining home of a series of quality residences which faced south over the Parramatta River such as the Vineyard (Subiaco), Newlands (Athole) Pemberton Grange and Waddon Estate (Palmer Family)(Brown 1998).

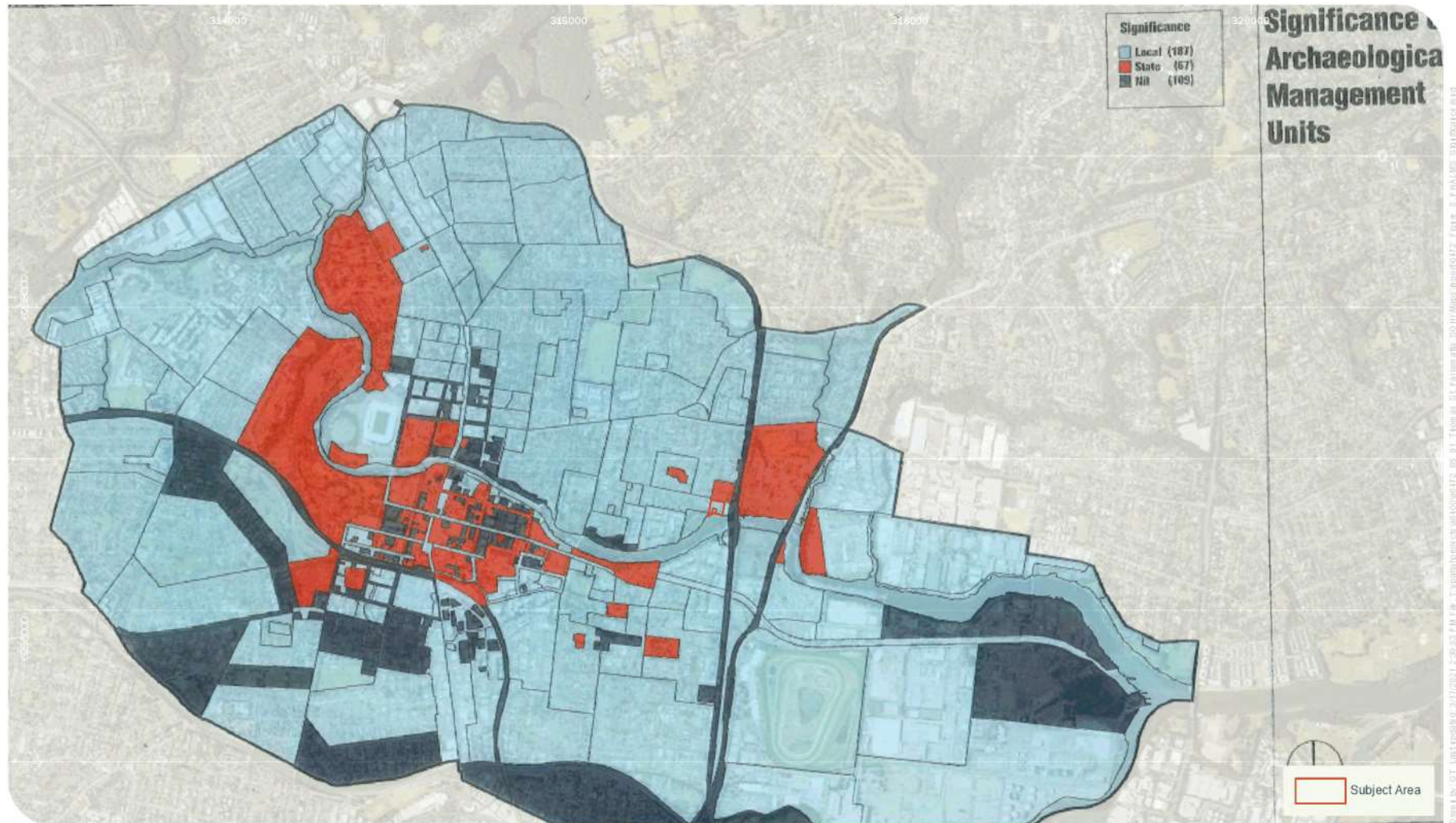
A notable example of an Victorian Regency style house. It also has a strong association with the Marsden family and Kings School (LEP, 1997).

A picturesque house which is valued for its aesthetic attributes (Criterion F.1). It is an architecturally significant example of the Victorian Regency style (Criterion F.1). One of the few surviving early houses of Parramatta (Criterion B.2). It is important for its close associations with the prominent Marsden family for whom it was built and with the King's School which used the house for boarding pupils between 1908 and 1965 (Criterion H.1). It is also important for its historic associations with the early development of Parramatta (Criterion A.4)(RNE, 1991).

6.4 Statement of Cultural Significance

The Subject Area is within a cultural landscape that is a product of several phases of historic-period development commencing with Aboriginal- European contact and evolving through convict, agricultural and urban phases of occupation. AMU 3017, although substantially altered through many decades of disturbance is an important component of that landscape, however there is unlikely to be a substantial archaeological profile that would document the establishment and evolution of it within the landscape.

While the PHALMS found that AMU 3017 is of moderate local significance, the Subject Area has experienced multiple phases of redevelopment and disturbance. The historical imagery (see Plate 10, Plate 11 and Plate 12) shows that the area has undergone intense disturbance after the 1940s and that vegetation has overtaken much of the southern part of the Subject Area. Any archaeological profile, if in situ despite the disturbance, would be assessed to be of local significance.



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7. Heritage Impact Assessment

7.1 The impacts of the proposed works

The proposed works are to be contained to the northern half of the Subject Area (Figure 3) that have been shown to be a heavily disturbed landscape and unlikely to contain in situ archaeological deposits. The proposed works are unlikely to impact any archaeological resource.

The southern half of the Subject Area, while not as disturbed through urbanisation, is being preserved as a conservation area for Parramatta Council, and will therefore not be impacted by the proposed works.

7.2 Assessment of impacts on cultural significance

The Heritage Council guidelines for preparing Statements of Heritage Impacts (SOHIs) pose a range of questions for consideration when assessing impacts to the heritage values of a heritage item. The proposed works involve large scale construction in the northern half of the Subject Area and therefore the SOHI questions in Table 7 are considered.

7.2.1 Consideration of Assessment Questions

Table 7: Impact Assessment

Consideration	Response
Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?	Yes – The likelihood of any potential archaeological deposits is low due to previous disturbance however, if there are existing archaeological deposit the proposed works will require their removal due to the underground parking. If present, excavation and recording would be the course of action.

7.2.2 Lists of Potential Impacts to Heritage Items/elements

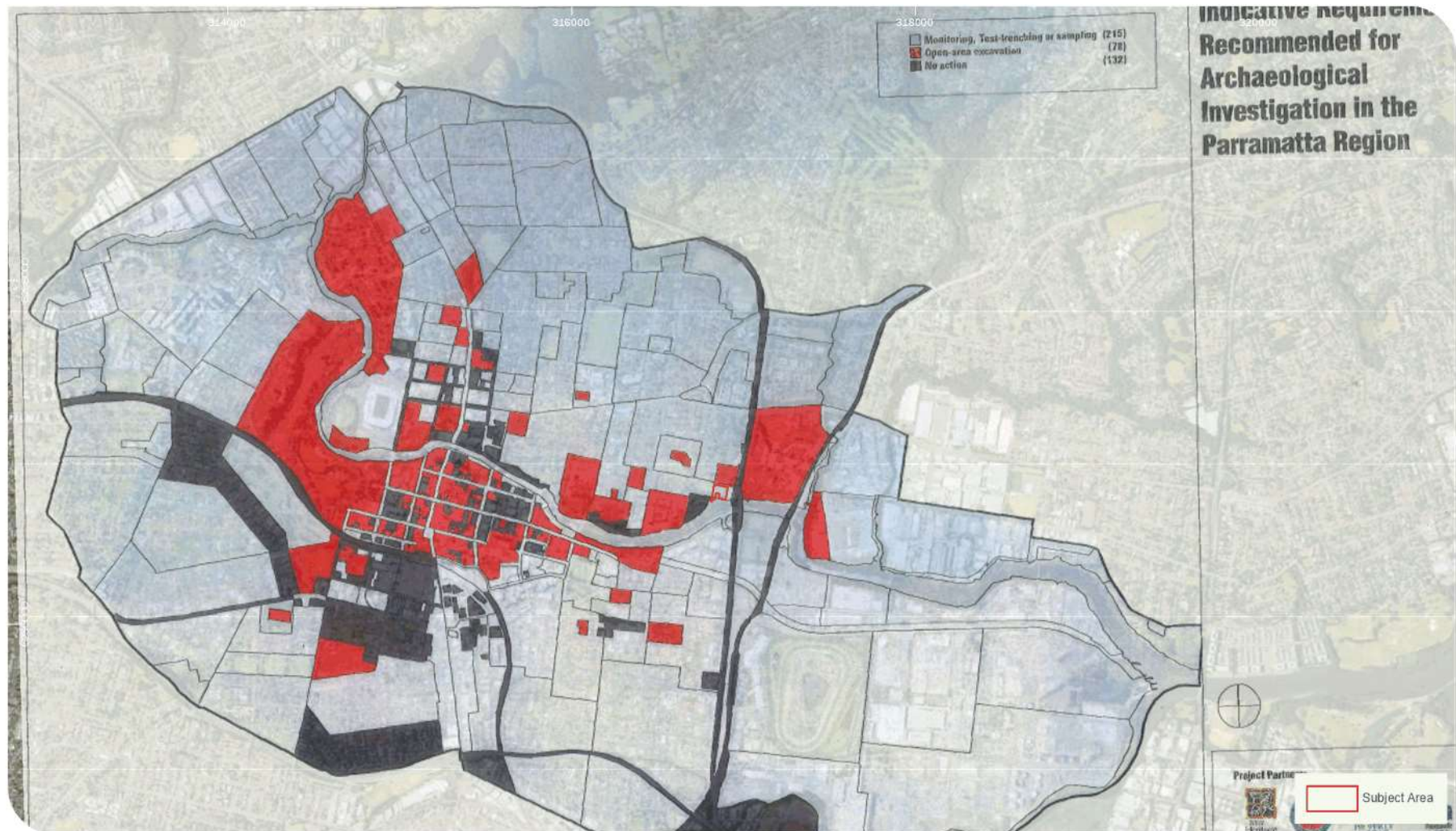
Table 8: Potential impacts to Archaeological Potential from the Proposed Works

Works	Potential Impact to Archaeological Profile	Description of Impact	Mitigative measures/circumstances
Excavation and Construction of new structures in the northern half of the Subject Area	Very low to low potential Permanent direct impact – excavation works in an area of very low to low archaeological potential.	The loss of material related the various historical phases of the Subject Area	It is recommended that an unexpected finds protocol must be implemented during works.

7.3 Statement of Heritage Impact

On the basis of this assessment and as determined by the NSW Heritage Office Criteria (NSW Heritage Office 2001), the proposed works within the Subject Area are considered to very low impacts on the historical heritage significance of the AMU 3017 area. However, if archaeological deposits that relate to historical activities from the 18th and 19th century are found within the Subject Area, the proposed scope of works may have a high impact on the deposits.

If archaeological deposits are found within the Subject Area, they would have a moderate degree of significance. The GML (2000) report states that there is also a moderate historical archaeological potential in the surrounding area of archaeological deposits. However, the level of disturbance within the Subject Area is high therefore there is a low to very low chance of deposits remaining. There is a greater possibility of archaeological deposits in the wetlands at the south of the Subject Area however no works are proposed in this area.



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8. Conclusions and Recommendations

8.1 Conclusions

The scope of this Statement of Heritage Impact is limited to the potential historical heritage impacts of the Subject Area.

The potential for archaeological deposits that relate to historical activities from the 18th and 19th century that are found within the Subject Area is considered very low to low. The works within the Subject Area will therefore have a low impact on the significance of the AMU 3017.

The archaeological report (GML 200) indicate that the archaeological potential for the surrounding area is moderate and is of local significance. However, the disturbance to the Subject Area is such that any archaeological deposits are unlikely to have survived in situ due to 20th century developments.

No extant historical heritage exists within the Subject Area.

8.2 Recommendations

On the basis of this SoHI, it is recommended that an Unexpected Finds Protocol is followed in the unlikely event that archaeological deposits are discovered. If archaeological deposits are found, they should be recorded as per the *Historical Archaeological Code of Practice* guidelines (Heritage NSW 2006) by a suitably qualified consultant and Heritage NSW should be notified. The Unexpected Finds Protocol is as follows:

Unexpected Finds Procedure

Introduction

The following provide a methodology to follow in the event of unexpected finds being encountered during the proposed works. These procedures have been prepared in accordance with best practice and are designed to minimise the heritage impact in the unlikely event that Human remains, or archaeological material is encountered on site.

It is noted that these procedures do not provide a guarantee against impacts caused by unexpected finds. However, especially when used in conjunction with archaeological monitoring during works, provide for mitigation of the risk unexpected finds present. Also, to note is that the procedure used in the event of human remains is derived from the NSW government guidelines and in no way supplants the authority of the NSW Police or the NSW Coroner's office over human remains found on site.

It is critical for the construction team to be aware that any suspected archaeological evidence must remain as it was found (*in situ*) until it is assessed by a qualified archaeologist, as per the below steps. These objects, and where they are located and the material around them (referred to as the object's 'context') is critical for understanding their value to the site and determining what may be located near to the area of the find. The object and its context are legally protected under the Heritage Act 1977.

Discovery of Suspected Human Remains

The following procedure would be followed in the event of the unexpected find of suspected human remains during the works:

- Stop work on site
- Notify the local NSW police and NSW Coroner's Office immediately

- If not historical, follow instructions from NSW police
- If historical, contact the NSW heritage council and TSC's Heritage office and take into consideration any directions or responses from these organisations.
- Works could only resume once any actions from the above organisations are addressed.

Discovery of Unexpected Suspected Archaeological Material

The following procedure would be followed in the event of the unexpected find of suspected archaeological material during the works. This procedure would be made more efficient by the inclusion of a qualified archaeologist to monitor the excavation during the proposed works, to enable a speedy assessment of finds in the unlikely event suspected archaeological material is discovered.

- Stop work at in a 10m area around the unexpected find, and secure this area
- Notify a qualified archaeologist, and engage them to assess the suspected material to determine historical significance of the find
- If assessed to be not culturally significant, proceed with works with caution

If assessed to be of cultural value, works must cease in this portion of the site (within 100m of the find) and the NSW heritage council and Local Government Council must be contacted. Any directions or responses from these organisations should be considered. Works of this type could include salvage excavation, testing, further monitoring, archival recording

9. References

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Heritage management

Aboriginal heritage
Historical heritage
Conservation management
Community consultation
Archaeological, built and landscape values

Environmental management and approvals

Impact assessments
Development and activity approvals
Rehabilitation
Stakeholder consultation and facilitation
Project management

Environmental offsetting

Offset strategy and assessment (NSW, QLD, Commonwealth)
Accredited BAM assessors (NSW)
Biodiversity Stewardship Site Agreements (NSW)
Offset site establishment and management
Offset brokerage
Advanced Offset establishment (QLD)



Social Impact Assessment – Boarding House

85-91 THOMAS STREET
PARRAMATTA

DECEMBER 2020





QUALITY ASSURANCE

Project: Social Impact Assessment – New Age Boarding House

Address: 85-91 Thomas Street, Parramatta

Council: City of Parramatta

Author: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
December 2020	Draft Issue	Draft	SK/AB	AB
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EXECUTIVE SUMMARY

This Social Impact Assessment (SIA) has been prepared to support a Development Application proposing a 7 storey boarding house over two basement levels at 85-91 Thomas Street, Parramatta.

The development site has been the subject of a Planning Proposal assessment process, resulting in a Gateway being issued on 18 August 2020 that facilitates –

- Rezoning of part of the site from R4 to part RE1;
- Increase the height of building from 11 metres to 22 metres across the R4 zone;
- Increase the FSR from 0.8:1 to 1.3:1 across the R4 zone;
- Remove 85 Thomas Street from the Land reservation Acquisition map (as part of a VPA to be prepared); and
- Remove part of 89 and 91 Thomas Street from the Minimum Lot Size Map as those sites will be partly rezoned to RE1 and dedicated to Council as part of the VPA.

The proposal is intended to operate as a Student Accommodation facility that is ideally located in close proximity to Western Sydney University and comprises:

- Two buildings each containing boarding rooms, shared communal spaces, management rooms, and parking.
- A common space at grade links the two buildings and provides space for passive social interaction.
- 237 Boarding Rooms (including 11 accessible rooms).
- 118 Parking Spaces.
- 17 Motorcycle Spaces & 48 Bicycle Spaces.

The proposal adopts a contemporary building form that relates well to the site context whilst being consistent with Council's vision for the locality to accommodate high density mix use development noting the development has been designed to appear as a contemporary high density residential building in-order to be consistent with the emerging high density character within the immediate locality.

The socio-demographic analyses undertaken within this statement has found that residents of Parramatta LGA are experiencing housing stress due to a shortage of appropriate housing which is creating pressure in the housing and rental market. This is evident with over 60% (62.8%) of residents within the suburb of Parramatta renting and of that over 44.2% of renters have high rental payments (\$450 per week or more), which potentially will result in preventing or excluding people who are on low income including single, key workers from entering into the Parramatta housing market.





Furthermore, with an increase in house prices and a decline of public housing, there is a significant demand for accommodation that meets the needs of people who are on low income, single, key workers and students. Such accommodation needs can be partially met through the proposed development, noting that the current application is purpose built to provide low cost rental accommodation principally to students who are attending a range of tertiary educational establishments in the general area. Most tenants are likely to be students from Western Sydney University, but may also include students attending other establishments, or nursing staff employed in the Westmead Precinct.

The development will be supported by the provision of high quality social infrastructure services and facilities including public transportation.

Data from the NSW Bureau of Crime Statistics and Research indicates that major crimes within the Parramatta LGA is steady or declining. The proposal will be designed in a manner that will permit the safe and efficient use of the site. The proposal has incorporated CPTED principles where relevant planning controls including the provision of appropriate landscaping and access to the building will be security controlled. There will be several opportunities for surveillance by the future tenants of the proposed building that will contribute towards activating the streetscape.

Considering its proximity to a large tertiary establishment, local services, and public transportation, the current development will play a positive outcome for social housing by delivering a substantial new age boarding house intended to operate primarily as a Student Accommodation Facility. At the completion of the development, the proposal will not only permit the site to develop to its full zoning potential but will address the shortage in affordable housing, specialising in but not limited to student accommodation, by providing flexible short-term residential accommodation,

This assessment concludes that the proposal is consistent with Councils social, economic and development plans and strategies for the area, and will not lead to any significant negative social impacts beyond those associated with the construction process- noting that the character of the existing locality means that there are limited impacts on residential properties.





SITE DESCRIPTION – BACKGROUND AND STUDY AREA

BRIEF HISTORY

Parramatta is one of the oldest cities within Australia, being established in 1788 and at present operates as Sydney's second CBD. It is located 23 kilometres west of Sydney and is the administrative seat of the local government area of the City of Parramatta.

The LGA is surrounded by other Sydney Local Government Areas, with The Hills Shire and Hornby Shire to the north, the City of Ryde to the east, Auburn City, Bankstown City and Fairfield City to the south and Holroyd City and Blacktown City to the West.

Settlement of the area dates from 1788 with the establishment of a farming colony. A township was established in 1790 and a railway station opened in 1860, with growth taking place between 1880s into the early 1900s.

The most significant growth Parramatta experienced took place during the post-war years. Since the 1990s, the prominence of Parramatta as an economic, social and cultural hub has significantly increased with the relocation of government agencies such as the NSW Police Force and Sydney Water from Sydney to Parramatta City Centre.

Furthermore, Parramatta has also experienced a rapid increase in its population with the proliferation of high density development within and on the edges of the city centre over the last 5-10 years.

With major upgrades to the railway station and bus exchange, the expansion of Westfield Parramatta and future redevelopment of the Parramatta mall precinct, it is expected that Parramatta will continue to undertake its role as Sydney's second CBD. This trend is expected to continue with the Parramatta Local Environmental Plan 2011 substantially up zoning lands within and at the edge of the city centre for high density mixed and residential development.

This is evident with the proliferation of large residential towers that has recently been constructed or in the process of being constructed within the town centre and along its edges.

SUBJECT AREA ANALYSIS

Located within close proximity to the University of Western Sydney – Parramatta Campus and bounding Parramatta River to its southern boundary, the development site is situated on the southern side of Thomas Street.





The subject site has an area of 6,326m², however the developable area of the site is limited to 3,823m² and land to be dedicated as part of a VPA is 2,504m² as illustrated by attached architectural drawing in the following page.

Figure 1: Architectural Drawing Extract



The subject site currently accommodates 4 separate land parcels:

- Lot 13 in DP1239
- Lot 142 in DP537053
- Lot 15 in DP1239
- Lot 16 in DP1239

Each land parcel currently contains an older style dwelling house.



As illustrated by aerial extract below, the subject land parcels bounds a contemporary residential flat building to its eastern boundary and a townhouse complex to its western boundary with Thomas Street separating the site from housing to the north.

Figure 2: Aerial Map Extract of Subject Site (Six Maps)



 Subject Site

LOCALITY ANALYSIS

The immediate locality is characterised by a mix of uses and built form.

To the west of the site is the Morton Street precinct that includes recently constructed high density housing developments of up to 10 storeys in height. These developments include The Promenade buildings at 3 Broughton Street and The River Vistas at 1 Morton Street. These lots have a maximum Floor Space Ratio of 1.75:1, and a height limit of 40m.

To the east of the site is a large recently constructed Residential Flat Building and WSU.

To the south of the site are the Baludarri Wetlands and Parramatta River, which provide scenic views and open space for residents.



To the north of the site, separated by Thomas Street are older style 1-2 storey residential dwellings.

The locality is undergoing significant change consistent with its role as Sydney's River City and its purpose as a strategic centre for employment and housing. Parramatta CBD is a major transport node with a well located and well-resourced rail and bus interchange. The CBD also benefits from River cat connection to Sydney CBD. Figures 3 below assist in an understanding of the sites ideal location.

Figure 3: Strategic Context Map (source GPOP)

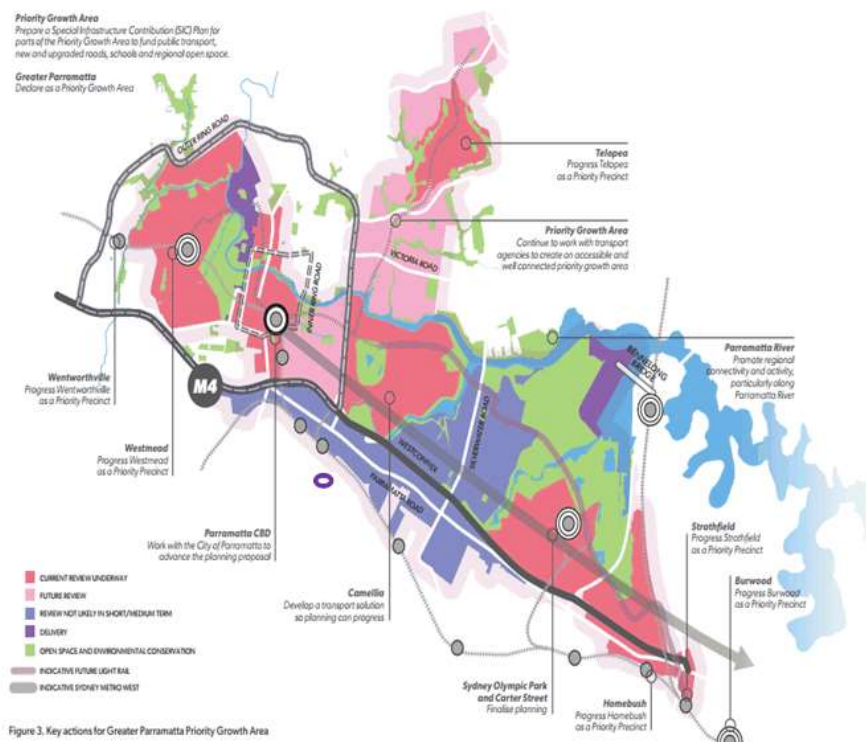


Figure 3. Key actions for Greater Parramatta Priority Growth Area



Subject Site

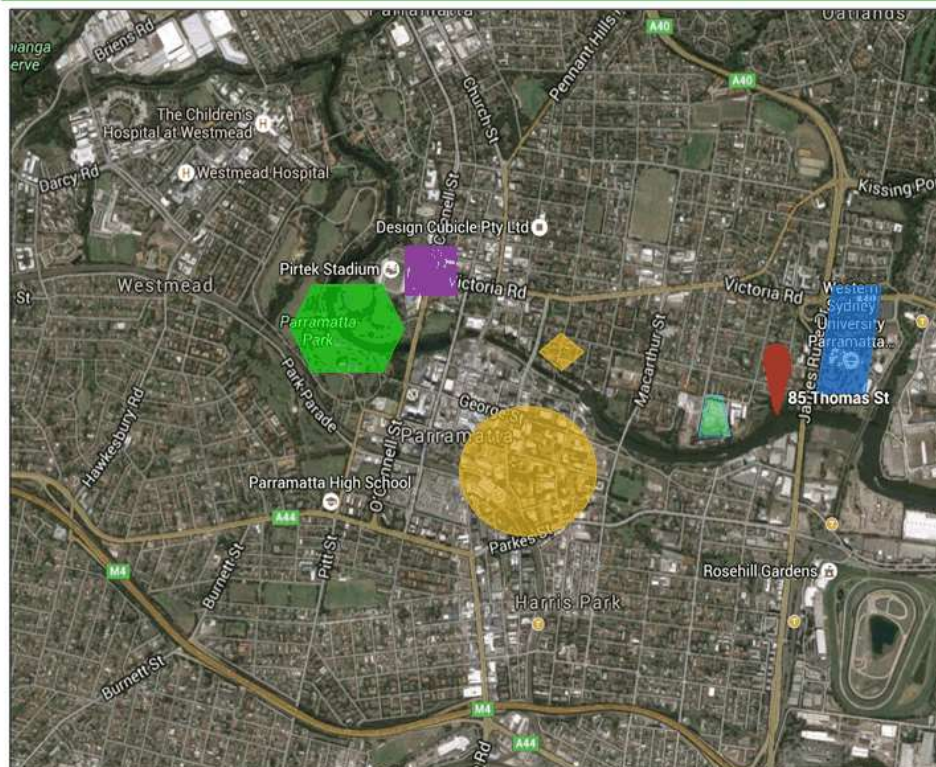
This location is well serviced by schools, tertiary institutions, child care centres, community services, recreational and sporting facilities and an established commercial centre, noting that the development site is within close proximity to Parramatta City Centre.










Furthermore, the locality has excellent connectivity with access to several key arterial road networks including George Street, Church Street and the M4 Motorway as well as regular public transport services.

The subject site within the broader locality is illustrated by an aerial map extract below.

Figure 4: Aerial Map Extract of the Broader Locality (Source: Google Map)



-  Subject Site
-  River Square
-  Western Sydney Stadium
-  Parramatta Train Station, Parramatta Westfield and Parramatta Square
-  Large scale Residential Flat Buildings
-  Western Sydney University- Victoria Road Campus
-  Parramatta Park



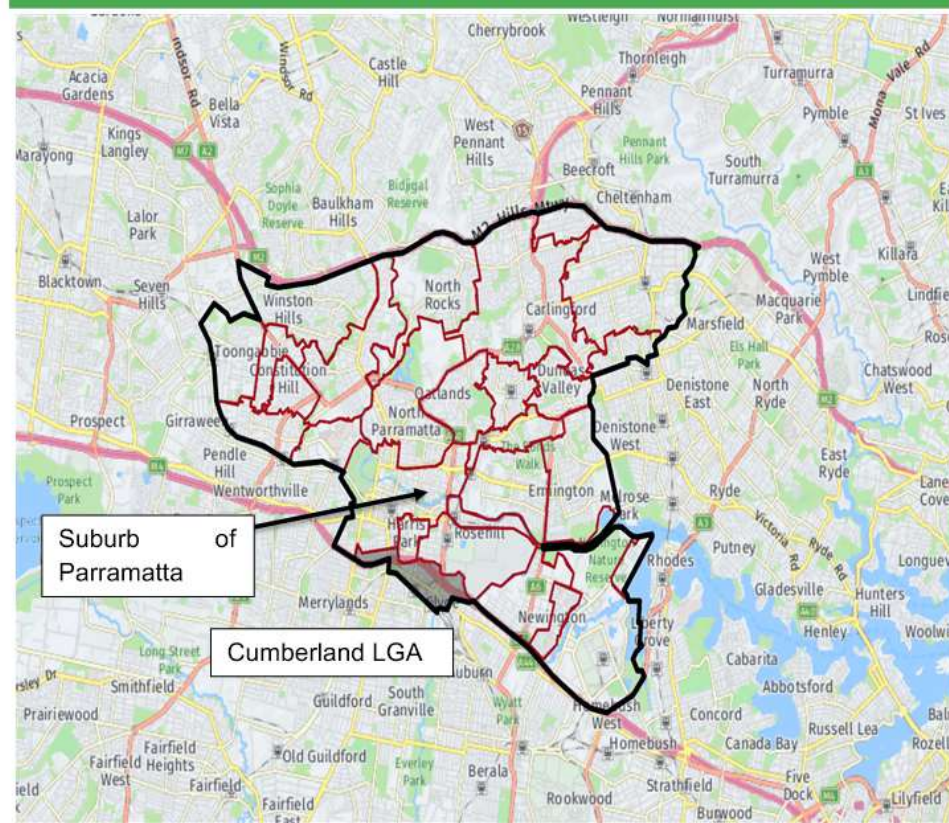
STUDY AREA

The Western Sydney suburb of Parramatta is located within the Local Government Areas (LGA) of Parramatta

The suburb is situated approximately 23 kilometres west from Sydney CBD covers an area of 558 hectares and was home to an estimated 26,951 residents at the time of the 2016 Census. The suburb bound by the suburb of North Parramatta, Oatlands and Westmead to the north, the suburbs of Camellia, Dundas, Rydalmere and Rosehill to the east, the suburb of Harris Park to the south-east and the suburb of Granville (part) - Clyde to the south, with the subject suburb bounding suburbs falling within the Cumberland LGA to the west and south including the suburbs of Merrylands (Central) and Westmead-Mays Hill.

The subject area and its relationship to neighbouring suburbs are illustrated below.

Figure 5: Subject Area Map (Forecast ID)





NEW GENERATION BOARDING HOUSES

State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing throughout NSW.

A boarding house provides a form of low cost rental accommodation for a wide range of tenants including singles, retirees, students and young couples. But does not include backpackers' accommodation, group homes, serviced apartments, seniors housing or hotel or motel accommodation.

The AHSEPP encourages both the traditional form of boarding houses, being those with shared facilities as well as new generation boarding houses, being those that are buildings with self-contained rooms.

Unlike traditional boarding houses, which provide temporary lodger accommodation (new generation are 3 months or more) and shared facilities, the new generation boarding houses allow for self-contained studios with their own kitchenettes and bathrooms.

Deemed as affordable on account of their size and studio configuration, they are more akin to the luxury micro-apartment phenomenon currently sweeping through major international cities.

The misconceived term '*boarding house*' still connotes images of run down accommodation and social housing, often inspiring fierce resident campaigns and council opposition to their approval.

The proposed New Generation Boarding House will:

- Be modern and contemporary with respect to design and internal layout;
- Be priced in the market at a level that will attract persons benefiting from an income and not solely reliant on Government transfer payments; and
- Attract persons other than very low income earners who are more likely to qualify for traditional public housing.

Considering its proximity to the University of Western Sydney Parramatta Campus, the proposed New Age Boarding House is intending to operate as a Student Accommodation facility, noting that students attending the Western Sydney University are the primary key target market for future lodgers considering the site's proximity to the university campus, but may also include students attending other establishments, or nursing staff employed in the Westmead Health Precinct. This will ensure that Parramatta maintains its existing social diversity and increase housing choice, affordability and social mix. The development will be supported by the provision of high quality social infrastructure services and facilities, including public transport such as local bus stop and the RiverCat terminal.



DESCRIPTION OF PROPOSAL

The Development Application proposes the demolition of existing structures, subdivision of land, erection of two buildings containing student accommodation, over 2 levels of basement and landscaping.

The application is made cognisant of the Planning Proposal process and VPA process for the subject site that has led to the land being comprised of two distinct parts –

- The land zoned R4 that fronts Thomas Street and has an elevated view south over the Parramatta River and
- The land at the southern edge of the site that is to be dedicated to Council as part of a VPA, and to be incorporated into the established recreational and environmental area along the northern bank of the Parramatta River.

The two parts of the site, and resulting subdivision boundary is clearly illustrated in the extract from the architectural plans below.



The application proposes subdivision as described above and the erection of a new generation boarding house pursuant to the Affordable Housing SEPP. The proposal is intended to operate as a Student Accommodation facility that is ideally located in close proximity to Western Sydney University and comprises:

- Two buildings each containing boarding rooms, shared communal spaces, management rooms, and parking.
- A common space at grade links the two buildings and provides space for passive social interaction.
- 237 Boarding Rooms (including 11 accessible rooms).
- 118 Parking Spaces.
- 17 Motorcycle Spaces.
- 48 Bicycle Spaces.



The proposal is purpose built to provide low cost rental accommodation principally to students who are attending a range of tertiary educational establishments in the general area. Most tenants are likely to be students from Western Sydney University, but may also include students attending other establishments, or nursing staff employed in the Westmead Precinct. This will ensure that Parramatta will maintain its existing social diversity and increase housing choice, affordability and social mix.

The proposal adopts a contemporary building form that relates well to the site context whilst being consistent with Council's vision for the locality to accommodate high density mix use development noting the development has been designed to appear as a contemporary high density residential building in-order to be consistent with the emerging high density character within the immediate locality.

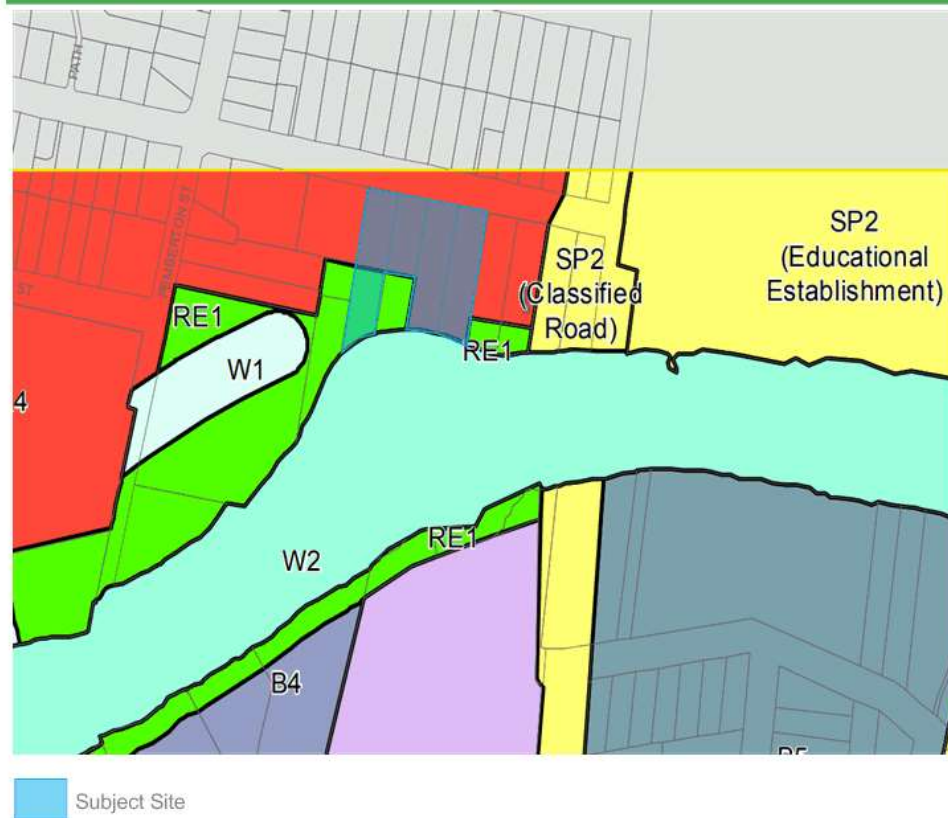




IDENTIFICATION OF INDIVIDUALS / GROUPS LIKELY TO BE AFFECTED BY THE PROPOSAL

The subject area has been identified by Council to accommodate higher density mix use development by virtue of its R4 – High Density Residential Zoning, noting that the site is also zoned RE1 – Public Recreation. This is illustrated by Councils zoning map extract below.

Figure 6: Extract from Parramatta LEP 2011 Land Zoning Map Sheet LZN_10



The building will be created from the demolition of existing older style residential dwelling son the site that will be lost to the market. This is not considered significant in the context of the overall population of Parramatta when considering the high density zoning of the site that renders the existing dwelling an undercapitalisation of the land.

Furthermore, the proposal will be consistent with the objectives of the R4 Zone in accommodating a mix of residential land uses including residential flat buildings and boarding houses.



The marginal displacement of the 4 x residential dwellings will contribute towards alleviating Sydney's housing shortage by providing affordable short-term accommodation that more than offsets the loss of the existing dwelling house.

Surrounding neighbouring properties will also be affected by the proposal in terms of noise and traffic. However, it is noted that the site as it current exists as 4 x single storey residential dwelling are inconsistent with the future vision envisioned for the area by Council by virtue of its R4 zoning and is also inconsistent with the existing and evolving higher density built form character within the subject area.

Amenity impacts will be considered in the Development Application assessment where conditions of consent can be applied to manage such impacts, noting noise impacts are predominantly transient during the construction process.





OUTLINE OF THE DEMOGRAPHICS ANALYSIS

BASELINE DEMOGRAPHIC PROFILE – POPULATION

The statistical analysis provided here allows a basic understanding of the socio-demographic context of the suburb of Parramatta. In order to gain an understanding of the performance of Parramatta, it will be benchmarked against the City of Parramatta and compared with its adjoining SLAs, and they include:

City of Parramatta

- Suburb of Camellia,
- Suburb of Dundas,
- Suburb of Granville (part) - Clyde
- Suburb of Harris Park,
- Suburb of North Parramatta,
- Suburb of Oatlands,
- Suburb of Rosehill,
- Suburb of Rydalmere, and
- Suburb of Westmead.

The subject suburb also bounds the following suburbs which resides within the Cumberland Local Government Area:

- Suburb of Merrylands (Central), and
- Suburb of Westmead.

The following indicators are included in the demographic analysis:

- Population
- Age profile
- Ethnic composition
- Household Type
- Weekly individual income
- Weekly household income.





POPULATION

In 2016, there were 26,951 people living in the suburb of Parramatta. Overall, the population of Parramatta grew by an additional 1,6,406 residents between 2011 and 2016, a growth of 31.18%.

The majority of Parramatta residents are not Australian Citizens, with only 46.4% of residents having Australian Citizenships and as such have a lower percentage of Australian Citizens when compared to the (70.3%).

Table 1. Population

Population							
Parramatta - Total persons	NEW 2016			2011			Change
Population	Number ±	%	City of Parramatta %	Number	%	City of Parramatta %	2011 to 2016
Estimated Resident Population	27,102	--	--	--	--	--	--
Enumerated Population	26,951	--	--	20,544	--	--	+6,406
Usual Resident Population	25,907	--	--	19,726	--	--	+6,182
NEW 2016							
Population group	Number	%	City of Parramatta %	Number	%	City of Parramatta %	2011 to 2016
Males	13,472	52.0	50.0	10,289	52.2	50.2	+3,183
Females	12,479	48.2	50.0	9,437	47.8	49.8	+3,042
Aboriginal and Torres Strait Islander population	104	0.4	0.7	99	0.5	0.8	+5
Australian citizens	12,032	46.4	70.3	10,624	53.9	76.3	+1,409
Eligible voters (citizens aged 18+)	9,456	36.5	53.2	8,532	43.3	58.5	+924
Population over 15	21,684	83.7	81.6	16,955	86.0	82.2	+4,728
Employed Population	12,775	90.3	93.0	9,799	90.0	93.5	+2,975
Overseas visitors (enumerated)	1,320	--	--	804	--	--	+515
Source: Australian Bureau of Statistics, <u>Census of Population and Housing</u> 2011 and 2016 (Usual residence). Compiled and presented in profile.id by .id, the population experts.							

The population growth rate for Parramatta was significantly higher than the population levels recorded for the City of Parramatta (16.6%). This indicates that the subject area has experienced a positive growth in its population levels and this could be attributed to the proliferation of high density development within the suburb over the past five years. With the State Government encouraging higher density development along major transport nodes and centres and with Parramatta Council zoning land within Parramatta as High Density Residential, it can be assumed that the increase in population is going to continue over the next 5-10 years.



Compared to its neighbouring suburbs within the Parramatta LGA, the subject suburb experienced a growth rate higher when compared to the suburbs of Camellia, Dundas, Granville (part) – Clyde, Harris Park, North Parramatta, Oatlands, Rydalmere and Westmead (-50%, 19.9%, 9.9%, 14.3%, 3.0%, 6.8%, 3.1% & 21.3%.) but lower than the suburb of Rosehill (42.3%).

Furthermore, when comparing to its neighbouring suburbs within Cumberland LGA, the subject site experienced a higher growth rate than both the suburbs of Merrylands (Central and the suburb of Westmead – Mays Hill (10.2% & 8.9% respectively).





AGE PROFILE

Analysis of the age structure of Parramatta indicates that the subject site has a lower proportion of young people (under 15) as well as a lower proportion of people within retirement age (65+).

Table 2. Age Structure - 5 Age Groups (Years)

Age structure - Five year age groups							
Parramatta - Total persons (Usual residence)	NEW 2016			2011			Change
Five year age groups (years)	Number	%	City of Parramatta %	Number	%	City of Parramatta %	2011 to 2016
0 to 4	2,334	9.0	7.3	1,446	7.3	6.8	+888
5 to 9	1,172	4.5	6.2	828	4.2	5.5	+344
10 to 14	710	2.7	4.9	550	2.8	5.5	+160
15 to 19	777	3.0	5.1	762	3.9	5.6	+15
20 to 24	1,971	7.6	6.6	2,018	10.2	7.3	-46
25 to 29	4,142	16.0	9.2	3,863	19.6	9.7	+279
30 to 34	4,886	18.9	11.1	3,017	15.3	9.1	+1,869
35 to 39	2,961	11.4	8.8	1,672	8.5	7.9	+1,288
40 to 44	1,453	5.6	7.0	1,137	5.8	7.1	+316
45 to 49	1,115	4.3	6.0	946	4.8	6.8	+169
50 to 54	997	3.8	5.8	859	4.4	6.2	+138
55 to 59	903	3.5	5.3	734	3.7	5.5	+168
60 to 64	777	3.0	4.6	575	2.9	4.7	+203
65 to 69	573	2.2	3.8	359	1.8	3.6	+214
70 to 74	365	1.4	2.9	276	1.4	2.8	+89
75 to 79	294	1.1	2.2	262	1.3	2.3	+32
80 to 84	225	0.9	1.6	175	0.9	1.8	+50
85 and over	250	1.0	1.7	238	1.2	1.8	+13
Total population	25,914	100.0	100.0	19,725	100.0	100.0	+6,189
Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016. Compiled and presented by .id, the population experts.							

Overall, 16.3% of the population was aged between 0 and 15, and 6.6% were aged 65 years and over, compared with 18.4% and 12.2% respectively for the City of Parramatta.

The largest age grouping for the subject area occurred in the 30 to 34 age cohort (18.9%) followed by the 25 to 29 age cohort (16.0%).



ETHNIC COMPOSITION

The dominant non-English speaking country of birth in Parramatta were from India (30.6% of the population), followed by China (12.3% of the population).

Table 3. Birthplace - Ranked by Size

Birthplace - Ranked by size								
Parramatta - Overseas born (Usual residence)		NEW 2016			2011			Change
Birthplace		Number	%	City of Parramatta %	Number	%	City of Parramatta %	2011 to 2016
a India		7,692	30.6	10.6	4,165	21.1	7.8	+3,527
a China		3,101	12.3	10.3	2,904	14.7	8.1	+197
Philippines		577	2.3	1.6	359	1.8	1.4	+219
South Korea		397	1.6	3.9	361	1.8	3.4	+36
Nepal		394	1.6	0.5	187	0.9	0.3	+207
Iran		358	1.4	1.3	232	1.2	0.9	+127
New Zealand		306	1.2	1.4	328	1.7	1.7	-23
Hong Kong		291	1.2	2.2	191	1.0	2.3	+100
Pakistan		258	1.0	0.7	112	0.6	0.4	+146
Lebanon		238	0.9	1.2	291	1.5	1.4	-53
Birthplace - Summary								
		NEW 2016			2011			Change
Birthplace		Number	%	City of Parramatta %	Number	%	City of Parramatta %	2011 to 2016
a Total overseas born		16,650	66.2	49.5	12,452	63.1	44.5	+4,198
Non-English speaking backgrounds		16,004	63.7	45.1	11,712	59.4	39.3	+4,291
Main English speaking countries		646	2.6	4.4	739	3.7	5.2	-93
Australia		6,286	25.0	44.7	5,507	27.9	50.1	+778
Not stated		2,196	8.7	5.8	1,771	9.0	5.4	+425
Total Population		25,132	100.0	100.0	19,732	100.0	100.0	+5,401

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016. Compiled and presented by .id, the population experts.

Compared to its neighbouring suburbs within the Parramatta LGA, the subject suburb has a greater proportion of the population born overseas when compared to the suburbs of Dundas, Granville (part) – Clyde, North Parramatta, Oatlands, Rosehill, Rydalmere and Westmead (43.6%, 61.9%, 44.1%, 35.1%, 49.5%, & 39.7%) but lower than the suburbs of Harris Park and Westmead (71.5% & 67.9%).



It is noted that information regarding ethnic composition within Camellia was not displayed due to insufficient data.

Furthermore, when comparing to its neighbouring suburbs within Cumberland LGA, the subject site experienced a higher growth rate than both the suburbs of Merrylands (Central and Westmead – Mays Hill (50.4 % & 62.9% respectively).





HOUSEHOLD TYPES

Parramatta has a high proportion of couples with children as well as a higher proportion of couples without children. Overall 30.7% of total families were couple family with children, and 23.4% were couple without children when compared to City of Parramatta (38.3% and 9.2% respectively). This is an indication that the subject area is attractive for young people within and without children.

Table 4. Household Types

Household type

Parramatta - Total households (Enumerated)		NEW 2016			2011			Change
Households by type	±	Number ±	% ±	City of Parramatta % ±	Number ±	% ±	City of Parramatta % ±	2011 to 2016
a Couples with children		2,995	30.7	38.3	1,967	25.1	36.0	+1,028
a Couples without children		2,284	23.4	22.3	1,969	25.1	23.4	+315
a One parent families		676	6.9	9.2	617	7.9	9.6	+60
Other families		196	2.0	1.4	195	2.5	1.6	+1
a Group household		823	8.4	4.4	579	7.4	3.9	+244
a Lone person		1,898	19.5	19.0	1,826	23.3	20.9	+72
Other not classifiable household		729	7.5	4.6	510	6.5	3.7	+219
Visitor only households		151	1.6	0.8	179	2.3	0.9	-28
Total households		9,757	100.0	100.0	7,846	100.0	100.0	+1,911

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016. Compiled and presented by .id, the population experts.

There were a slightly higher proportion of lone person households and a slightly higher proportion of couples without children. Overall, the proportion of lone person households was 19.5% compared to 19.0% in City of Parramatta while the proportion of couples without children was 23.4% compared to 22.3% in City of Parramatta.



WEEKLY INDIVIDUAL GROSS INCOME

When compared to the City of Parramatta, the suburb of Parramatta has a lower proportion of persons earning a high income (those earning \$1,750 per week or more) as well as a lower proportion of low income persons (those earning less than \$500 per week).

Table 5. Weekly Individual Income

Weekly individual income			
Parramatta - Persons aged 15+ (Usual residence)	NEW	2016	
Weekly gross income	Number	%	City of Parramatta %
Negative Income/ Nil income	3,349	15.5	13.7
\$1 - \$149	603	2.8	4.1
\$150 - \$299	1,147	5.3	6.0
\$300 - \$399	1,199	5.6	6.6
\$400 - \$499	1,227	5.7	6.3
\$500 - \$649	1,217	5.6	6.0
\$650 - \$799	1,335	6.2	6.5
\$800 - \$999	1,725	8.0	7.8
\$1,000 - \$1,249	1,915	8.9	8.9
\$1,250 - \$1,499	1,577	7.3	6.5
\$1,500 - \$1,749	1,350	6.3	5.7
\$1,750 - \$1,999	1,044	4.8	4.3
\$2,000 - \$2,999	1,369	6.4	6.6
\$3,000 or more	337	1.6	2.7
Not stated	2,156	10.0	8.3
Total persons aged 15+	21,556	100.0	100.0

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016. Compiled and presented in profile.id by [.id](#), the population experts.

Overall, 12.8% of the population earned a high income, and 34.9% earned a low income, compared with 13.6% and 36.7% respectively for the City of Parramatta.

This indicates that the locality still contains a number of persons who are less well-off than the broader population of Parramatta. The provision of affordable short term rental rooms/suite in such a locality is appropriate to give these persons access to quality accommodation that remains more affordable than the traditional market rent.



WEEKLY HOUSEHOLD INCOME

Household income is a function of labour force participation rates, individual incomes and household composition. The household income profile of Parramatta is characterised by a smaller proportion of high income households (those earning \$2,500 per week or more) and a low proportion of low income households (those earning less than \$650 per week).

Overall, 22.1% of households earned a high income, and 13.2% of households were low income households, compared with 26.7% and 14.3% respectively for the City of Parramatta.

Table 6. Weekly Household Income

Weekly household income			
Parramatta - Total households (Enumerated)		NEW	2016
Weekly income	Number ↕	% ↕	City of Parramatta % ↕
Neg/Nil Income	202	2.3	2.0
\$1 - \$149	63	0.7	0.7
\$150 - \$299	183	2.0	1.8
\$300 - \$399	183	2.0	2.2
\$400 - \$499	305	3.4	4.3
\$500 - \$649	251	2.8	3.2
\$650 - \$799	429	4.8	5.0
\$800 - \$999	465	5.2	5.3
\$1,000 - \$1,249	705	7.8	7.3
\$1,250 - \$1,499	745	8.3	7.1
\$1,500 - \$1,749	680	7.6	6.4
\$1,750 - \$1,999	769	8.6	6.3
\$2,000 - \$2,499	1,331	14.8	12.7
\$2,500 - \$2,999	623	6.9	7.9
\$3,000 - \$3,499	495	5.5	5.5
\$3,500 - \$3,999	401	4.5	4.9
\$4,000 - \$4,499	153	1.7	2.3
\$4,500 - \$4,999	125	1.4	2.2
\$5,000 - \$5,999	98	1.1	2.1
\$6,000 - \$7,999	77	0.9	1.6
\$8,000 or more	9	0.1	0.2
Not stated	686	7.6	8.8
Total households	8,989	100.0	100.0

Source: Australian Bureau of Statistics, Census of Population and Housing 2016. Compiled and presented in profile.id by .id, the population experts.



BASELINE DEMOGRAPHIC PROFILE – HOUSING PROFILE

The statistical analysis provided here allows a basic understanding of the housing context of the suburb of Parramatta.

In order to gain an understanding of the performance of the suburb of Parramatta, it will be benchmarked against the City of Parramatta and compared with its adjoining SLAs, and they include:

- Suburb of Camellia,
- Suburb of Dundas,
- Suburb of Granville (part) - Clyde
- Suburb of Harris Park,
- Suburb of North Parramatta,
- Suburb of Oatlands,
- Suburb of Rosehill,
- Suburb of Rydalmere, and
- Suburb of Westmead.

The subject suburb also bounds the following suburbs which resides within the Cumberland Local Government Area:

- Suburb of Merrylands (Central), and
- Suburb of Westmead.

The following indicators are included in the housing analysis:

- Housing type
- Housing tenure
- Housing loan repayments
- Housing rent payments.





HOUSING TYPE

In 2016, there were a total of 10,583 private dwellings located within the suburb of Parramatta, with high density house being the dominant dwelling structure within the locality (73.9%). The subject area is continuing to experience a decline of its separate housing stock, with the SLA losing 212 separate dwellings between 2011 and 2016. It is expected that the locality will continue to experience an increase in its medium to high density housing stock with both the State Government via the Metropolitan Plan and Parramatta Council via recently gazetted Local Environment Plan 2011 encouraging higher density housing, especially near major transport nodes.

When compared to the LGA as a whole, Parramatta has a higher percentage of high density dwelling types. Parramatta experienced an increase in total dwelling stock with 2,167 additional dwellings being constructed between 2011 and 2016, with high density housing being the most dominant (2,085 dwellings).

Overall, 10.0% of the total housing type within Parramatta are separate houses, 14.8% are medium density housing and 73.9% are high density housing, compared with City of Parramatta (43.9%, 21.4% and 33.8% respectively).

Table 7. Dwelling Structure

Dwelling structure							
Parramatta - Dwellings (Enumerated)		NEW 2016		2011			Change
Dwelling type	Number	%	City of Parramatta %	Number	%	City of Parramatta %	2011 to 2016
Separate house	1,057	10.0	43.9	1,270	15.1	52.1	-212
a Medium density	1,564	14.8	21.4	1,330	15.8	20.9	+234
a High density	7,821	73.9	33.8	5,736	68.2	26.6	+2,085
Caravans, cabin, houseboat	0	0.0	0.0	0	0.0	--	0
Other	118	1.1	0.4	65	0.8	0.2	+53
Not stated	22	0.2	0.4	14	0.2	0.1	+7
Total Private Dwellings	10,583	100.0	100.0	8,416	100.0	100.0	+2,167

Source: Australian Bureau of Statistics, *Census of Population and Housing* 2011 and 2016. Compiled and presented by *id.*, the population experts.

With the Sydney Metropolitan Plan encouraging higher density housing along major transport nodes and urban centres and with Parramatta Local Environment Plan 2011 zoning within section within Parramatta to higher density, it can be presumed that the percentage of high density housing is going to increase within the next 5 years.

The development proposes a large boarding house designed to appear as a contemporary residential flat building to be consistent with the anticipated high residential density character of the immediate locality.



HOUSING TENURE

26.2% of Parramatta residents are purchasing or fully own their own property, indicating that there is a very low portion of home ownership within the suburb and a higher proportion of people renting.

Table 8. Housing Tenure

Housing tenure							
Parramatta - Households (Enumerated)		NEW 2016		2011		Change	
Tenure type		Number	%	City of Parramatta %	Number	%	City of Parramatta %
Fully owned		978	9.9	23.4	919	11.7	26.7
Mortgage		1,604	16.3	29.0	1,702	21.7	31.7
Renting - Total		6,181	62.8	39.6	4,470	57.0	34.9
Renting - Social housing		339	3.4	5.2	345	4.4	6.0
Renting - Private		5,810	59.0	34.1	4,079	52.0	28.4
Renting - Not stated		32	0.3	0.4	45	0.6	0.5
Other tenure type		32	0.3	1.0	28	0.4	0.9
Not stated		1,044	10.6	7.0	723	9.2	5.8
Total households		9,843	100.0	100.0	7,844	100.0	100.0

Source: Australian Bureau of Statistics, *Census of Population and Housing* 2011 and 2016. Compiled and presented by *id.*, the population experts.

In 2016, 62.8% of households in Parramatta were renting, with most of them undertaking private renting arrangements. The number of households renting increased by 1,711 or 38.3% between 2011 and 2016. This could be attributed to a high demand for rental accommodation within a major regional centre.

Compared to its neighbouring suburbs within the Parramatta LGA, the subject suburb has a greater proportion of households renting when compared to the suburbs of Dundas, North Parramatta, Oatlands, Rosehill, Rydalmere and Westmead (32.8%, 50.4%, 23.4%, 57.5%, & 37.0%) but lower than the suburbs of Harris Park and Westmead (65.1% & 65.3%). Due to the fact that the suburb of Camellia is predominantly industrial in nature, no rental units was available to be able to leased between 2011 and 2016.

Furthermore, when comparing to its neighbouring suburbs within Cumberland LGA, the subject site has a greater proportion of households renting when comparing to the suburbs of Merrylands (Central and Westmead – Mays Hill (45.6 % & 54.9% respectively).

The total number of households in Parramatta has increased by 1,999 between 2011 and 2016. This number is expected to increase with more high density housing to be built over the next 5 years.



HOUSING LOAN REPAYMENTS

Table 9. Monthly House Loan Repayments

Monthly housing loan repayments			
Parramatta - Households (Enumerated)	NEW	2016	
Monthly repayment amount	Number	%	City of Parramatta %
\$299 or less	58	4.3	5.9
\$300 - \$599	22	1.7	2.8
\$600 - \$999	103	7.8	5.0
\$1,000 - \$1,199	41	3.1	4.1
\$1,200 - \$1,399	114	8.5	5.3
\$1,400 - \$1,599	111	8.3	5.4
\$1,600 - \$1,799	146	11.0	6.2
\$1,800 - \$1,999	107	8.1	5.0
\$2,000 - \$2,199	211	15.8	12.1
\$2,200 - \$2,399	60	4.6	4.7
\$2,400 - \$2,599	74	5.5	5.1
\$2,600 - \$2,999	107	8.1	8.8
\$3,000 - \$3,999	108	8.1	15.5
\$4,000 - \$4,999	21	1.6	6.1
\$5,000 and over	8	0.6	4.2
Not stated	38	2.9	3.9
Total	1,335	100.0	100.0

Source: Australian Bureau of Statistics, *Census of Population and Housing* 2016. Compiled and presented in profile.id by [.id](#), the population experts.

The analysis of the monthly housing loan repayments indicates that households in Parramatta compared to the City of Parramatta shows that there was a smaller proportion of household paying high mortgage repayments (\$2,600 per month or more), as well as a smaller proportion of households with low mortgage repayments (less than \$1,200 per month).

Overall, 18.4% of households were paying high mortgage repayments, and 16.9% were paying low repayments, compared with 34.6% and 17.8% respectively in the City of Parramatta.



HOUSING RENT REPAYMENTS

Table 10. Weekly Housing Rental Payments

Weekly housing rental payments			
Parramatta - Households (Enumerated)	NEW	2016	
Weekly rental amount	Number	%	City of Parramatta %
\$99 or less	99	1.6	3.5
\$100 - \$149	137	2.2	4.9
\$150 - \$199	78	1.3	3.0
\$200 - \$249	109	1.8	2.9
\$250 - \$299	161	2.6	2.9
\$300 - \$349	380	6.2	4.6
\$350 - \$399	893	14.6	10.0
\$400 - \$449	1,406	22.9	17.4
\$450 - \$549	1,810	29.5	28.2
\$550 - \$649	738	12.0	12.9
\$650 - \$749	101	1.7	3.9
\$750 - \$849	29	0.5	1.6
\$850+	29	0.5	1.2
Not stated	153	2.5	2.8
Total households renting	6,130	100.0	100.0

Source: Australian Bureau of Statistics, *Census of Population and Housing* 2016. Compiled and presented in profile.id by .id, the population experts.

Analysis of the weekly housing rental payments of households in Parramatta compared to the City of Parramatta shows that there was a smaller proportion of households paying high rental payments (\$450 per week or more), as well as a smaller proportion of households with low rental payments (less than \$250 per week).

Overall, 44.2% of households were paying high rental payments, and 6.9% were paying low payments, compared with 47.9% and 14.3% respectively in the City of Parramatta, indicating that there is a shortage of affordable rental stock within the suburb of Parramatta.



BASELINE DEMOGRAPHIC PROFILE – EMPLOYMENT PROFILE

The development proposal is likely to attract families, young couples and working age tenants who are in receipt of a market-based income. The proximity to good train and bus connections will assist in access to employment.

The development proposal will provide additional employment opportunities within the locality during the construction phase with an increase of 237 affordable short term rental accommodation designed to operate as a student accommodation facility in the locality will provide additional patronage and will contribute towards boosting the local economy of Parramatta.

The size of Parramatta's labour force in 2016 was 14,140 persons, of which 13,252 were employed part-time and 9,248 were full time workers.

Table 11. Employment Status

Employment status							
Parramatta - Persons (Usual residence)		NEW 2016		2011		Change	
Employment status	Number	%	City of Parramatta %	Number	%	City of Parramatta %	2011 to 2016
Employed	12,774	90.3	93.0	9,799	90.0	93.5	+2,975
Employed full-time	9,248	65.4	62.9	6,990	64.2	63.3	+2,257
Employed part-time	3,252	23.0	28.4	2,547	23.4	28.3	+706
Hours worked not stated	273	1.9	1.7	261	2.4	1.8	+12
Unemployed (Unemployment rate)	1,366	9.7	7.0	1,083	10.0	6.5	+283
Looking for full-time work	832	5.9	3.9	647	5.9	3.6	+185
Looking for part-time work	534	3.8	3.1	436	4.0	2.9	+98
Total labour force	14,140	100.0	100.0	10,883	100.0	100.0	+3,258
Labour force status							
		2016		2011		Change	
Labour force status	Number	%	City of Parramatta %	Number	%	City of Parramatta %	2011 to 2016
Total labour force (Participation rate)	14,140	65.2	62.1	10,883	64.2	61.8	+3,258
Not in the labour force	5,642	26.0	32.1	4,520	26.7	32.9	+1,122
Labour force status not stated	1,931	8.9	5.8	1,552	9.2	5.3	+380
Total persons aged 15+	21,683	100.0	100.0	16,955	100.0	100.0	+4,728

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016. Compiled and presented by Id, the population experts.



Analysis of the employment status (as a percentage of the labour force) in Parramatta in 2016 compared to City of Parramatta shows that there was a lower proportion in employment, and a higher proportion unemployed.

Overall, 90.3% of the labour force was employed and 9.7% unemployed compared with 93.0% and 7.0% respectively for City of Parramatta.

Between 2011 and 2016, the number of people employed in Parramatta showed an increase of 2,975 persons and the number unemployed showed an increase of 283 persons.

The labour force participation rate refers to the proportion of the population over 15 years of age that was employed or actively looking for work. "The labour force is a fundamental input to domestic production. Its size and composition are therefore crucial factors in economic growth.

From the viewpoint of social development, earnings from paid work are a major influence on levels of economic well-being." (Australian Bureau of Statistics, Australian Social Trends 1995).

Analysis of the labour force participation rate of the population in Parramatta in 2016 shows that there was a higher proportion in the labour force (65.2%) when compared with City of Parramatta (62.1%).





SUMMARY OF KEY DEMOGRAPHIC PROFILE

Key demographic characteristics which distinguish Parramatta include the following:

- Population of 26,951 people in 2016, and between 2006 and 2011, experienced a population growth of 31.18%;
- Diverse and multicultural suburb with over 66.2% of its population born overseas;
- High concentration of couples with children (30.7%) and couples without children (23.4%);
- High density housing being the dominant housing type with 73.9% of all housing stock within Parramatta, with the suburb experienced a gain of 2,085 dwellings between 2011-2016, with the suburb losing 212 single dwelling between the last 5 years.
- Very low home ownership with 26.2% of Parramatta residents purchasing or fully owning a home and a high proportion of residents renting (62.8%), indicating a strong demand for affordable alternative rental opportunities within the suburb.
- High rental stress with over 44.2% of renters having high rental payments (\$450 per week or more).

Parramatta has experienced a very strong population growth between 2011 and 2016. This could be attributed the locality experienced an intensification of its build form stock and with more redevelopment towards higher densities projected in the short to medium term which will further fuel population growth. This trend is expected to continue and will contribute towards boosting Parramatta's population over the next 5-10 years and will result in the next Census to likely see a considerable uplift in population growth in Parramatta.

As such there will be demand for a variety of housing types including affordable housing stock, as the suburban gentrifies over time.

The proposal will contribute towards increasing affordable short term accommodation within the Parramatta housing market, noting that the development is purpose built to provide low cost rental accommodation principally to students from Western Sydney University, but may also include students attending other establishments, or nursing staff employed in the Westmead Precinct. This will ensure that Parramatta maintains its existing social diversity and increase housing choice, affordability and social mix.





LOCAL COMMUNITY PROFILE

TRANSPORT

The locality is extensively serviced by public transportation including local bus stops and the RiverCat terminal.

Furthermore, the site is also within a short car/bus/cycle/pedestrian trip to Parramatta CBD which includes major transportation hubs including Parramatta Railway Station which is one of the main stations on the Sydney Train metropolitan railway network of Sydney. It is serviced by the North Shore, Northern & Western Line, Cumberland Line and is also serviced by NSW Train Link Intercity trains on the Blue Mountains Line and Country services operating between Sydney, Dubbo and Broken Hill, whereas Harris Park is serviced by the North Shore, Northern & Western Line.

Parramatta bus transport exchange also has extensive bus services to a majority of suburbs within Sydney from Blacktown to the West, Rouse Hill to the north west, Liverpool to the south west, Bankstown to the south, Hornsby to the north east and services to the inner city and Sydney CBD.

The subject site is also within close proximity to key arterial road networks including Victoria Road, Kissing point Road and James Rouse Drive.

The subject site is also proximate to the Rivercat Terminal and connected directly by a recently completed pedestrian/cycle footpath that runs parallel to the Parramatta River.

COMMERCIAL PRECINCTS

Parramatta Town Centre

The subject site is located within close proximity to Parramatta City Centre, which is the second largest CBD within Sydney. Being a regional centre of Western Sydney, the CBD provides a wide variety of commercial, retailing and other essential services such as health, education and legal services.

Collett Village Shopping Precinct

A small neighbourhood shop comprising a small selection of retail opportunities including a pharmacy, coffee shop and beauty salon.

RELIGIOUS INSTITUTES

Religious institutes that are located in close proximity to the subject site include the following:



- Our Lady of Lebanon Co-Cathedral (40-46 Alice Street, Harris Park)
- The Church of Jesus Christ of Latter-Day (169 Pennant Street, Parramatta).
- Full Life Church Parramatta (98 Victoria Road, North Parramatta).

COMMUNITY SERVICES

A range of community related services can be found within close proximity to the subject sit and they include the following

Educational Institutes

Educational institutes that are located in close proximity to the subject site include the following:

- University of Western Sydney – Parramatta Campus
- Parramatta East Public School (Brabyn Street, Parramatta)
- Oatlands Public School (Belmore Street East, Oatlands)
- Rosehill Public School (Prospect Street, Rosehill)
- Macarthur Girls High School (1-19 Macarthur Street, Parramatta)

Child Care Facilities

Child Care Centres that are located in close proximity to the subject site include the following:

- Milestone Early Learning North Parramatta (198-200 Pennant Street, North Parramatta).
- Reggio Emilia Early Learning Centre (93 Gladstone Street, North Parramatta)
- Parramatta East Primary OSHCare Centre (30 Brabyn Street, Parramatta)
- St Marina Early Learning Centre (3 Grandview Street, Parramatta)
- Angle Babies Childcare Centre Parramatta (68 Thomas Street, Parramatta)





RELEVANT TRENDS AND SOCIAL ISSUES

DIVERSITY

Sydney is currently experiencing a housing shortage that is resulting in creating pressure in the housing and rental market, driving prices and ensuring Sydney remains the least affordable capital city in Sydney. The most vulnerable groups that is affected by the acute shortage of affordable accommodation in Sydney and specifically within Parramatta including:

- Key workers and low income earners including those in the retail, commercial and industrial sectors as well as an increasing number of frontline public sector workers such as nurses, teachers, police and firefighters
- Young families
- Older persons
- Young workers and students.

Affordable housing opportunities are disappearing in suburbs like Parramatta as they become gentrified over time. This has resulted in low-income singles, including students and key workers being excluded from the Parramatta housing markets, resulting in the suburb to lose its diversity with those in the lower socio-economic background slowly being pushed out of the area.

HOUSING AFFORDABILITY

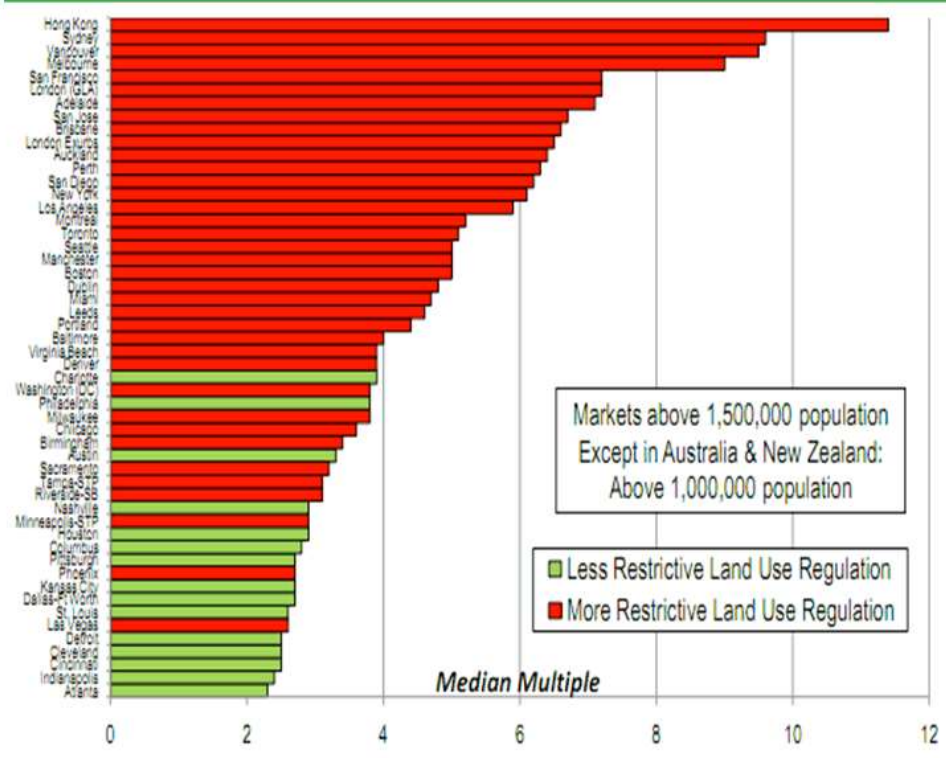
The National Housing Supply Council's projections over the 20-year period to 2028 demonstrated that levels of dwelling production based on recent trends were likely to be insufficient to meet Australia's emerging housing needs. It projected that underlying demand for dwellings would grow by around 3 million over the period 2008 to 2028, with a net increase of 2.7 million dwellings projected during that period (medium underlying demand and supply scenarios).

The housing shortfall in 2008 was estimated at around 85,000 dwellings. This estimate was based on the incidence of homelessness and the low level of vacancy rates in the private rental markets. Assuming medium growth in underlying demand and supply (including levels of construction), the shortfall was projected to rise to 431,000 by 2028. The annual additional shortfall was projected to be 23,000 dwellings in 2009-2010.

Housing affordability for first homebuyers and private renters declined over the decade to 2008. In 2005 - 06, there were 280,000 homebuyers in so-called 'housing stress' (i.e. paying more than 30 per cent of their income). Of these households, 131,000 had housing costs that exceeded 50 per cent of their income. In 2006, there was a shortfall of more than 250,000 affordable and available dwellings for lower income private renters (i.e. those in the bottom 40 per cent of the income distribution).



Figure 7: Housing Affordability and Land Regulation Larger Metropolitan Markets
(Source: 7th Annual Demographic International Housing Affordability Survey 2011 Rating for Metropolitan Markets)



According to Parramatta City Councils "Affordable Housing Policy" released in 2009 over 7,140 households (14%) were in housing stress in Parramatta in 2006. This is higher than the Sydney and WSROC average and has grown from 8.8% in 2001.

The most affected by housing stress in Parramatta were low to moderate income earners who are renting, mainly couple households with young children (under 15, older one per households (65 yrs +) and middle aged one person households (45-64 yrs).

Under the Affordable Housing Policy, Parramatta City Council has set an inspirational affordable housing target of 6018 dwellings by 2025. The proposal will contribute towards alleviating current shortage in affordable housing by providing affordable short-term accommodation in the form of a boarding house within Parramatta.

The table below shows that the housing stress increased from 2006 (18.2%) to 2011 (19.2%).



Table 1: Housing Stress Summary Table (Source: Parramatta City Council Housing Stress Summary)

Housing Stress Summary – Parramatta City Suburbs, 2006 & 2011

Suburb	2011			2006			Change 2006-2011
	Housing Stress	% Housing Stress	% Marginal Housing Stress	Housing Stress	% Housing Stress	% Marginal Housing Stress	
Parramatta City	8,716	15.4%	5.0%	7,149	14.0%	4.4%	1,567
Carlingford	285	14.2%	4.0%	166	10.8%	3.5%	119
Constitution Hill	186	13.6%	5.3%	179	9.2%	4.1%	7
Dundas	177	13.6%	5.6%	73	8.6%	5.0%	104
Dundas Valley	239	14.1%	5.2%	235	15.1%	4.2%	4
Eastwood	109	11.9%	4.4%	54	7.6%	2.8%	55
Epping	296	11.4%	3.8%	270	10.8%	3.3%	26
Ermington - Melrose Park	434	13.6%	4.9%	366	12.9%	4.2%	68
Granville - Clyde	678	20.1%	4.1%	579	18.2%	3.7%	99
Guildford	880	24.0%	2.9%	652	20.8%	2.9%	228
Harris Park	390	22.4%	5.6%	326	20.6%	4.5%	64
Merrylands	410	20.0%	5.1%	273	14.4%	4.5%	137
North Parramatta	702	15.6%	5.5%	589	14.8%	5.8%	113
Northmead	283	10.8%	4.6%	115	8.2%	5.1%	168
Old Toongabbie - Pendle Hill	71	7.1%	4.4%	121	9.2%	3.7%	-50
Parramatta	1,322	19.2%	7.7%	1,113	18.2%	6.3%	209
Rosehill - Camellia	163	18.4%	8.7%	113	14.2%	4.9%	50
Rydalmere	335	15.6%	5.2%	323	14.5%	3.7%	12
South Granville - Chester Hill	388	23.3%	2.6%	397	23.6%	3.4%	-9
Telopea - Oatlands	326	13.4%	4.1%	375	13.9%	4.5%	-49
Toongabbie	225	9.6%	4.9%	175	7.8%	5.4%	50
Wentworthville	182	11.4%	4.5%	118	10.9%	4.0%	64
Westmead	431	15.5%	6.3%	290	14.1%	4.7%	141
Winston Hills	205	5.3%	4.4%	198	5.2%	3.5%	7

PROBABLE IMPACTS

The proportion of properties in the private rental market in Parramatta that are theoretically affordable to households on 80% of median income declined from 68.4% in December 2005 to 40.7% at June 2007. At June 2007 the average proportion of affordable rental housing in the GMR was 52.2%, so Parramatta is less affordable than the average for the GMR.

Parramatta had proportionately less affordable private rental than Auburn (43.8% at June 2007) and Holroyd (65.5%), with other middle ring LGA varying from 6.8% in Manly to 60.9% in Canterbury) and outer ring metropolitan LGA varying from 6.4% in Ku-ring-gai to 76.5% in Blue Mountains.

Using 2006 Centrelink data Housing NSW has calculated what proportion of people on low incomes in the private rental market and in receipt of Commonwealth Rent Assistance are paying more than 30% of their income and therefore will be in housing stress. Parramatta has 7,259 residents in the private rental market and in receipt of Commonwealth Rent Assistance (CRA) and around 46% are in housing stress.



Single person households comprise the majority of those in stress, with 52%, followed by couples with children comprising 19%. This indicates that the private rental market is not catering well to the needs of single person households. There may not be sufficient affordable private rental dwellings with one or two bedrooms to meet demand.

From the 2006 Census, Parramatta had 50% of all low and moderate income households in the private rental market in housing stress. This is an increase of over 660 households from the 2001 Census and compares with 49% in Holroyd and 60% in Auburn. The average in Sydney Statistical Division is 56%, so the proportion of low and moderate income earners in housing stress in Parramatta is below the Sydney average. It is also worth noting that there are more low and moderate income renters in housing stress in Parramatta than purchasers in stress and this is true at a national level as well. *(source: information on the Parramatta Housing Market, Housing NSW)*





WAYS IN WHICH STAKEHOLDERS ARE LIKELY TO BE AFFECTED BY THE PROPOSAL

The development proposes to construct a large scale new age boarding house at 85-91 Thomas Street, Parramatta. The key impacts of the proposal are as follows:

- Loss of existing residential stock
- Traffic noise
- Construction noise & noise during occupation
- Privacy
- Overshadowing
- Heritage impacts;
- Safety
- Streetscape character.

Discussion on mitigation measures is provided further in this report.





PROPOSED DEVELOPMENTS IMPACTS ON TRENDS AND SOCIAL CONDITIONS IN THE LOCALITY

DIVERSITY

The proposal will contribute to the provision of additional housing and housing choice within Parramatta, with the development purpose built to provide low cost rental accommodation principally to students who are attending a range of tertiary educational establishments in the general area. Most tenants are likely to be students from Western Sydney University, but may also include students attending other establishments, or nursing staff employed in the Westmead Precinct to take advantage of excellent public transport and recreation opportunities in the neighbourhood. This may improve the diversity of the community in the area and have a beneficial impact on the community in terms of reducing demand on social infrastructure.

The proposed development will provide opportunities for local students to remain living in Parramatta without the need to move further afield to more remote locations that are distant from shops, jobs, access to educational establishments and public transport.

The location of the development will provide opportunities for future students to be part of the community of Parramatta and utilise local facilities. With the site being within close proximity to Parramatta City Centre, future residents and students have the opportunity to take advantage of a wide range of services found within the City Centre such as libraries and other local amenities, which would provide opportunities for people who may become socially isolated in other more remote locations.

HOUSING AFFORDABILITY

The Council of Australian Governments (COAG) published the Housing Supply and Affordability Report in August 2012. That report outlined:

All things being equal, more efficient supply should put downward pressure on house prices. However, addressing supply-side impediments may not cause house prices to fall or rents to ease significantly. It is possible for high house prices to exist even in a relatively efficient market. This is because other structural and cyclical factors — such as population growth and interest and unemployment rates — also play a major role in determining the level and growth of house prices and rents.

As such, reducing the supply-side constraints will not necessarily be sufficient to address the housing affordability problems faced by lower-income households.

The issue of (un)affordable home ownership may be largely confined to a lack of means for some segments of the population to purchase or rent a dwelling, rather than a physical lack of supply of dwellings.



That said, reforms that remove impediments to housing supply will remove unwarranted pressure on house prices and ensure that the quantity, location and type of housing stock meets the community's needs over time. Improving the responsiveness of the housing supply chain can also enhance other factors that contribute to community wellbeing, such as by increasing labour mobility.

The proposal will contribute, to a degree, towards alleviating Sydney's housing affordability by contributing towards the provision of an additional stock of boarding rooms within the Parramatta housing market. Whilst the proposal may not have a direct impact on house prices it will assist in the delivery of affordable housing by providing flexible short-term residential accommodation targeted predominantly students.





RECOMMENDATIONS

The key impacts of the proposal were identified and strategies to mitigate potential impacts are discussed below:

LOSS OF DWELLING HOUSES

The proposal involves demolition of an existing dwellings which will displace up to four families. It is recommended that sufficient notice (6-8 weeks) is provided to the occupants prior to the development commencing in order to enable sufficient time to find alternative accommodation within the area.

TRAFFIC

As per the Traffic Report which accompanies the application, the proposal is not expected to significantly impact upon the existing traffic networks within the subject area. The site is proximate to key road networks which have the capacity for accommodating high traffic volumes and the proximity to local services and public transport gives alternative transport options for future residents and employees.

Furthermore, it is considered that the proposed vehicular access and exit points to and from the site via provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site. The proposed parking areas and ancillary driveways will not contribute to the creation of traffic hazards.

It is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic. The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal without significantly impacting upon existing road networks. See submitted Traffic Report within corresponding State of Environmental Effects for more detail that provides analysis of impacts on the local traffic network.

CONSTRUCTION NOISE AND SUBSEQUENT OCCUPATION NOISE

Acoustic impacts arising from construction of the proposal are likely to be transient during the construction process, and the hours of operation will be limited to standard EPA guidelines of Monday through Saturday. It is anticipated that conditions of consent would reinforce this issue.

The proposal provides appropriate building separation, setbacks combined with appropriate treatment to ensure potential impacts to adjoining properties are minimised.





Furthermore, the application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy.

See submitted Noise Assessment within corresponding State of Environmental Effects for more detail.

PRIVACY

The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity.

This includes the siting/internal layout of dwellings, location/size of windows, proposed building materials as well as the incorporation of other elements including window placement and landscape screening.

It is considered that the proposed development produces an appropriate outcome on a site that will provide a high level of amenity for future lodgers and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.

SOLAR ACCESS AND OVERSHADOWING

The proposal has been designed to reduce the potential for overshadowing of neighbouring properties. It is considered that appropriate solar access is to be provided on site and for neighbouring properties. The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration. Refer to corresponding State of Environmental Effects for more detail.

SAFETY

The design of the proposal has been informed after consideration of relevant crime statistics that are detailed at Appendix 1. The proposed development incorporates an active façade that will permit casual surveillance to both Thomas Street and Parramatta Rive/foreshore to its southern boundary as well as common open space areas of the proposal.

The proposed landscaping is appropriate when considering CPTED principles and will not permit easy concealment of intruders.

The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity.

It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.





All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.

STREETSCAPE CHARACTER

The proposal responds well to the individual context of its site and positively contributes to the visual appreciation and cohesiveness of the streetscape by providing a contemporary built form building with a highly articulated façade that addresses Thomas Street.

The proposal adopts a contemporary building form that relates well to the site context whilst being consistent with Council's vision for the locality to accommodate high density mix use development noting the development has been designed to appear as a contemporary high density residential building in-order to be consistent with the emerging high density character within the immediate locality.

The proposal will have minimal adverse environmental or amenity impacts and provides an appropriate outcome on site in an appropriate location. Overall, it is considered that the proposal results in an appropriate outcome on site and within the context of the area and will contribute to the orderly development of the Parramatta LGA.





CONCLUSION

Having regard to the above analysis, residents of Parramatta LGA are experiencing housing stress due to a shortage of appropriate housing which is creating pressure in the housing and rental market. This is evident with over 60% (62.8%) of residents within the suburb of Parramatta renting and of that over 44.2% of renters have high rental payments (\$450 per week or more), which potential would result in stopping or excluding people who are on low income including single, key workers from entering into the Parramatta housing market.

Furthermore, with an increase in house prices and a decline of public housing, there is a significant demand for accommodation that meets the needs of people who are on low income, single, key workers and students. Such accommodation needs can be partially met through the proposed development, noting that the current application is purpose built to provide low cost rental accommodation principally to students who are attending a range of tertiary educational establishments in the general area. Most tenants are likely to be students from Western Sydney University, but may also include students attending other establishments, or nursing staff employed in the Westmead Precinct.

The location is ideal for the target group in terms of its proximity to public transport, community facilities and services.

While some members of the community express concerns in relation to the traditional Boarding House model, it is clear from the evidence presented that the proposed New Generation Boarding House will:

- Be modern and contemporary with respect to design and internal layout;
- Be priced in the market at a level that will attract persons benefiting from an income and not solely reliant on Government transfer payments; and
- Attract persons other than very low income earners who are more likely to qualify for traditional public housing.

The proposed New Age Boarding House will cater for a variety of socio-economic groups, with an emphasis on students. This will ensure that Parramatta maintains its existing social diversity and increase housing choice, affordability and social mix. The development will be supported by the provision of high quality social infrastructure services and facilities, including Collette Village Shopping Precinct, public transportation including bus stops and the RiverCat terminal.

Data from the NSW Bureau of Crime Statistics and Research indicates that major crime within the Parramatta LGA is steady or declining. The proposal will be designed in a manner that will permit the safe and efficient use of the site. The proposal has incorporated CPTED principles where relevant including the provision of appropriate landscaping and access to the parking podium levels will be security controlled.



There will be several opportunities for surveillance by the future tenants of the proposed building. The design of the development provides for passive surveillance of the street frontage and of the internal communal areas.

Considering its proximity to a large tertiary establishment, local services, and public transportation, the current development will play a positive outcome for social housing by delivering a substantial new age boarding house intended to operate as a Student Accommodation Facility. At the completion of the development, the proposal will not only permit the site to develop to its full zoning potential but will address the shortage in affordable housing specialising in student accommodation by providing flexible short-term residential accommodation.

This Social Impact Assessment reviews the demand for housing and concludes that the proposal will not generate negative social impacts, rather will contribute to meeting a social need, consistent with State and local policies and planning controls.





APPENDIX 1: ADDITIONAL DATA – SAFETY

This section provides a preliminary review of crime and safety issues identified in the Parramatta LGA, derived from the NSW Bureau of Crime Statistics and Research (BOCSAR).

It is important to point out that the crime figures discussed in this section of the report relate to those crimes that have been recorded by BOCSAR i.e. Recorded Incidents (RI), not necessarily all crimes committed in the Parramatta LGA. Levels of crime are sensitive to the willingness or ability of people to report crime, levels and nature of police activity and actual levels of criminal activity. In addition, it is pointed out that crime data must be interpreted with caution as many factors may influence apparent trends. Police “crackdowns”, for example, on particular types of offences may push up recorded crime rates for those categories of offences. The increase in figures therefore does not necessarily translate to an increase in that type of crime, but rather an increase in convictions for that type of crime.

The table below shows crime trends within the Parramatta LGA between October 2018 to September 2020. These figures are not disaggregated to the suburb level. They show that most recorded crimes were stable with break and enter – dwelling and break and enter – non-dwelling down within a 24 month period.

Table 2: Crime Statistics: Crime Trends in the Parramatta LGA (Source: NSW Bureau of Crime Statistics and Research)

Recorded incidents of selected offences in the Parramatta Local Government Area
Annual totals and 24 month trend from October 2018 to September 2020

Offence	Oct 2018 to Sep 2019	Oct 2019 to Sep 2020	24 month trend
Break and enter - dwelling	917	748	Down
Break and enter - non-dwelling	258	181	Down
Motor vehicle theft	375	354	Stable
Steal from motor vehicle	1359	1144	Stable
Steal from dwelling	477	523	Stable
Malicious damage to property	1379	1277	Stable



CRIME HOTSPOT ANALYSIS

Crime hotspot maps that are included below and within the following pages show that most property crimes occur in dense urban locations. Some crimes like steal from shop or steal motor vehicle are more likely to occur around large commuter hubs like Parramatta Town Centre, rail stations and major shopping centres.

It can be ascertained from the data that Parramatta is generally not a crime hotspot; however, some crimes (e.g. break and entry dwelling, and steal from dwelling) are slightly higher around the periphery of the centre when compared to the more suburban and low density parts of the suburb. Furthermore, the proposed development will be designed in a manner that will permit the safe and efficient use of the site. The proposal has incorporated CPTED principles where relevant including the provision of appropriate landscaping and access to the parking podium levels will be security controlled.

There will be a number of opportunities for surveillance by the future residents of the proposed building. In particular the design of the development provides for passive surveillance of the street frontage and of the internal communal areas.

The proposed development is not expected to have any noticeable impacts on the safety of the Parramatta local area.

Table 3: Crime Hotspot Map: Break & Enter Dwelling from July 2019 to June 2020
(Source: NSW Bureau of Crime Statistics and Research)

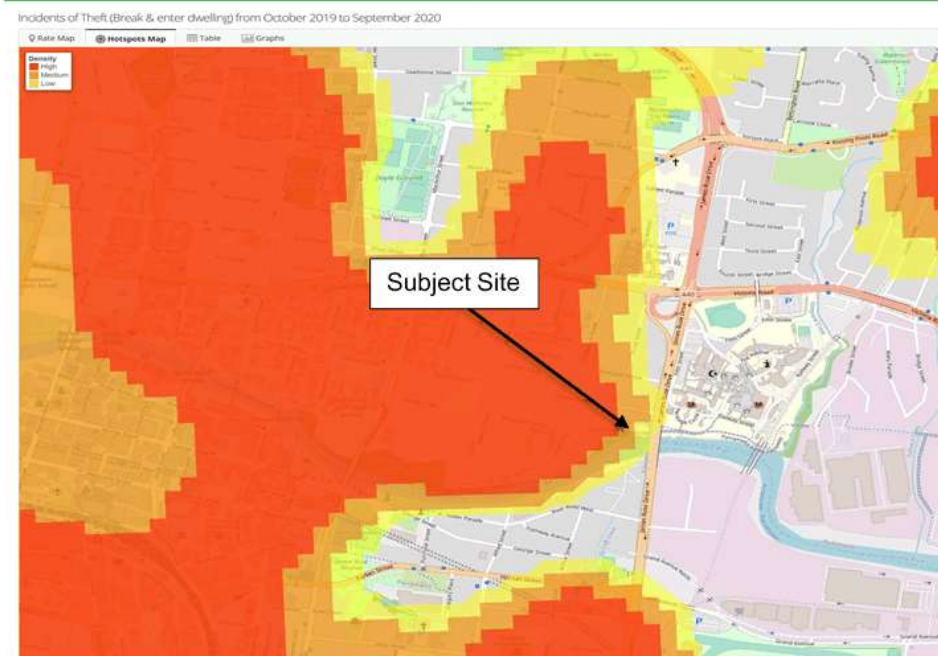




Table 4: Crime Hotspot Map: Break & Enter Non-Dwelling (Source: NSW Bureau of Crime Statistics and Research)

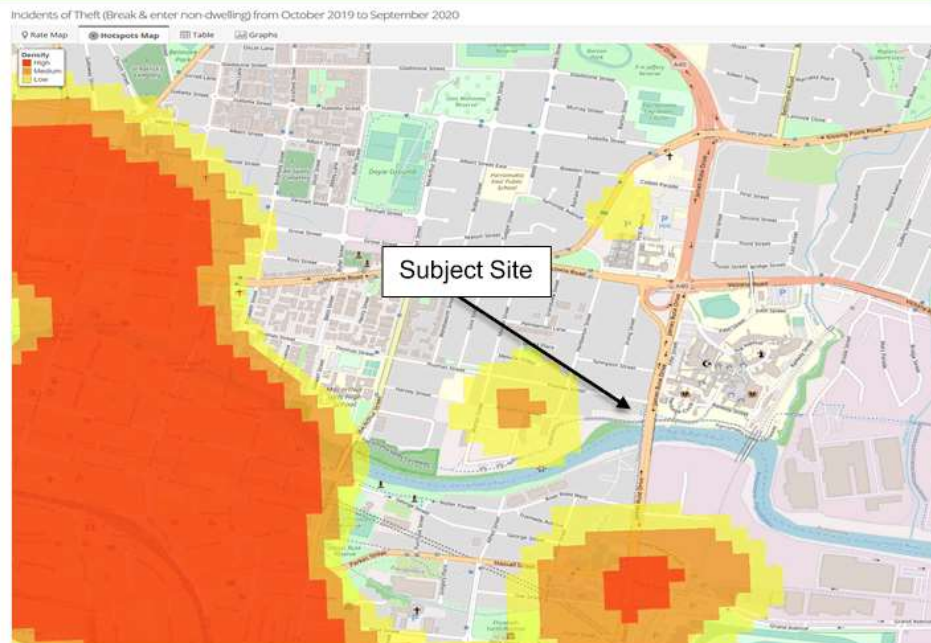


Table 5: Crime Hotspot Map: Motor Vehicle Theft (Source: NSW Bureau of Crime Statistics and Research)

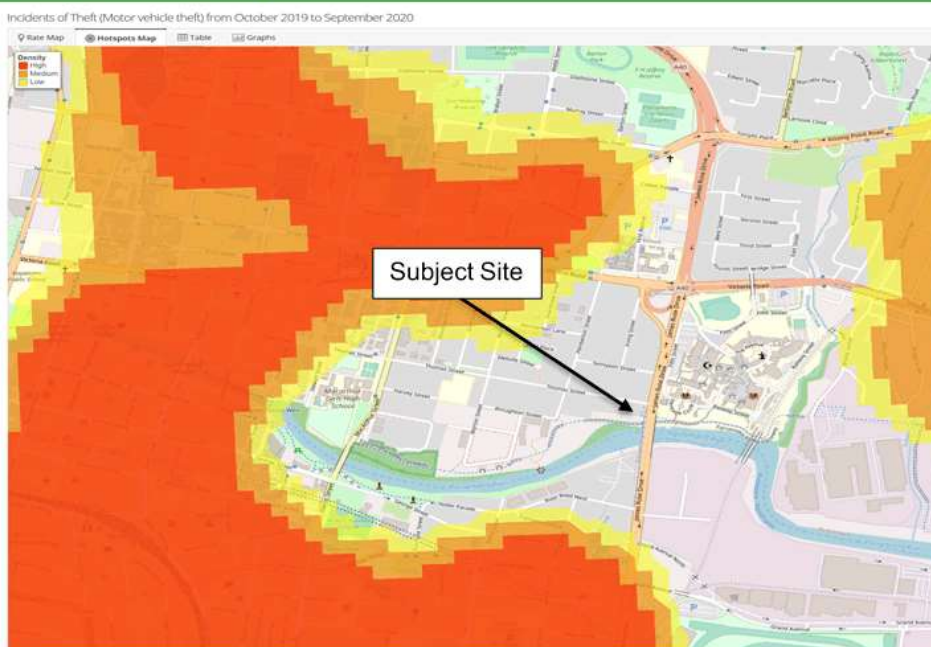




Table 6: Crime Hotspot Map: Steal from Motor Vehicle (Source: NSW Bureau of Crime Statistics and Research)

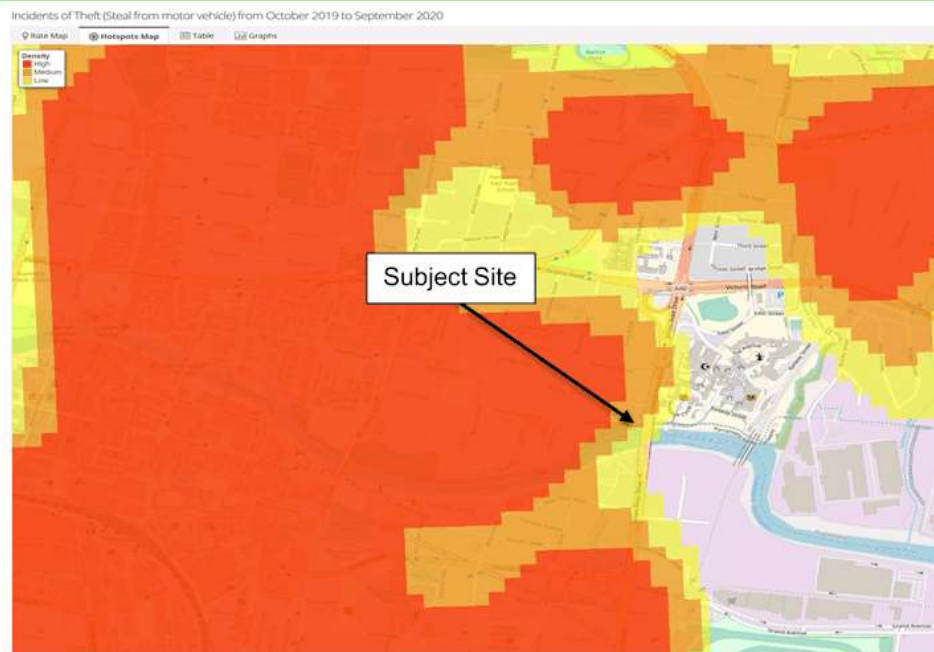


Table 7: Crime Hotspot Map: Steal from Dwelling from July 2019 to June 2020 (Source: NSW Bureau of Crime Statistics and Research)

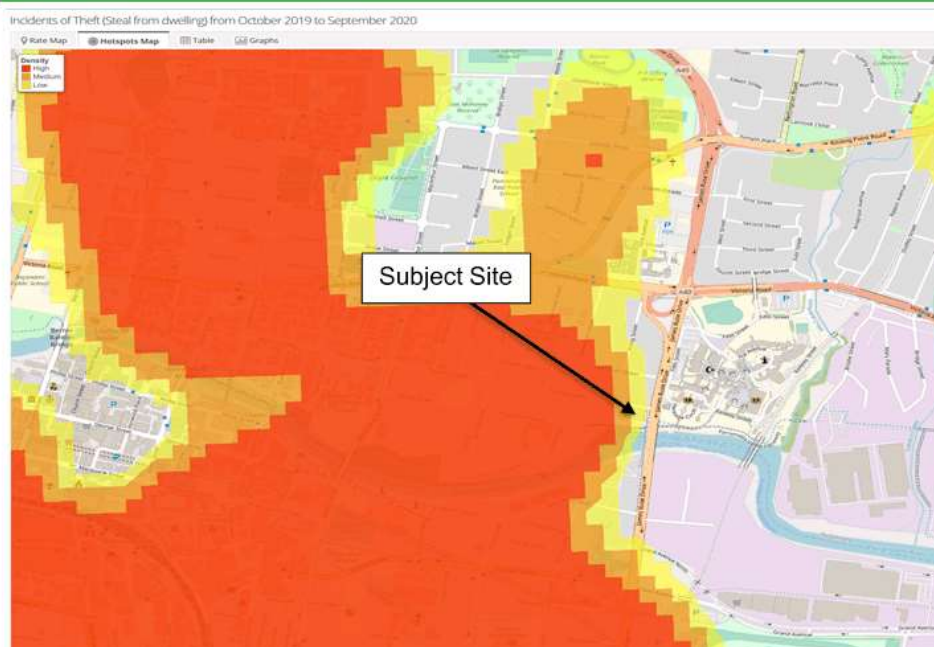
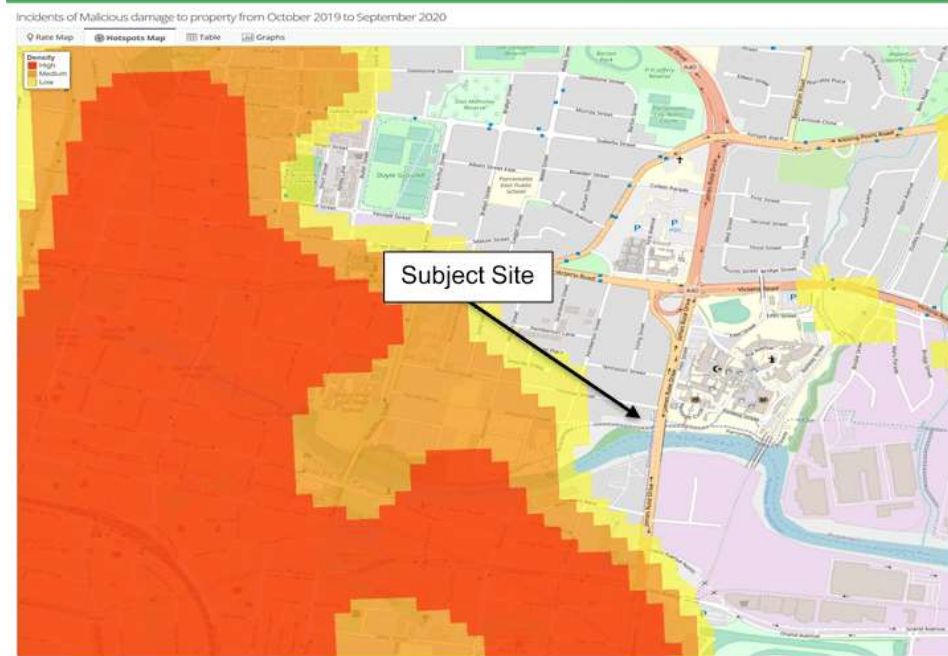




Table 8: Crime Hotspot Map: Malicious Damage to Property from July 2019 to June 2020
(Source: NSW Bureau of Crime Statistics and Research)





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TRAFFIC IMPACT ASSESSMENT

WITH CAR PARK CERTIFICATION

85 – 91 THOMAS STREET, PARRAMATTA NSW 2150

Proposed Co-Living Development

Prepared for:	Century 888 Pty Ltd
Date Prepared:	November 2020
Revision:	1.0
City of Parramatta Development Application #:	TBA



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INTRODUCTION

Solution 1 Traffic Engineers was engaged by Century 888 Pty Ltd to prepare a Traffic Impact Assessment with Car Park Certification at 85 – 91 Thomas Street, Parramatta NSW 2150. This report will assess the implications of the proposed development on existing traffic, parking and transport conditions surrounding the site. The following items have been included in the subsequent sections of this report:

- ◆ Public and active transport accessibility at the site,
- ◆ Number of car parking spaces required for the development,
- ◆ Expected traffic generation rates and their impact on the surrounding road network,
- ◆ Car parking certification,
- ◆ Conclusions of the above findings.

During the course of preparing this assessment, the subject site and its environment have been inspected, and all relevant traffic and parking data collected and analysed.

BACKGROUND AND EXISTING CONDITIONS

The subject site is located on Thomas Street in the suburb of Parramatta which is approximately 24km west from Sydney's CBD. The site falls within the City of Parramatta. The use of the land immediately surrounding the subject site is primarily residential in nature, which mainly comprises of dwelling developments. The subject property is bounded by Thomas Street to the north.

Thomas Street is a local road under the Council jurisdiction. The road cross-section at the site includes 2 lanes (eastbound and westbound). The subject site is within a low pedestrian activity zone and is situated within the R4: High Density Residential zone.

Figure 1: presents the location of the subject site showing surrounding suburbs

Figure 2: presents an aerial view of the subject site showing surrounding roads and businesses

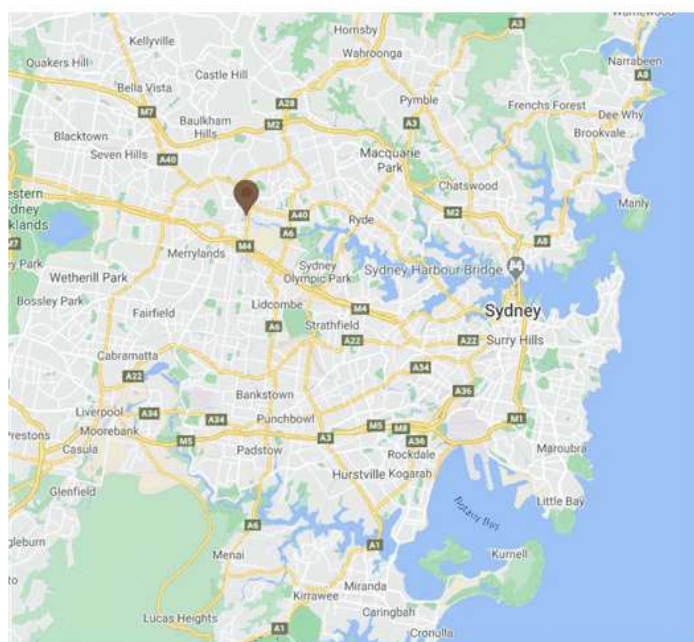


Figure 1: Location of the subject site, source: Google Maps



Figure 2: Aerial view of subject site, source: Google Maps



PUBLIC TRANSPORT

The subject site is in an area that has good access to public transport services that is within walking distance of the site. The closest public transport stop to the site, Victoria Road opposite Collett Park bus stop, is approximately 600m which is a 7-minute walk. This bus stop provides the several bus routes with services available throughout the day. Figure 3 below displays the public transport map around the site and the following table will summarise the services available in the locality.

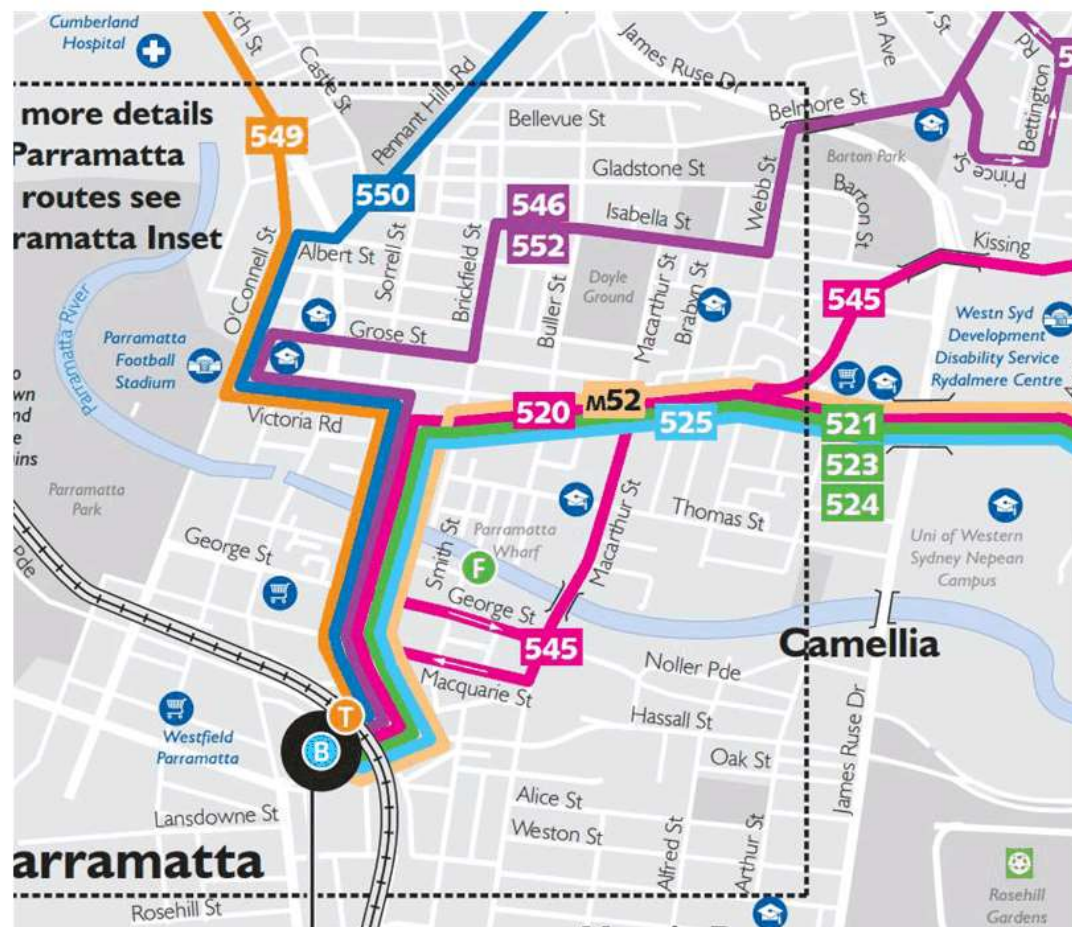


Figure 3: Site Public Transport Map



Service	Location	Distance from subject site [m]	Walking time [min]	Origin	Destination	Route Description	Number of Service		
							AM Peak (7-9 am)	PM Peak (4-6 pm)	Off peak
BUS SERVICES									
520	Victoria Rd opp Collett Park	600	7	Parramatta	City Circular Quay	Via West Ryde	Limited services throughout the day		
				City Circular Quay	Parramatta				
521	Victoria Rd opp Collett Park	600	7	Parramatta	Eastwood	-	5	3	1 service per hour
				Eastwood	Parramatta		2	4	
523	Victoria Rd opp Collett Park	600	7	West Ryde	Parramatta	-	4	4	1 service per hour
				Parramatta	West Ryde		4	4	
524	Victoria Rd opp Collett Park	600	7	Ryde	Parramatta	Via West Ryde	4	4	1 service per hour
				Parramatta	Ryde		3	4	
525	Victoria Rd opp Collett Park	600	7	Parramatta	Burwood	Via Sydney Olympic Park	5	6	2 services per hour
				Burwood	Parramatta		6	5	
M52	Victoria Rd opp Collett Park	600	7	City Circular Quay	Parramatta	Limited Stops	11	12	6 services per hour
				Parramatta	City Circular Quay		12	12	

Table 1: Public transport service details

The above bus service details show that the proposed development site has good access to public transport options. It is expected that some residents and visitors of the site will utilise these services when travelling towards the site and neighbouring suburbs.



WALKABILITY

The locality was assessed for nearby features that would encourage residents and visitors to walk/cycle. Reference is made to the 15 minute walking catchment area outlined in **Figure 4**.

The 'walkability' of a site is a measure of its proximity to other facilities by walking and can be ascertained from www.walkscore.com. The subject site is rated as "Somewhat Walkable" (meaning that some errands can be accomplished on foot) and with a score of 65 out of 100 (obtained from the 'Walk Score' web tool), it provides a higher ranking to the average Sydney metropolitan score of 54 out of 100.

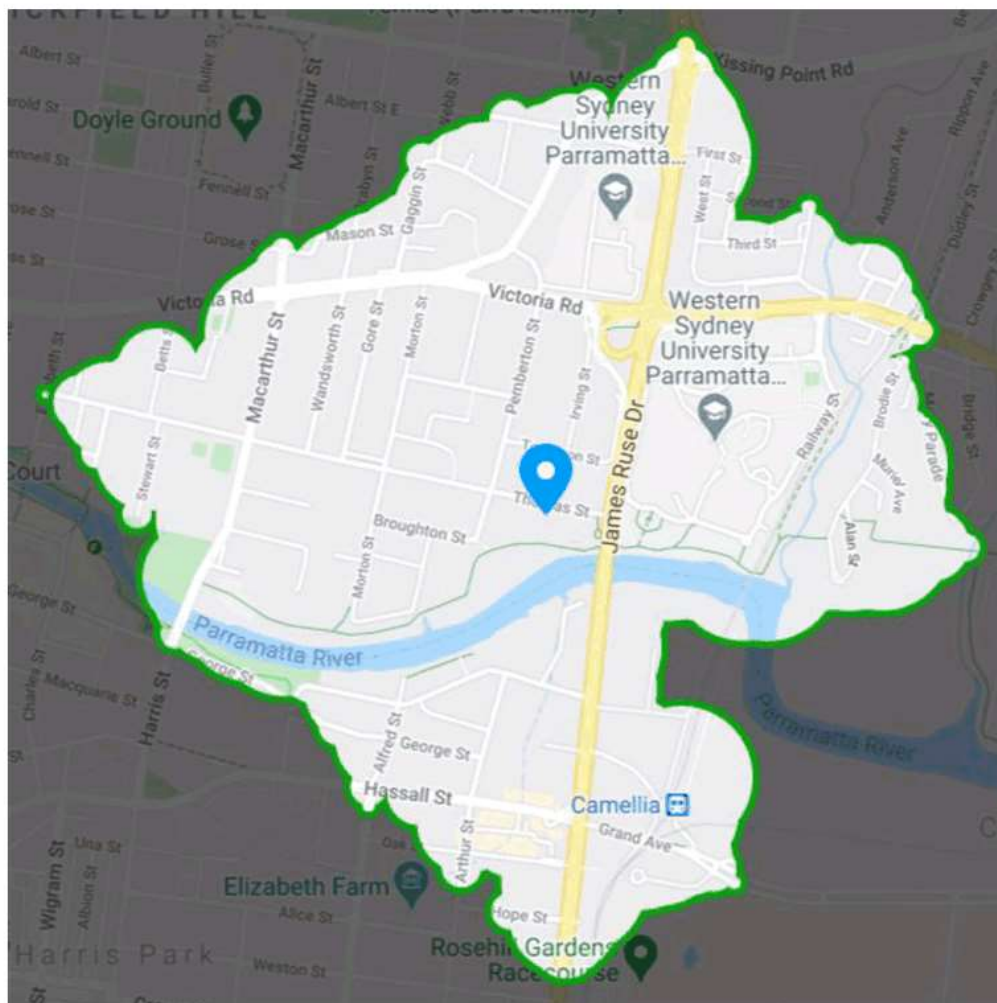


Figure 4: 15 Minute walking catchment area, source: www.walkscore.com



PROPOSED DEVELOPMENT

The proposed development at 85 – 91 Thomas Street, Parramatta NSW 2150 is for a boarding house development.

The information provided by the client and development plans are as follows;

- Total of 237 boarding rooms provided on-site comprising of;
 - Ground floor – 29 units
 - Level 1 – 39 units
 - Level 2 - 41 units
 - Level 3 – 41 units
 - Level 4 – 35 units
 - Level 5 – 35 units
 - Level 6 – 17 units
- Total of 118 spaces provided including 6 accessible spaces
- Total of 48 bicycle parking spaces provided
- Total of 17 motorcycle parking spaces provided



CAR PARKING REQUIREMENT

Under *SEPP (Affordable Rental Housing) 2009*, the proposed development's land use is classified as 'boarding houses'. The table below summarises the rates obtained from the planning policy (Division 3 Boarding Houses 29) as well as the car parking requirement for the proposed land use.

Land Use	Given Rate from SEPP 2009 Boarding Houses	Car Parking Required	Parking Spaces Provided	Car Parking Surplus/Shortfall
Boarding Houses	In the case of development not carried out by or on behalf of a social housing provider – at least 0.5 parking spaces are provided for each boarding room	As there is a total of 237 boarding rooms on-site, 118 parking spaces are required	118 on-site spaces provided	No shortfall

Table 2: Proposed Development Car Parking Requirement Summary

As observed in the table above, the development will provide 118 parking spaces on-site to accommodate for the 118 parking space requirement.



BICYCLE AND MOTORCYCLE PARKING REQUIREMENT

The bicycle parking requirement for boarding houses are provided within *SEPP (Affordable Rental Housing) 2009*. **Table 2** below outlines the bicycle requirement for the development.

Land Use	Given Rate from SEPP 2009 Boarding Houses	Bicycle Parking Required	Parking Spaces Provided	Car Parking Short fall
Boarding Houses	1 bicycle space per 5 boarding rooms	Total of 237 boarding rooms on-site requires 48 (rounded up) bicycle parking spaces	48 bicycle spaces	No bicycle space shortfall
	1 motorcycle space per 5 boarding rooms	Total of 237 boarding rooms on-site requires 48 (rounded up) bicycle parking spaces	17 motorcycle spaces	31 space short fall

Table 3: Proposed Development Bicycle Parking Requirement Summary

As observed in the table above, there is a shortfall in motorcycle parking spaces.



TRAFFIC IMPACT ASSESSMENT

Through observation of the RMS Guide to Traffic Generating Development (2002), the proposed development land use is classified as a '*high density residential flat building*'. The traffic generation rates for the development is as follows;

Weekday peak hour vehicle trips = 0.24 trips per unit

As there are 237 units within the proposed development, the expected weekday peak hour vehicle trips is 57 (rounded up) trips.

These rates are likely to vary on a day to day basis depending on the number of residents that own a vehicle. However, the trips generated from the site is still expected to be low. It is expected that the vehicular traffic generated by the site will distribute across the road network in the vicinity. It was perceived that these rates are in fact negligible and are not anticipated to generate any significant adverse impacts on the local road network.

Surrounding Roads Traffic Analysis

Traffic counts for the roads surrounding the proposed development have been obtained via the Transport for NSW Traffic Volume viewer interactive tool.

James Ruse Dr (230m from site) Traffic Counts

Assessing the obtained data from the interactive tool, the latest traffic count survey is from August 19th 2013 and records an average total of;

- Southbound
 - 37,209 daily vehicles
 - 9,947 vehicles during PM peak periods (3:00pm – 5:00pm)
- Northbound
 - 36,555 daily vehicles
 - 10,714 vehicles during PM peak periods (3:00pm – 5:00pm)

In the event that all traffic generated from the site travels along James Ruse Dr, an anticipated increase of 57 weekday peak hour vehicle trips to be added to the existing traffic will have a low impact with only a traffic increase of approximately 0.57% in the southbound direction and increase of approximately 0.53% in the northbound direction.



CROSS UTILISATION TRIPS

When assessing the locality and the surrounding site uses, it is expected that the trips to and from the site will be direct and not cross-purposed. As the area is within a residential area, any trips generated from the site are expected to be direct trips to and from the dwelling development.



CAR PARKING CERTIFICATION

This section will investigate the compliance of the proposed car park with the specific requirements outlined in the relevant Parramatta DCP assessment criteria, AS2890.1 and AS2890.6 standards. The proposed development parking plan has been included within **Appendix A**.

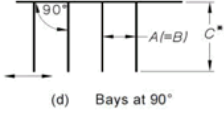
Parramatta DCP 2011 Part 2: Car Parking Design Controls (Section 2.10.12)

As outlined within this section of the DCP, the parking areas for developments must be designed in accordance with relevant AS2890 standards.

AS2890.1 Design Standards

Angle Parking Spaces (Section 2.4.1)

The minimum parking space and aisle dimensions have been outlined within this section. The following figure depicts the minimum requirements for User Class 1A (residential, domestic and employee parking).



(d) Bays at 90°

User class (Note 1)	A (Note 3)	B	C ₁	C ₂	C ₃	Aisle width (Note 4)
1	2.4	2.4	5.4	4.8	5.4	6.2
1A	2.4	2.4	5.4	4.8	5.4	5.8
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	4.8	5.4	5.8
3A	2.6	2.6	5.4	4.8	5.4	6.6
3A	2.7	2.7	5.4	4.8	5.4	6.2
4	(See Note 5)					

*Dimension C is selected as follows (see Note 6):
 C1—where parking is to a wall or high kerb not allowing any overhang.
 C2—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(i).
 C3—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).
 For Notes—see over.

Figure 5: Layouts for Angle Parking Spaces (AS2890.1)

As shown within the site plans, the widths of the on-site car parking are 2.5m and the lengths of all parking spaces are 5.4m. Aisle widths ranging from 6m – 7.2m are also provided within the design. These dimensions are compliant with the minimum required dimensions shown in **Figure 5**.



Provision for Motorcycles (Section 2.4.7)

As there are motorcycle spaces provided within the car park, the measurements for these spaces are checked against the standards within AS2890.1. The figure below outlines the measurement requirements for motorcycle spaces.

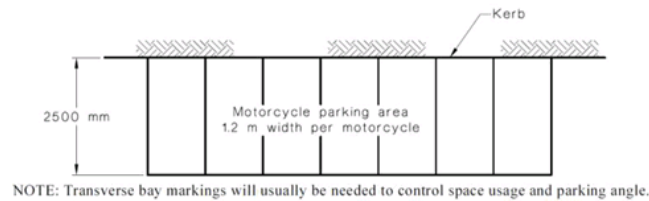


Figure 6: Motorcycle Parking Provision (AS2890.1)

Although the dimensions for motorcycle parking are not labelled, through comparison with the on-site parking spaces, the width and length of motorcycle spaces are expected to be 1.2m and 2.5m respectively.

Circulation Roadway and Ramp Grades (Section 2.5.3)

As the development contains a ramp connecting the two basement levels and a vehicle entry ramp, the following AS2890.1 design standard are required;

- Longer than 20m – 1 in 5 (20%)
- Up to 20m long – 1 in 4 (25%) maximum. The allowable 20m maximum length shall include any parts of grade change transitions at each end that exceed 1 in 5 (20%)
- A stepped ramp comprising a series of lengths each exceeding 1 in 5 (20%) grade shall have each two lengths separated by a grade of not more than 1 in 8 (12.5%) and at least 10m long.

Between basements

As the car parking ramp is less than 20m long, the maximum allowable grade for the ramp is 1:4 (25%). Through observation of the constructed basement car parks, it is evident that that the maximum grade within the design is compliant with a maximum grade of 1:4 (25%).

To prevent vehicle scraping at the bottom and top of the ramp, grade changes have been implemented to avoid any hazards. The grade changes present at the top and bottom of the ramp are 12.5% changes at a length of 2m, which is compliant with the standards set within AS2890.1.

Vehicle entry ramp

As the vehicle entry ramp is longer than 20m, the maximum allowable ramp grade is 1:5 (20%). Evident within the site plans, the maximum ramp grade is 15.4% with a length of 28.409m. The grade change at the bottom of the ramp is also 8.3%, resulting in all ramp dimensions compliant with the standard set within AS2890.1.



Access Driveway Widths (3.2.1)

As the proposed car park falls under category 1 within AS2890.1, the minimum entry widths are to be from 3.0m (one way movement) or 5.5m (two-way movement). Although no driveway widths are included within the site plans, the driveway width dimension is expected to be suited for two-way movements.

Access Driveway Location (Section 3.2)

To avoid congestion and sight distance issues, access driveways are prohibited in being located within any of the heavy lined zones displayed in **Figure 6** below.

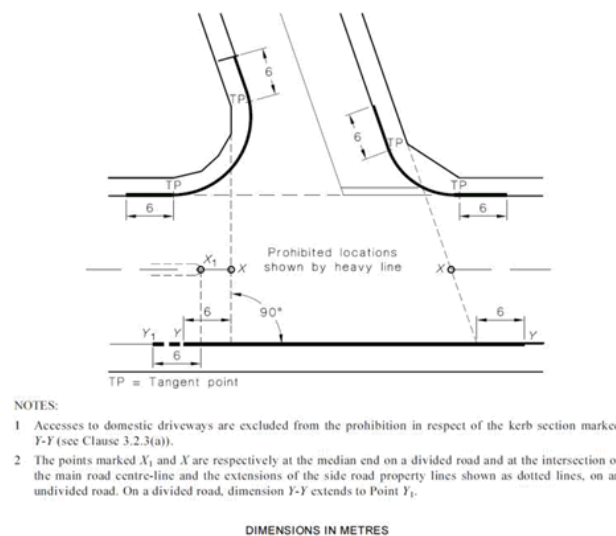
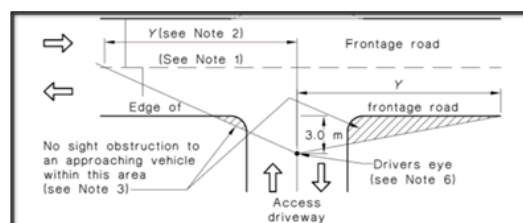


Figure 7: Prohibited Locations of Access Driveways (AS2890.1)

As the closest intersection to the site (Pemberton Street/Thomas Street) is approximately 125m from the proposed driveway location, the AS2890.1 standard is satisfied.

Sight Distance (Section 3.2.4)

The minimum sight distance requirements for the development has been outlined below. As Thomas Street will have an expected speed limit of 50km/hr, the development will require a clear sight distance of 40m as outlined within the figure below.





Frontage road speed (Note 4) km/h	Distance (Y) along frontage road m		
	Access driveways other than domestic (Note 5)		Domestic property access (Note 6)
	Desirable 5 s gap	Minimum SSD	
40	55	35	30
50	69	45	40
60	83	65	55
70	97	85	70
80	111	105	95
90	125	130	Use values from 2 nd and 3 rd columns
100	139	160	
110	153	190	

Figure 8: Sight Distance Minimum Requirements (AS2890.1)

As there are only residential developments along Thomas Street, the traffic volume of this road is expected to be low. Assessing the conditions surrounding the road, there are no major visual obstructions within 40m in either eastern or western directions. This ensures full visibility between any vehicles entering or exiting the site and pedestrians along the frontage road.

AS2890.6 Design Standards

Accessible Car Parking Design Standards

As there are accessible car parking space provided within the carpark, these spaces have been assessed against AS2890.6 standards. The figure below outlines the required dimensions for parallel accessible car spaces within Australia.

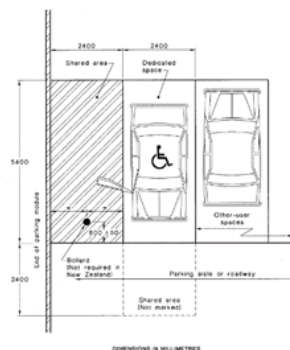


Figure 9: Typical Dimensions of Parallel Parking Spaces (AS2890.6)

As the proposed parallel car parking spaces will have a width 2.5m and length of 5.4m, the dimensions of the parking space is compliant with the minimum requirements set within **Figure 9**.

The provided shared spaces are also dimensioned 2.5m x 5.4m with an indication of a bollard placements which satisfies AS2890.6 standards.



Compliance Summary Table

Design Attribute	Standard	Requirement	Provided	Comments
Parking Space Width	AS2890.1	Minimum 2.4m	2.5m	Compliant with AS2890.1
Parking Space Length	AS2890.1	Minimum 5.4m	5.4m	Compliant with AS2890.1
Motorcycle Spaces	AS2890.1	Minimum dimensions 1.2m x 2.5m	No dimensions provided	Assessing against car parking spaces, the length is 2.5m and width is expected to be compliant with AS2890.1
Aisle Width	AS2890.1	Minimum 5.8m	6m – 7.2m	Compliant with AS2890.1
Ramp Grades (between basement floors)	AS2890.1	Max grade of 25% Grade transition of minimum 2m and max grade of 18%	Max grade of 25% Top and bottom transitions of 2m and 12.5%	Compliant with AS2890.1
Ramp Grades (vehicle entry ramp)	AS2809.1	Max grade of 20%	Max grade of 15.4% with bottom transition of 4m at 8.3%	Compliant with AS2890.1
Driveway Location	AS2890.1	Minimum 6m from closest intersection	Closest intersection is approx. 125m away	Compliant with AS2890.1
Vehicle Sight Distances	AS2890.1	Minimum 40m from exit driveway	Visibility exceeds 40m with no major obstructions	Compliant with AS2890.1
Disabled Parking Spaces with shared space	AS2890.6	Minimum dimensions of disabled and shared space 2.4m x 5.4m	2.5m x 5.4m with shared space provided	Compliant with AS2890.6

Table 4: Car Park Certification Summary Table

Conclusion of Car Park Certification

Based on the assessment presented in this report, it is considered that the car parking design for the proposed development meet the required design standards set by the City of Parramatta DCP, AS2890.1 and AS2809.6.

Report prepared by:

Hafiz Syam

Traffic Engineer | BE Civil/Environmental Engineering



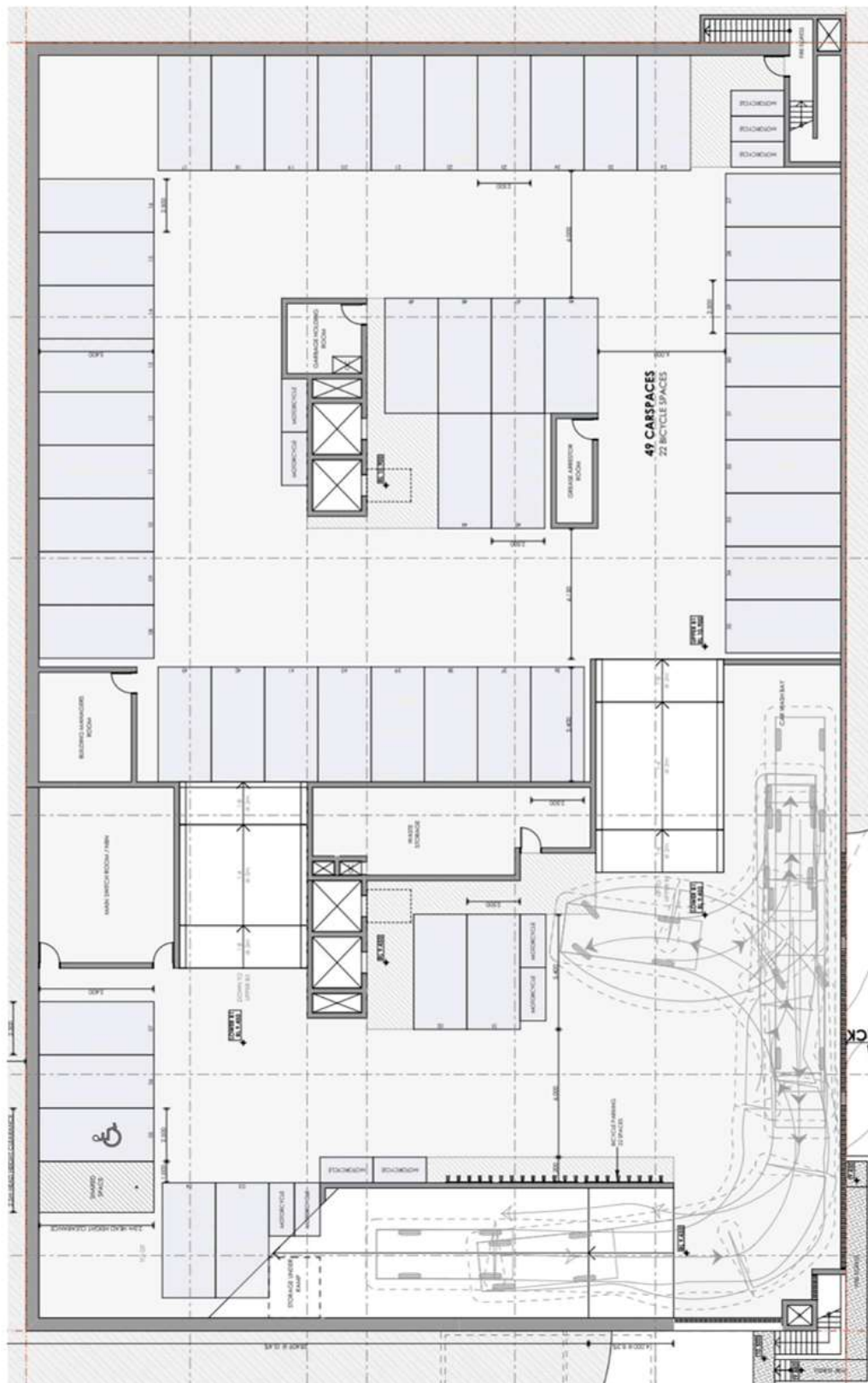
CONCLUSIONS

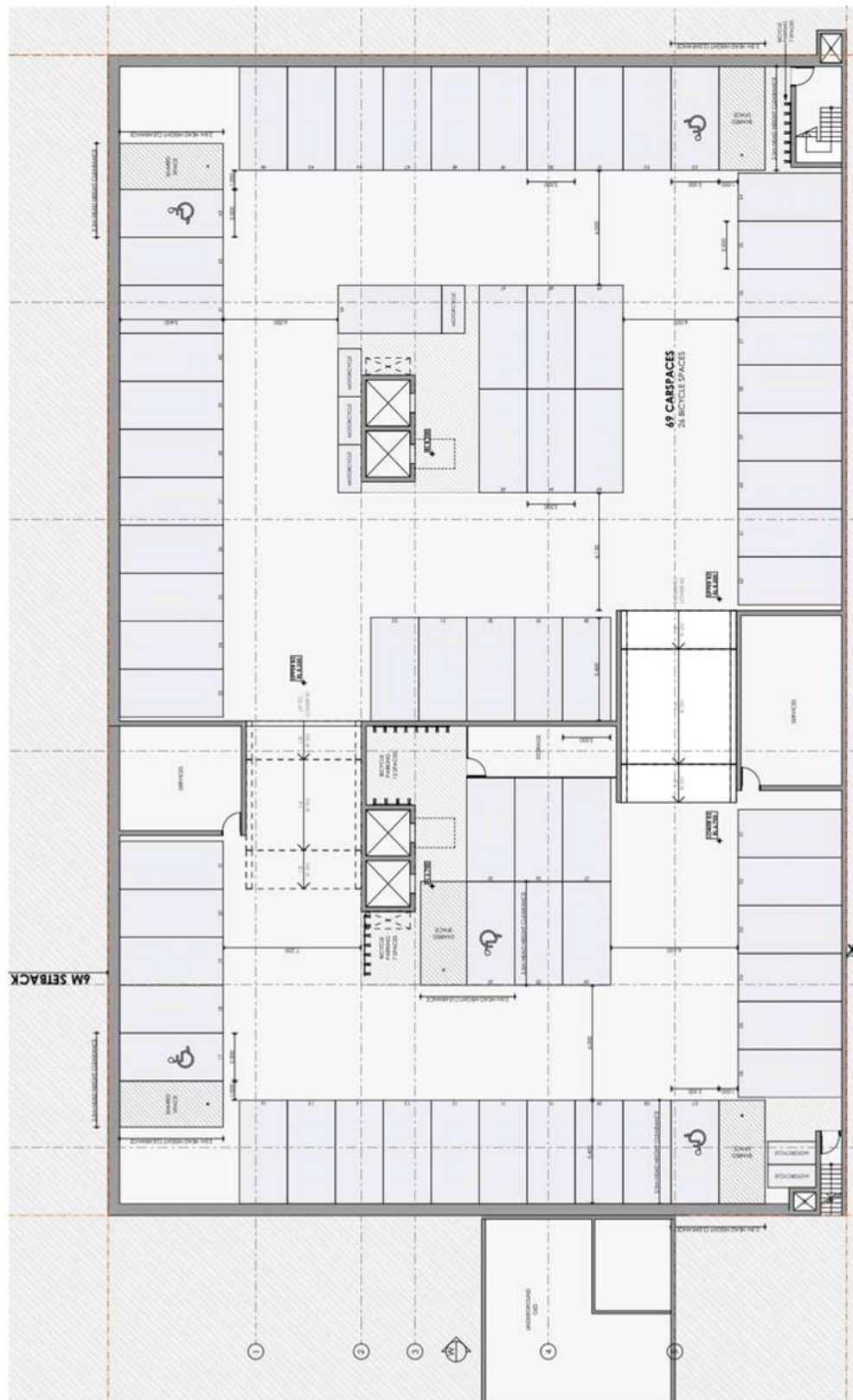
Based on the assessment presented in this report, it is considered that:

- ◆ The proposed development at site 85-91 Thomas Street, Parramatta NSW 2150 is for a 237 unit boarding house.
- ◆ The site has some access to the local area and greater Sydney region through public transport. Thus, public transport can be a form of travel for residents and visitors.
- ◆ The site has walkability score of 65, which indicates that “some errands can be accomplished on foot”. This score provides a higher ranking to the average Sydney metropolitan score of 54 out of 100.
- ◆ When considering the land use, it is expected that trips generated for the site will not be cross-utilised trips. As the site is within a residential area, the trips to and from the site are expected to be direct.
- ◆ The proposed development will generate additional, but low levels of trips throughout the day. It is expected that these trips can be accommodated at the nearby intersections without affecting intersection performance or increasing delays and queues.
- ◆ Using the recommended parking rates presented within SEPP (Affordable Rental Housing) 2009, the proposed site would require a total of 118 car parking spaces to be compliant with the requirement. As the development will have 118 dedicated parking spots on-site, there is no resulted shortfall.
- ◆ Using the rates within SEPP (Affordable Rental Housing) 2009, the bicycle and motorcycle parking requirements are 48 spaces each. With 48 bicycle and 17 motorcycle parking spaces provided on-site, there is a shortfall 31 motorcycle spaces.
- ◆ Through car parking layout plan assessment, it is determined that the proposed development’s car park spaces are compliant with the standards required within the City of Parramatta DCP, AS2890.1 and AS2890.6.

In conclusion, this study indicates that the proposed development is not envisaged to have adverse impacts on the surrounding traffic or parking conditions. Therefore, the proposed development should be supported on traffic and parking grounds.

APPENDIX A: PROPOSED PARKING PLAN





DEVELOPMENT APPLICATION

ITEM NUMBER	5.2
SUBJECT	PUBLIC MEETING: 16 Victoria Street, EPPING (Lot 8 DP 6399)
DESCRIPTION	Tree removal and alterations & additions to the existing dwelling.
REFERENCE	DA/474/2021 - D08388195
APPLICANT/S	BYL Building Design
OWNERS	Ms Ying Zhang
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	APPROVAL

DATE OF REPORT – 11/01/2022**REASON FOR REFERRAL TO LPP**

This item is being referred to the Parramatta Local Planning Panel as more than 10 submissions (17 unique submissions) were received during the formal notification period.

EXECUTIVE SUMMARY

The proposed development involves the alterations and additions to an existing dwelling house.

The subject site and its surrounds are zoned R2 Low Density Residential under the Parramatta Local Environmental Plan 2011 and located within the Epping/Eastwood Heritage Conservation Area pursuant to Part 4.4 of the Parramatta Development Control Plan 2011 (DCP). The dwelling house located on the subject site is considered to be a 'significant contributory item' to the heritage conservation area as prescribed in the DCP.

The proposed works are permissible under the Parramatta Local Environmental Plan 2011 and are generally consistent to the development controls and provisions prescribed for the Epping/Eastwood Heritage Conservation Area in the Parramatta Development Control Plan 2011.

The subject application was notified in accordance with Council's Consolidated Notification Requirements. In response, 17 submissions were received. The key issues raised within the submissions are listed as follows:

- Attachment of the garage/Carport;
- Tree removal;
- Roof Pitch;
- Window/skirting treatment;
- Fenestration design; and
- Roofing Material/Pitch

In response to the issues raised in the submissions, the original design of the proposed development had been reduced in scale and amended to ensure that the existing dwelling maintains its visual prominence when viewed from the street. Council's Heritage Advisor had reviewed the proposal and raised no objection from a heritage viewpoint.

In accordance with Council's consolidated notification procedures, the application did not require re-notification as the amended application was considered to be substantially the same development as originally submitted and would not result in a greater environmental impact.

The application was assessed having regard to the relevant environmental planning Instruments including the Parramatta Local Environmental Plan 2011. The proposed development is considered to generally satisfy the requirements of the applicable planning instruments and the Parramatta Development Control Plan 2011 (DCP) including the provisions relating to the Epping/Eastwood Heritage Conservation Area. It is noted that there a number of minor departures in the DCP, however on its merits, the proposed development would be consistent with the surrounding residential context.

Having regard to the applicable planning provisions and notwithstanding the issues raised in the submissions, the proposal is considered satisfactory and is recommended for approval.

RECOMMENDATION

- (a) **That** the Parramatta Local Planning Panel (PLPP), excising the functions of Council, pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, approve development consent to DA/474/2021 for the tree removal and alterations and additions to an existing dwelling house on land at Lot 8 DP 6399, 16 Victoria Street, Epping.
- (b) **Further, that** the objectors be advised of the Panel's decision.









REASONS FOR APPROVAL:

1. The proposed development is permissible in the R2 Low Density Residential zone and satisfies the requirements of all of the applicable planning controls.
2. The development will not create adverse impacts onto the locality and will be compatible with the existing area.
3. The proposed development ensures the conservation of the existing dwelling while maintaining its contribution to the Epping/Eastwood Heritage Conservation Area.
4. For the reasons given above, approval of the application is in the public interest.

Matthieu Santoso
Development Assessment Officer

Sarah Irani
Team Leader Development Support

ATTACHMENTS:

1	 	Assessment Report and draft Conditions	31 Pages
2	 	Locality Plan	1 Page
3	 	Plans used during assessment (LPP)	5 Pages
4		Internal Plans used during assessment (LPP) (confidential)	5 Pages
5	 	Statement of Heritage Impact	14 Pages

REFERENCE MATERIAL



City of Parramatta Council

File No: DA/474/2021

**SECTION 4.15 ASSESSMENT REPORT
PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

SUMMARY

DA No:	DA/474/2021
Property:	16 Victoria Street, EPPING NSW 2121 LOT 8 DP 6399
Proposal:	Tree removal and alterations & additions to the existing dwelling.
Date of receipt:	08-Jun-2021
Applicant:	BYL Building Design
Owner:	Ms Y Zhang
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor.
Political donations/gifts disclosed:	None disclosed on the application form.
Submissions received:	17
Conciliation Conference Held:	No
Prelodgement Meeting Held:	No
Recommendation:	Approval
Assessment Officer:	Matthieu Santoso

LEGISLATIVE REQUIREMENTS

List of relevant provisions under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none"> • State Environmental Planning Policy (SEPP) 55 – Remediation of Land; • SEPP (Building Sustainability Index: BASIX) 2004; • SREP (Sydney Harbour Catchment) 2005; • SEPP (Infrastructure) 2007; • SEPP (Vegetation in Non-Rural Areas) 2017; • Parramatta Local Environmental Plan (LEP) 2011; and • Parramatta Development Control Plan (DCP) 2011
Zoning	R2 – Low Density Residential
Heritage	No
Heritage Conservation Area	Epping/Eastwood Conservation area
Bushfire Prone Land	No
Integrated development	No
Clause 4.6 variation	No
Delegation	Parramatta Local Planning Panel

SITE DESCRIPTION AND CONDITIONS

The subject site is known as 16 Victoria Street. The current property description is Lot 8 DP 321218. The site is a rectangular allotment and has a slope from the South-East to the North-West of approximately 3.5 metres over a distance of 54.36 metres.

The subject site has the following area and dimensions:

Area – 1,012 square metres

Frontage – 20.115 metres

Rear – 20.115 metres

North – 50.29 metres

South – 50.29 metres

The site and surrounding properties are zoned R2 Low Density Residential.

The subject site currently accommodates a single storey dwelling house.

It is located within the Epping/Eastwood Heritage Conservation Area characterised by single and double storey residential dwellings.

Due to the COVID situation, a physical site inspection was not undertaken however a virtual walkthrough was completed.



Figure 1: Land Zoning Map (Source: NSW Planning Portal)



Figure 2: Aerial image of the subject site and surrounding context (Source: Nearmaps)

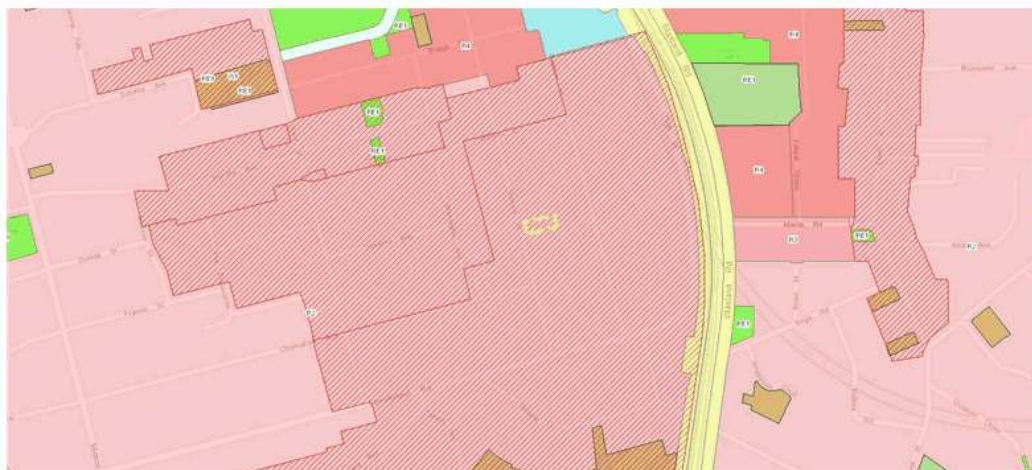


Figure 3: Heritage Map (Source: Parramatta Local Environmental Plan 2011)



Figure 4: Subject site viewed from the street (Source: Site Inspection Photos)



Figure 5: Proposed Front elevation

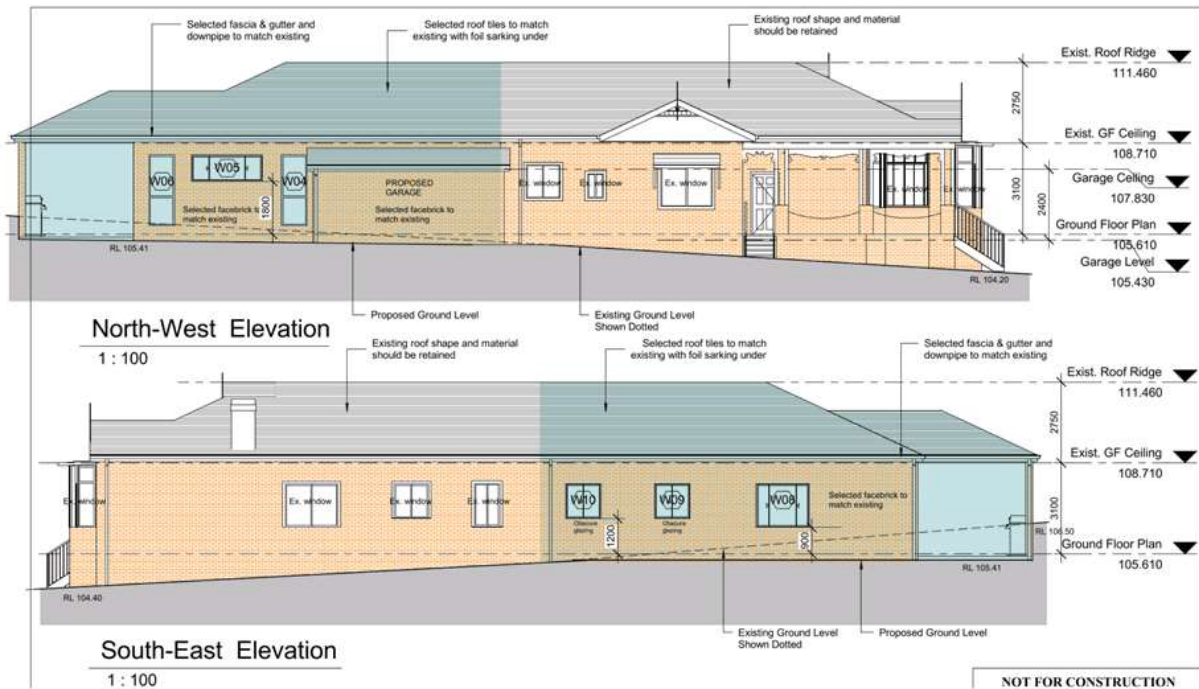


Figure 6: Proposed Side Elevations



Figure 7: Proposed Rear Elevation

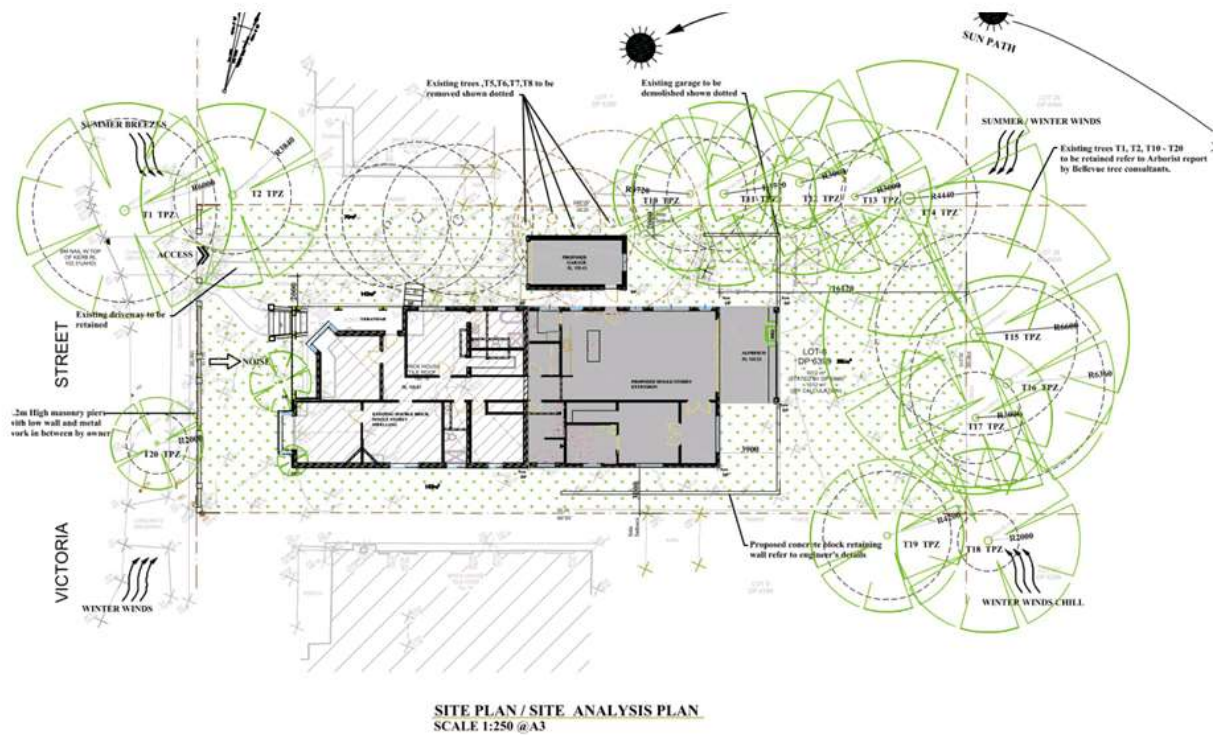


Figure 8: Proposed Landscape Plan and Fencing Details

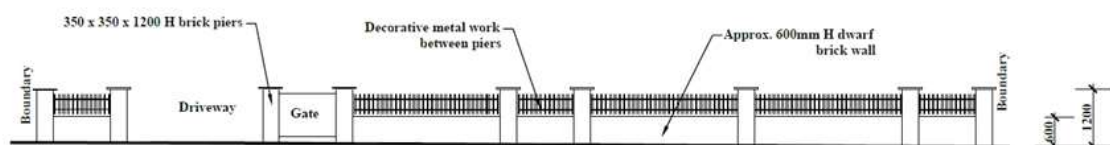


Figure 9: Proposed Fencing Details



Figure 10: Similar type fencing on the site of 22 Victoria Street



Figure 11: Similar type fencing on the site of 12 & 10 Victoria Street



Figure 12: Original design proposed by applicant



Figure 13: Original Design proposed by applicant

SECTION 4.15 EVALUATION

THE PROPOSAL

The development application seeks approval for the following:

- Tree removal;
- Alterations and additions to the existing primary dwelling inclusive of a rear addition & alfresco; and
- Construction of a 1.2m masonry front fence.

PERMISSIBILITY - The site is zoned R2 Low Density Residential under the Parramatta LEP 2011. The proposal is defined as a dwelling house and is are permissible with consent in the zone.

ZONE OBJECTIVES - The proposed development is consistent with the objectives of the zone.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application.

<input checked="" type="checkbox"/>	A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.
<input checked="" type="checkbox"/>	Historic aerial photographs were used to investigate the history of uses on the site.
<input checked="" type="checkbox"/>	A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
<input checked="" type="checkbox"/>	A search of public authority databases did not include the property as contaminated.
<input checked="" type="checkbox"/>	The statement of Environmental Effects states that the property is not contaminated.
<input checked="" type="checkbox"/>	There is no specific evidence that indicates the site is contaminated.

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

STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition has been imposed to ensure such commitments are fulfilled during the construction of the development.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause	Comment
--------	---------

Clause 45 – electricity infrastructure	The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
Clause 85 – Development adjacent to rail corridors	The subject site is not adjacent to a rail corridor.
Clause 101 – frontage to a classified road	The subject site does not have frontage to a classified road.
Clause 102 - average daily traffic volume of more than 20,000 vehicles.	Victoria Street has an average daily traffic volume of less than 20,000 vehicles per day. As such, Clause 102 is not applicable to the development application.

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 application proposes the removal of vegetation from the site. Council's Tree and Landscape Officer has reviewed the application and raised no objections to the removal of the vegetation from the site subject to conditions of consent.

The following trees are approved to be removed to facilitate the development. The numbering follows the annotation within the independent arborist report:

Tree No.	Name	Common Name	Location	Condition/Height	Reason
6	<i>Camellia sasanqua</i>	Camellia	Driveway	Fair. 5 metres	To facilitate development
7	<i>Euphorbia pulcherrima</i>	Poinsettia	Driveway	Fair. 6 metres	To facilitate development
8	<i>Ceratopeltium gummiferum</i>	NSW Christmas Bush	Driveway	Poor. 7 metres	To facilitate development
9	<i>Camellia sasanqua</i>	Camellia	Driveway	Fair. 6 metres	To facilitate development

DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2020

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

LEP	Zoning	Height	FSR
Parramatta LEP 2011	R2 Low Density Residential	9m	0.5:1
Draft Parramatta LEP 2020	R2 Low Density Residential	9m	0.5:1

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

The proposed development is consistent with the objectives of the Draft LEP.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

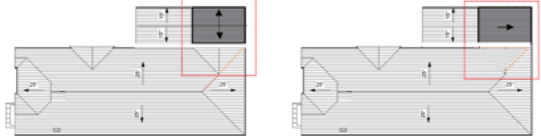
Development standard	Compliance
Cl. 4.3 Height of buildings Allowable = 9m Proposed = 6.84m	Note: The existing dwelling has a height of 6.84 metres. The proposed additions to the rear of the site do not exceed the maximum ridge height of the existing dwelling house. Furthermore, the proposed extensions to the rear of the dwelling are fully contained behind the existing roof form and would not be viewed from the street.
Cl. 4.4 Floor space ratio Allowable = 0.5:1 or 506m ²	Yes, 0.25:1 or 256.1m ²
Cl. 5.1A Development on land intended to be acquired for public purposes	The proposal is not identified on the map.
Cl. 5.6 Architectural roof features	An architectural roof feature is not proposed.
Cl. 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Cl. 5.10 Heritage conservation	The subject site does not contain a heritage item but is considered to be a significant contributory item within the Epping/Eastwood heritage conservation area. Council's Heritage Advisor had reviewed the proposal and raised no objection to the proposal.
Cl. 5.10(8) Aboriginal places of heritage significance	Yes, the subject site is located within a low sensitivity recorded area.
Cl. 6.1 Acid sulphate soils	Yes, the site is identified as containing Class 5 Acid Sulphate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared.
Cl. 6.2 Earthworks	The proposed development is in keeping with the objectives of the clause.
Cl. 6.3 Flood planning	The site is not identified to be flood prone.
Cl. 6.4 Biodiversity protection	The site is not identified on this map.
Cl. 6.5 Water protection	The site is not identified on this map.
Cl. 6.6 Development on landslide risk land	The site is not identified on this map.
Cl. 6.7 Affected by a Foreshore Building Line	The site is not located in the foreshore area.
Cl. 4.6 Exceptions to development standards	No

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Development standard	Compliance
Part 2 Site Planning	
Views and vistas	There are no significant views and vistas from the subject site identified in Appendix 2 of Council's DCP.
Flooding	The site is not identified in Council's database as being flood prone.
Protection of waterways	The site is not located on/near a waterway
Protection of groundwater	The proposal does not impact on groundwater.
Sedimentation	Appropriate conditions have been included in the consent.
Acid sulphate soils	The proposal does not impact on acid sulphate soils.
Salinity	The proposal does not impact on salinity.
Air quality	The proposal does not impact on air quality.
Development on sloping land	The proposal meets the controls.
Biodiversity	The site does not include EEC.
Development on land abutting the E2 & W1	The site is not abutting E2 and/or W1 land.
Public domain	The proposal meets the controls.

Part 3 Development Principles	
Minimum front setback Control = 5-9m consistent with adjoining properties	N/A Note: No changes are proposed to the front setback of the existing dwelling house.
Minimum side setbacks Control = 900mm Proposed: North = 2m (To the proposed garage) South = 3m	Yes
Minimum rear setback Control = 30% of side length or 15.09m Proposed = 12.22m (To Alfresco) 16.12m (To dwelling) Variance = 2.87m	No, but acceptable. The location of the proposed alfresco is indicative of the heritage constraints set out under C.18, 22 and 25 of Part 4.4 of the Parramatta Development Control Plan 2011 as follows: <p><i>“C.18 Keep views around and between buildings</i> <i>C.22 Avoid extensions to the front or side of an existing house.</i> <i>C.25 Establish similar side boundary setbacks to those existing”</i></p> <p>The proposed development utilises the rear of the subject site for an open air alfresco, to which its support posts are included as part of the rear setback. Notwithstanding, the building wall achieves a rear setback of 16.12m which is considered to be compliant.</p> <p>The removal of the proposed alfresco space does not provide any benefit to the heritage value of the dwelling as it is located entirely to the rear of the dwelling and as such, the departure is considered to be minor and is supported on merit.</p>
Deep soil zone (3m dimension) Control = 30% or 303.6m ² Proposed = 42% or 428.62m ² 15% or 45.54m ² is required to the front. 50% or 151.8m ² is required to the rear.	Yes 97.96m ² is proposed to the front of the dwelling 330.66m ² is proposed to the rear of the dwelling.
Landscaped area (2m dimension) Control = 60% or 607m ² Proposed = 59.2% or 598.77m ² Variance = 0.8% or 8.23m ²	No, but acceptable. Pursuant to Part 4.4, C.21 of the Parramatta Development Control Plan 2011, <i>“at least 60% of the site” is to be retained as ‘Garden Space’.</i> As the DCP does not define what is considered as garden space nor its minimum dimensions, the definition of “landscape” pursuant to the Parramatta Local Environmental Plan 2011 has been used with minimum dimensions of 2m as prescribed by Part 3 of the DCP. It is noted that similar developments within the immediate locality have reduced landscaped spaces to a similar or greater degree (refer to figure 1). It is further noted that the proposed development complies with the prescribed landscape controls of 40% of the site area outlined within Part 3 of the DCP.

	<p>The proposed development facilitates a floor space ratio of 0.25:1 therefore strict compliance of the garden space/landscaped areas would impact the day-to-day usability of the subject site whilst providing no further benefit to the heritage value of the dwelling.</p> <p>In this regard, the departure is considered to be minor and is supported on merit.</p>
Private open space (6m dimension) Control = 100m ²	Yes, 350.71m ²
Building form and massing	The bulk and scale is suitable for the site and positively responds to the surrounding context.
Building façades and articulation	The proposal has been designed with contemporary articulation and façade treatment.
Roof design	The existing roofing materials apparent on the dwelling house are not proposed to be replaced. The roofing materials proposed on the new additions are sought to be of similar materials to match the existing roof tiles.
Energy efficient design	Refer to assessment under State Environmental Planning Policy (BASIX) 2004.
Streetscape	The overall form of the development and design is considered suitable for the site and is conducive of the site constraints.
Front Fences Control = 1.2m high Proposed = 1.2m	<p>Yes</p> <p>A front fence to a height of 1.2m with a masonry brick design is proposed. Similar designs can be found along Victoria Street of which the proposal would be compatible in its scale and form.</p>
Visual and Acoustic Privacy	<p>The proposal retains its single storey residential dwelling house design. As such, it is not expected to increase the risk of visual or acoustic privacy impacts beyond acceptable means.</p> <p>Appropriate conditions of consent are recommended to provide reasonable privacy to the adjoining properties.</p>
Acoustic Amenity	The subject site does not adjoin a noise generating land use.
Solar access	The primary living areas and private open space of the subject site, as well as neighbouring properties, will receive a minimum of 3 hours sunlight from 9am to 3pm during the winter solstice given the building design and orientation of the site.
Parking and vehicular access Control: Min. 2 car spaces per dwelling Proposed: 2 car spaces (Single garage + tandem parking)	<p>Yes</p> <p>A fully detached single garage is to be sited adjacent to the proposed additions. This siting seeks to preserve the viewing angles and retain the visual prominence of the original house from the street as well as increase the amount of landscape area for the site (through a reduction in driveway length).</p> <p>Moreover, several developments within the immediate vicinity to the subject site have their garages attached or to the front of the dwelling (refer to figure 1).</p>

	In this regard, the siting of the proposed garage towards the centre of the dwelling in lieu of the rear is considered to be acceptable.
Swimming Pools	A swimming pool is not proposed.
Part 4 Special Precincts	
Heritage Conservation Areas & Special Precincts	The subject site is not a heritage item however is located within the Epping/Eastwood Conservation area. Council's Heritage Advisor has reviewed the proposal and supports the proposed design.
REFERRALS	
Internal Referrals	Comment
Development Engineer	Supported subject to conditions.
Landscape	Supported subject to conditions.
Heritage	<p>Council's Heritage Advisor reviewed the amended plans, and determined with some further amendments, the proposal could be supported from a heritage viewpoint.</p> <p>Please see their comments below:</p> <p><i>The rear roof portion above the open veranda (behind the proposed garage) should be redesigned as a single skillion that would result separated from the main roof, the maxim height not to exceed the detached garage so it can be concealed from the street view behind the garage.</i></p> <p><i>The main roof addition should only cover the main extension to the existing dwelling and the roof form should be resolved in a sympathetic way that visually enhance the existing dwelling.</i></p> <p><i>The alfresco roof must be detached from the house and it can be as per the garage roof (Option 1) or a single skillion roof above alfresco (Option 2).</i></p> <p><i>Two options are recommended:</i></p> <p><i>Option 1:</i></p> <p><i>Option 2:</i></p>  <p><i>The original dwelling external details must be retained, the new roof should cover the main addition and it would be connected to the existing roof. The alfresco area roof must be separated and detached from the main addition and the roof should be resolved with a single skillion or in alternative it could be consider extending the garage roof above the alfresco area. Two options have been provided for the main roof addition (with gable and without gable on the house addition and the single skillion or gable roof above the extension).</i></p> <p><i>As per above the final design must retain the original house details including the awning above the existing window, the proposed garage and alfresco must be detached and setback from the main house and the roof of those could be designed with the provided recommendations (two options).</i></p>

	<p><i>The proposal can be supported should the final documents reflect the commentary provided above. A re-referral to heritage is not required should the assessing officer be satisfied the criteria has been met.</i></p> <p>Planners Comment:</p> <p>The original plans denoted a side connection between the dwelling house and alfresco/garage. Council's heritage advisor requested that the additions to the side be removed in order comply with Clause 18, 22 & 25 of section 4.4, PDCP 2011. As the usability of the alfresco would be hindered through its detachment from the main dwelling, the applicant has removed all side extensions and instead relocated the alfresco to the rear of the dwelling. In this regard, the concerns raised with the side extensions are considered to be satisfied with the new design complying with the aforementioned controls.</p>
External Referrals	Comments
No external referrals required.	

PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures contained within Consolidated Notification Requirements. In response, 17 submissions were received. The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition.

Issue	Response
Attached Garage/Carport Concern was raised with the location and attachment of the garage to the principal dwelling.	The original proposal consisted of an attached side garage. Amended plans denote that the proposed single garage as being detached from the principal dwelling and setback behind the building line of the original dwelling and located where the extensions start.
Tree Removal Concern was raised as to the number of trees to be removed.	From the original 7 trees to be removed, the relocation of the proposed garage has allowed for the retention of three trees (3, 4 & 5). It is noted that the existing wheel track driveway is now proposed to be retained.
Roof Pitch Concern was raised to the alteration of the existing roof pitch	No changes have been proposed to the existing portion of the dwelling house roof. The roofing materials of the extension are proposed to be of similar design and form to the existing roof materials.
Window/Skirting treatment Concern was raised with the use of aluminium skirting and window frames.	Skirting material on windows that face the street are of timber frames with colours to match the existing windows.
Fenestration design Concern was raised as to the replacement of the front fence with a masonry brick fence and its visual subservience to other developments.	The proposed front fence is indicative of similar type developments alongside Victoria Street. The proposed height of 1.2m is compliant with requirements set out under design principle 10 of Part 3.2.6 of the Parramatta Development Control Plan 2011 and is consistent with existing fencing along Victoria Street. In this regard, the proposed fencing is considered to be acceptable.
Roofing Material Concern was raised that new roofing materials would not match the existing roofing materials.	The proposed roofing materials on the existing portion of the dwelling house is not to be removed. The proposed additions seeks to use roofing materials of a similar colour/design so as to maintain sympathy with the existing dwelling.

Concern was also raised against the removal of existing roof material.

Amended Plans: Yes

Summary of amendments

- Removal of side extension and the relocation of the alfresco to the rear;
- Relocation and detachment of the proposed single garage;
- Retention of the wheel track driveway; and
- Retention of trees 3,4 & 5.

Noting the issues raised in the submissions, the application was amended to respond to the above issues and to ensure consistency with the prescribed development controls relating to the Epping/Eastwood Conservation Area.

In accordance with Council's consolidated notification procedures, the application did not require re-notification as the amended application is considered to be substantially the same development does not result in a greater environmental impact.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

COVID-19 STATEMENT

Council's Crisis Management Team suspended all Conciliation Meetings from 25 March 2020, for the foreseeable future, due to COVID19 and maintaining social distancing requirements. Therefore, a conciliation meeting in accordance with Council's resolution was not required to held for this application.

DEVELOPMENT CONTRIBUTIONS

As the cost of works for the proposed development exceeds \$200,000, a section 7.12 Development Contribution of 1% is required to be paid. A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

BONDS

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

EP&A REGULATION 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 1.

CONCLUSION

Conditional consent

After consideration of the development application against section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposed development is suitable for the site and in the public interest.

Therefore, it is recommended that the application be approved subject to conditions.

RECOMMENDATION

Approval Subject to Conditions

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979:

- (a) That the Parramatta Local Planning Panel (PLPP), exercising the functions of Council, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, issue consent to DA/474/2021- Tree removal and alterations & additions to the existing dwelling on land at Lot 8 DP 6399, No.16 Victoria Street, EPPING NSW 2121

The reasons for approval are:

1. The proposed development is permissible in the R2 Low Density Residential zone and satisfies the requirements of all of the applicable planning controls.
2. The development will not create adverse impacts onto the locality and will be compatible with the existing area.
3. The proposed development ensures the conservation of the existing dwelling while maintaining its contribution to the Epping/Eastwood Heritage Conservation Area.
4. For the reasons given above, approval of the application is in the public interest.

- (b) Further, that objectors be advised of the Panel's decision

Report prepared by

Matthieu Santoso
Development Assessment Officer

“Appendix 1” to Section 4.15 Assessment Report - DA/474/2021

DRAFT CONDITIONS OF CONSENT

Upon the signature of the applicable delegate, the conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/474/2021
Property Address: LOT 8 DP 6399
 16 Victoria Street, EPPING NSW 2121

PART A – GENERAL CONDITIONS

PA0001 #Approved Plans & Support Doc(DIEP Mandatory Cond)

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Drawings (Project No.200313)

Drawing/Plan No.	Issue	Plan Title	Dated
DA03	C	Site Plan/Site analysis Plan	06/12/2021
DA04	C	Ground Floor Plan	06/12/2021
DA05	C	South-West/North-East Elevation Plan	06/12/2021
DA06	C	North-West/South-East Elevation Plan	06/12/2021
DA07	C	Section A-A	06/12/2021
DA08	C	Roof Plan	06/12/2021

Stormwater Drawings (Project No.200313)

Drawing/Plan No.	Issue	Plan Title	Dated
ST01	C	Stormwater Concept Plan	09/01/2022

Landscape Drawings (Project No.200313)

Drawing/Plan No.	Issue	Plan Title	Dated
L01	C	Landscape Concept Plan	09/01/2022

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	-	-	BYL Building Design	May 2021
Waste Management Plan	-	-	BYL Building Design	26/05/2021
Finishes Schedule	-	-	BYL Building	N.D

			Design	
BASIX Certificate No.A445715	-	-	Frank Pan	12/01/2022
Arboriculture Impact Assessment	SSvicepp14121	V2	Bellevue Tree Consultants	02/08/2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

Building Work in Compliance with BCA

2. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

PA0003 Construction Certificate

3. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

PA0004 No encroachment on Council and/or Adjoining proper

4. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

PA0011 #Demolition of Buildings

5. Approval is granted for the partial demolition of the existing dwelling house currently on the property for works approved under this consent, subject to compliance with the following: -

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will

commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:

- (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
- (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
- (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

PA0013 #LSL Payment Const> \$25,000 (DIEP Mandatory Cond)

6. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

Note: The Long Service Levy is to be paid directly to the **Long Service Corporation** at www.longservice.nsw.gov.au. For more information, please contact the Levy support team on 13 14 41.

Reason: To ensure that the long service levy is paid.

LA0002 #Demolition & tree removal (Delete N/A Councils)

7. Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

EPA0062 Soil and Water Management – Stockpiles

8. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

ECA0006 Require to notify about new contamination evidence

9. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

EPA0063 Nuisance Lighting

10. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard DR AS/NZS 4282:2018 The Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of the surrounding neighbourhood from the emission of light.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

PB0001 Home Warranty Ins. For \$20,000 over

11. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

DB0001 Stormwater Disposal

12. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

DB0002 Retaining walls

13. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

DB0003 Sydney Water Quick check

14. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

DB0004 Dial Before you Dig Service

15. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To ensure Council's assets are not damaged.

DB0021 Impact on Existing Utility Installations

16. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

PB0038 Security Bonds (for minor developments)

17. In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/474/2021;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Nature Strip and Roadway: <i>Applies to all developments with a cost greater than \$25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$2,575.00

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

PB0020 #Parra Develop Contrib. Plan – Outside City Centre

18. A monetary contribution comprising \$3,762.00 is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta Section 94A Development Contributions Plan (Amendment No. 5)*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of a construction certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 94A Development Contributions Plan (Amendment No. 5) can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

PB0029 Environmental Enforcement Service Charge - All DAs

19. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

PB0030 Infrastructure & Restoration Adm. fee for all DAs

20. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

LB0003 #Tree Retention

21. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied the proposed retaining wall located at the rear of the site will be re designed so as not to impact on the trees required to be retained. In order to reduce the impact trees located within the adjoining property will reflect the retaining wall location depicted within the Arboricultural impact assessment within the radius of the nominated tree(s):

Tree No.	Name	Common Name	Radius from the trunk
10	<i>Murraya paniculata</i>	Orange Jessamine	4 metres
11	<i>Murraya paniculata</i>	Orange Jessamine	4 metres

Plans submitted with the Construction Certificate application must reflect the above requirements.

Reason: To ensure adequate protection of existing trees.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

DC0006 Erosion and Sediment Control measures

22. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

DC0007 Site Maintenance

23. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - (d) the site is to be maintained clear of weeds; and
 - (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

DC0006 Erosion and Sediment Control measures

24. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

PC0001 #Appointment of PCA

25. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
 - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

PC0002 Enclosure of the site

26. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

Reason: To ensure public safety.

PC0003 Site Sign

27. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

BC0001 Toilet facilities on site

28. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

Reason: To ensure adequate toilet facilities are provided.

PC0005 Public liability insurance

29. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

LC0002 #Tree protection as per arborist report

30. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by Bellevue Tree Consultants dated 17 January 2021 and the conditions of consent.

Reason: To ensure the protection of the tree(s) to be retained on the site.

LC0007 Tree Protection During Construction

31. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualification Framework (AQF) Level 5 Arborist in accordance with AS4970 - Protection of Trees on Development Sites.

Reason: To ensure trees are protected during construction.

DC0006 Erosion and Sediment Control measures

32. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

ECC0003 Hazardous material survey

33. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:
- (a) The location of hazardous materials throughout the site;
 - (b) A description of the hazardous material;
 - (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
 - (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
 - (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
 - (f) Identification of the disposal sites to which the hazardous materials will be taken.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

DD0001 Drainage to existing system

34. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code).

Reason: To ensure satisfactory stormwater disposal.

DD0005 Erosion & sediment control measures

35. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

DD0006 Damage to public infrastructure

36. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason: To protect public safety.

PD0001 Copy of development consent

37. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

PD0003 Dust Control

38. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this

regard, dust minimisation practices must be carried out in accordance with Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

PD0004 Materials on footpath

39. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

PD0006 Hours of work and noise (DPIE Mandatory Condition)

40. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 5pm on Monday to Friday
- 8am to 5pm on Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Any variation to the hours of work requires Council's approval.

Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

Reason: To protect the amenity of the surrounding area.

PD0007 Complaints register

41. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;
 - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;

- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

PD0008 Construction Noise (DPIE Mandatory Cond)

42. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

PD0010 Survey Report

43. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier: -

- (a) All footings/ foundations
- (b) At other stages of construction – any marks that are required by the principal certifier

Reason: To ensure buildings are sited and positioned in the approved location.

TD0001 Road Occupancy Permit

44. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

TD0002 Oversize vehicles using local roads

45. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

LD0006 #Excavation to be supervised by arborist

46. All excavation within 4 m of *Murraya paniculata* (Orange Jessamine), located on the adjoining property and numbered Trees 10 and 11 in the independent arborist report by Bellevue Tree Consultants and dated 17 January 2021, is to be supervised by an Australian Qualifications Framework (AQF) Level 3 arborist. If during excavation the Arborist identifies remedial work is necessary, it is to be supervised by this Arborist.

Once the work is completed a written report detailing the remedial work undertaken is to be forwarded to the Principal Certifying Authority.

Reason: To provide adequate protection of trees.

LD0011 Tree Removal

47. Trees to be removed are:

Tree No.	Species	Common Name	Location
6	<i>Camellia sasanqua</i>	Camellia	Driveway
7	<i>Euphorbia pulcherrima</i>	Poinsettia	Driveway
8	<i>Ceratopelatum gummiferum</i>	NSW Christmas Bush	Driveway
9	<i>Camellia sasanqua</i>	Camellia	Driveway

Reason: To facilitate development.

LD0012 Trees with adequate root volume

48. All trees/shrubs planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support unless in a wind-prone area. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

Reason: To ensure the trees/shrubs planted within the site are able to reach their required potential.

LD0013 Removal of trees by an arborist

49. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and undertaken in accordance with the Code of Practice for Amenity Tree Industry 1998.

Reason: To ensure tree works are carried out safely.

EPD0001 Dust Control

50. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

DD0005 Erosion & sediment control measures

51. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

EWD0003 Waste data file maintained

52. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

EWD0004 Hazardous/intractable waste disposed of in accor.

53. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011;
- (b) NSW Protection of the Environment Operations Act 1997 (NSW); and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines.

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

EWD0005 General requirements for liquid and solid waste

54. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.

Reason: To prevent pollution of the environment.

EWD0008 Contaminated waste to licensed EPA landfill

55. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

PE0001 Occupation Certificate

56. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

Reason: To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

PE0024 The release of Bonds

57. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

BE0001 Record of inspections carried out

58. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

- (a) The development application and Construction Certificate number as registered;
- (b) The address of the property at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and

- (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with statutory requirements.

PE0006 Street Number when site readily visible location

59. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

PE0007 #BASIX Compliance

60. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. A445715, will be complied with prior to occupation

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

PART F – OCCUPATION AND ONGOING USE

PF0049 Graffiti Management

61. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

PF0004 External Plant/Air-conditioning noise levels

62. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

EAF0001 Use is not to cause offensive noise or vibration

63. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A).
The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

EAF0004 No 'offensive noise'

64. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

EAF0010 Air Conditioners in Residential Buildings

65. The air conditioner/s must not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7.00am and after 10.00pm on any other day.

- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

EWF0003 Remove putrescible waste at sufficient frequency

66. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

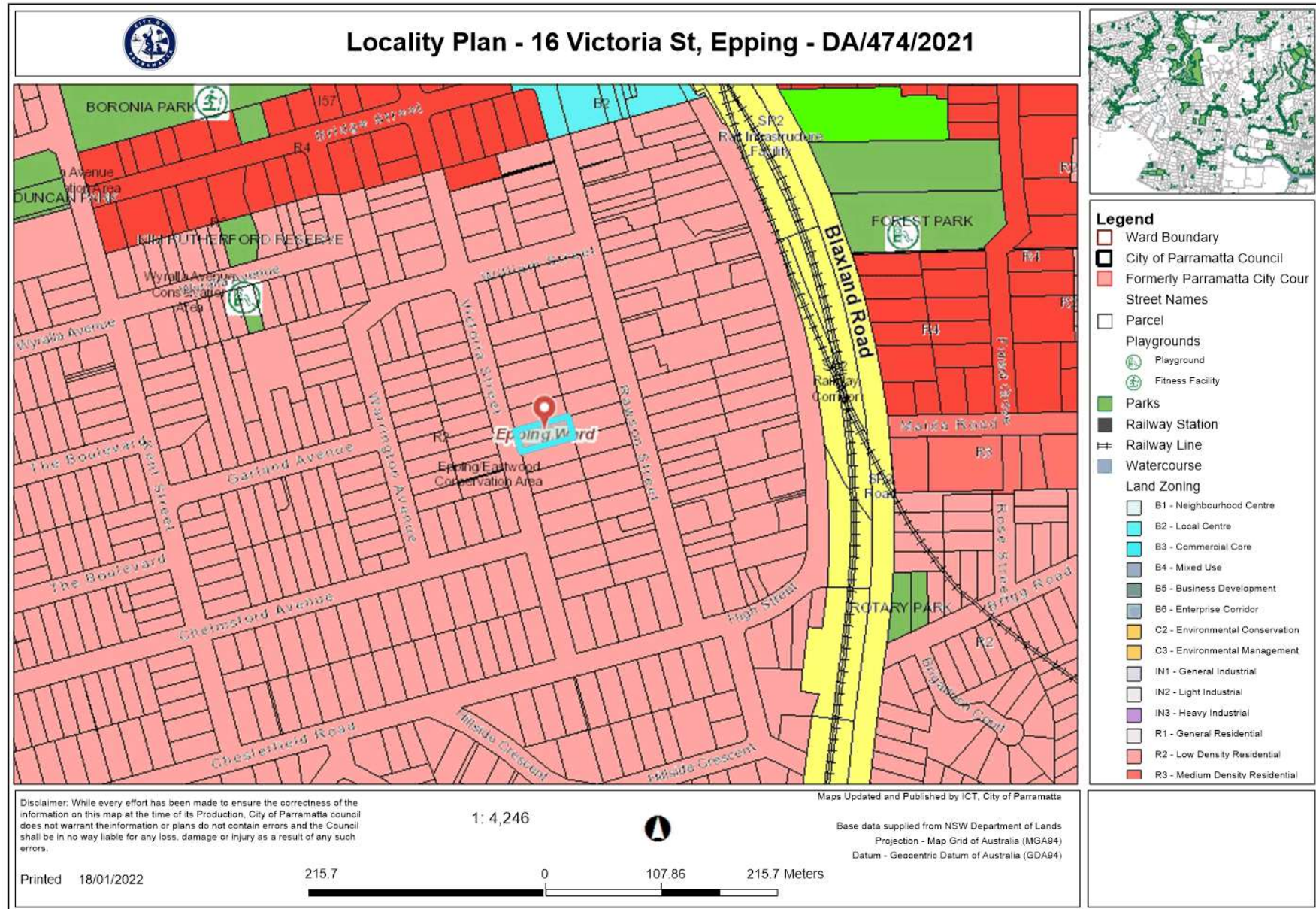
Reason: To ensure provision of adequate waste disposal arrangements.

EWF0006 Storage of bins between collection periods

67. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

Date: 11 January 2022
Responsible Officer: Matthieu Santoso



**16 VICTORIA STREET, EPPING NSW 2121
PROPOSED ALTERATION & ADDITIONS TO EXISTING DWELLING**

SCHEDULE OF DRAWINGS

ARCHITECTURAL


DA01	COVER PAGE, GENERAL NOTES	N. T. S
DA02	EROSION & SEDIMENT CONTROL PLAN	1 : 250
DA03	SITE PLAN AND SITE ANALYSIS PLAN	1 : 250
DA04	NEW GROUND FLOOR PLAN	1 : 100
DA05	SOUTH-WEST, NORTH-EAST ELEVATION PLAN	1 : 100
DA06	SOUTH-EAST, NORTH-WEST ELEVATION PLAN	1 : 100
DA07	SECTION A - A	1 : 100
DA08	ROOF PLAN, WINDOW SCHEDULE, BASIX COMMITMENTS	1 : 200

GENERAL NOTES:

1. BUILDER, SUB-CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS.
2. MATERIAL AND COLOR TO CLIENT SPECIFICATIONS.
3. ALL TIMBER WORKS TO COMPLY WITH A.S 1684 NATIONAL TIMBER FRAMING CODE.
4. ALL BRICKWORK TO COMPLY WITH A.S 3700 MASONRY IN BUILDINGS.
5. PROVIDE VERTICAL ARTICULATION CONTROL JOINT IN BRICKWORK TO COMPLY WITH PART 3.3.1.8 OF B.C.A.
6. STAIR CONSTRUCTION TO BCA PART 3.9.1.
7. BALUSTRADES OF STAIRS MINIMUM 1.0M HIGH WITH NO OPENING > 125MM TO COMPLY WITH BCA PART 3.9.2.
8. PROVIDE GRANITE GUARD TERMITE PROTECTION TO A.S 3660.
9. PROVIDE HARD WIRED SMOKE DETECTORS TO NEW DWELLING TO B.C.A.
10. REFER TO ENGINEERS HYDRAULIC PLAN FOR ALL STORMWATER DISPOSAL.
11. REFER TO ENGINEERS DETAILS & SPECIFICATIONS FOR ALL STRUCTURAL WORKS.
12. CUT & FILL IS MEASURED 300MM BELOW F.F.L.
13. WASTE TO BE STORED NEATLY AND SAFELY IN ALLOCATED BINS AND STOCKPILE AREAS.
14. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH NCC 2019.

										NOT FOR CONSTRUCTION	
<div><div><div><div><div></div><div>Byl</div></div><div>BUILDING DESIGN</div></div><div>ABN: 79 108 382 154</div><div>Phone: (02) 9617- 0890 Mob: 0422 - 83360</div><div>Email: byldesign@hotmail.com</div></div><div><div><div><div></div><div>bdac</div></div><div>ACCREDITED BUILDING DESIGNER</div><div><small>MEMBER 1001 - ACCREDITED SINCE 2015</small></div></div></div></div>	<div>Notes</div> <div>1) All dimensions and underground service locations to be checked on site prior to the commencement of work.</div> <div>2) Use figured dimensions only. Do not scale.</div> <div>3) Finished ground levels shown on plan are subject to site conditions.</div> <div>4) It is the owners responsibility to ensure that the engineer has investigated subsoil conditions and designed all structural elements to suit.</div> <div>5) Bulkheads may be required to accommodate drainage lines and steel beam position to be determined on site.</div>	PROJECT			DRAWING TITLE			ISSUE	DATE	REVISION	
		PROPOSED ALTERATIONS & ADDITIONS TO EXISTING DWELLING			COVER PAGE			A	17/10/20	ISSUED FOR CLIENT	
		AT: LOT 8, DP 6399. NO. 16 VICTORIA STREET EPPING. NSW 2121			GENERAL NOTES			B	09/05/21	ISSUED FOR DA SUBMISSION	
		FOR: Ms. ZHANG						C	09/01/22	ISSUED FOR COUNCIL LETTER 20, JULY 2021	
		DESIGN AND DRAWN			CHECK	DATE	SCALE	PROJECT NO.	SHEET NO.		
		FK			SUE	03.2020	N.T.S	200313	DA01		
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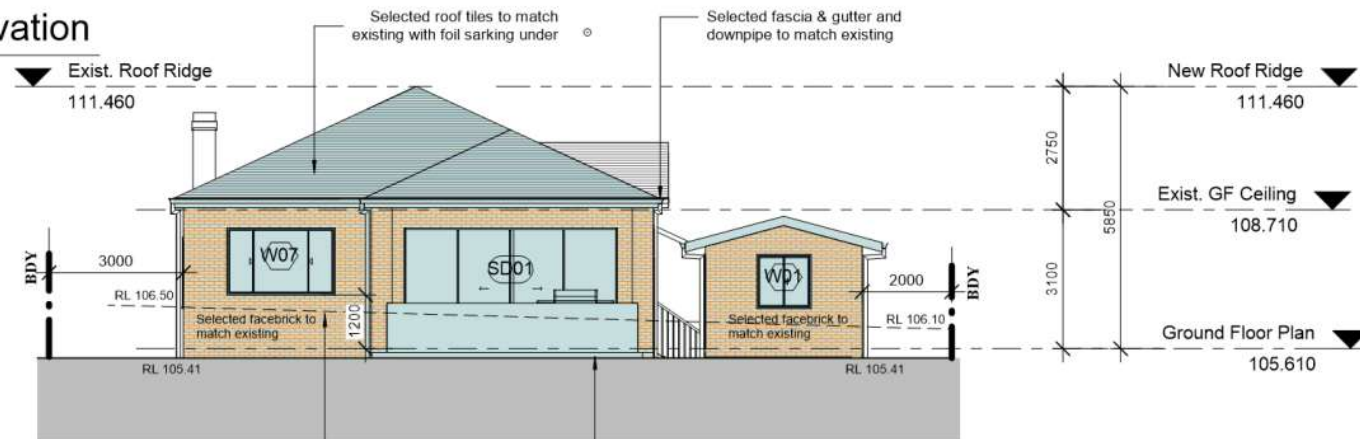


								NOT FOR CONSTRUCTION	
<div>Byl BUILDING DESIGN</div> <div>Phone: (02) 9617- 0890 Mob: 0401 - 132565</div> <div>Email: byldesign@hotmail.com</div> <div></div>	<div>Note</div> <div>1) All dimensions and underground service locations to be checked on site prior to the commencement of work.</div> <div>2) Use figured dimension only. Do not scale.</div> <div>3) Finished ground levels shown on plan are subject to site conditions.</div> <div>4) It is the owners responsibility to ensure that the engineer has investigated subsoil conditions and designed all structural elements to suit.</div> <div>5) Bulkheads may be required to accommodate drainage lines and steel beams position to be determined on site.</div>	<div>PROJECT</div> <div>PROPOSED ALTERATIONS & ADDITIONS TO EXISTING DWELLING</div> <div>AT: Lot 8, DP 6399, No. 16 VICTORIA STREET EPPING, NSW 2121</div> <div>FOR: Ms. ZHANG</div>			<div>DRAWING TITLE</div> <div>EROSION & SEDIMENT CONTROL PLAN</div>		ISSUE	DATE	REVISION
							A	17/10/20	ISSUED FOR CLIENT
							B	09/05/21	ISSUED FOR DA SUBMISSION
					C	09/01/22	ISSUED FOR COUNCIL LETTER 20, JULY 2021		
			<div>Copyright</div> <div>These drawings are subject to copyright & remain the property of Pannan Design, and must not be used, reproduced or copied wholly in any way without permission.</div>	DESIGN AND DRAWN	CHECK	DATE	SCALE	PROJECT NO.	SHEET NO.
		FK	SUE	03, 2021	1 : 250	200313	DA02		



South-West Elevation

1 : 100



North-East Elevation

1 : 100

Byl BUILDING DESIGN

ABN: 79 108 382 154
Phone: (02) 9617-0890 Mob: 0422-83360
Email: byl@bylbuildingdesign.com



Notes

- 1) All dimensions and underground service locations to be checked on site prior to the commencement of work.
- 2) Use figured dimensions only. Do not scale.
- 3) Finished ground levels shown on plan are subject to site conditions.
- 4) It is the owners responsibility to ensure that the engineer has investigated subsoil conditions and designed all structural elements to suit.
- 5) Bulkheads may be required to accommodate drainage lines and steel beam position to be determined on site.

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PROJECT

PROPOSED ALTERATIONS & ADDITIONS TO
EXISTING DWELLING
AT: LOT 8, DP 6399, NO. 16 VICTORIA STREET
EPPING, NSW 2121
FOR: Ms. ZHANG

DESIGN AND DRAWN

FK

CHECK

SUE

DATE

03.2020

DRAWING TITLE

SOUTH-WEST ELEVATION PLAN
NORTH-EAST ELEVATION PLAN

SCALE

1 : 100

PROJECT NO.

200313

SHEET NO.

DA05

ISSUE

A
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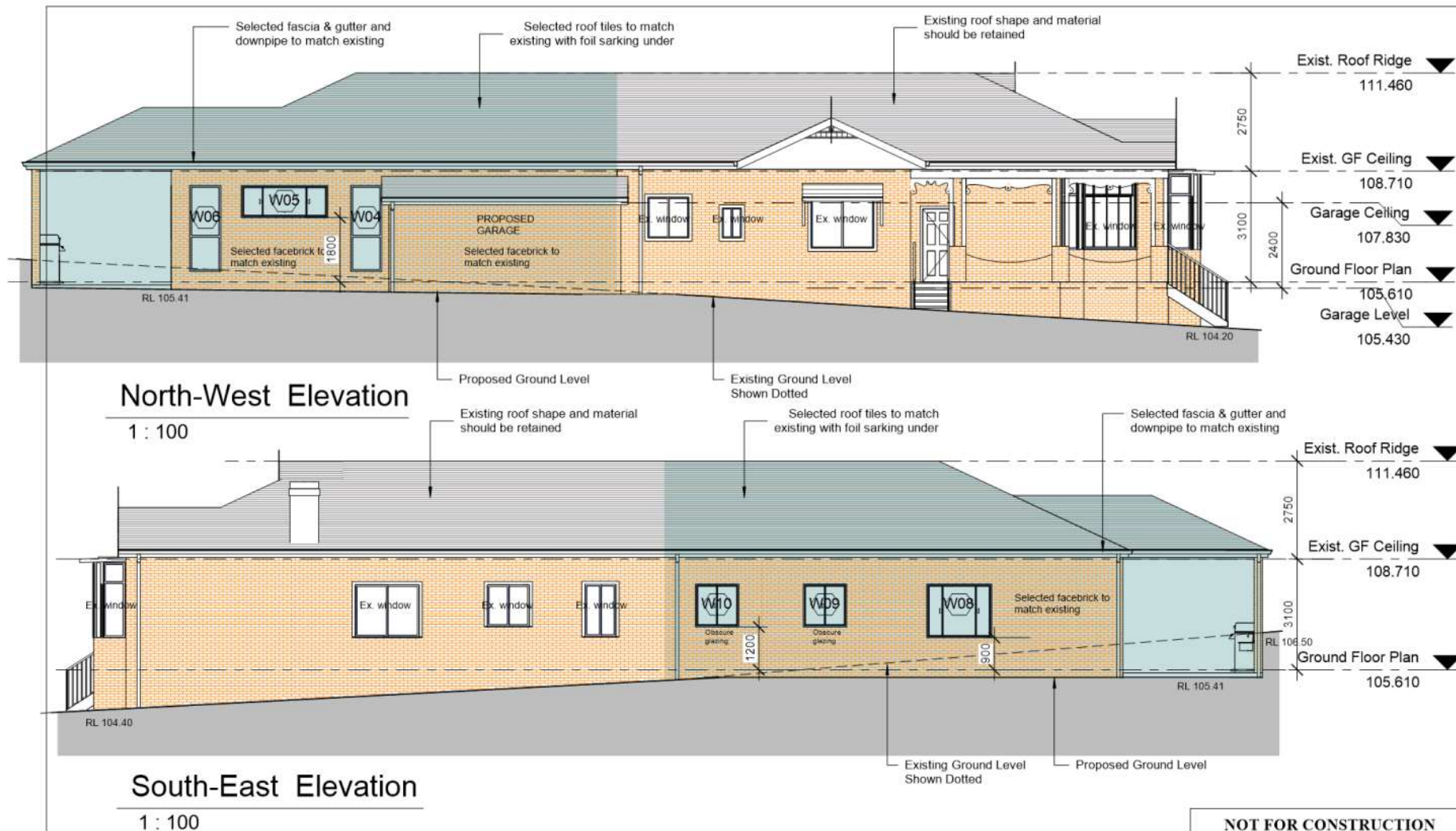
DATE

17/10/20
09/05/21
09/01/22

REVISION

ISSUED FOR CLIENT
ISSUED FOR DA SUBMISSION
ISSUED FOR COUNCIL LETTER
20, JULY 2021

NOT FOR CONSTRUCTION



Byl BUILDING DESIGN
 ABN: 79 108 382 154
 Phone: (02) 9617-0890 Mob: 0422-83360
 Email: byl@bylbuildingdesign.com.au



Notes
 1) All dimensions and underground service locations to be checked on site prior to the commencement of work.
 2) Use figured dimensions only, Do not scale.
 3) Finished ground levels shown on plan are subject to site conditions.
 4) It is the owners responsibility to ensure that the engineer has investigated subsoil conditions and designed all structural elements to suit.
 5) Bulkheads may be required to accommodate drainage lines and steel beam position to be determined on site.

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PROJECT
 PROPOSED ALTERATIONS & ADDITIONS TO EXISTING DWELLING
 AT: LOT 8, DP 6399, NO. 16 VICTORIA STREET EPPING, NSW 2121
 FOR: Ms. ZHANG

DESIGN AND DRAWN
 FK

CHECK
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DATE
 03.2020

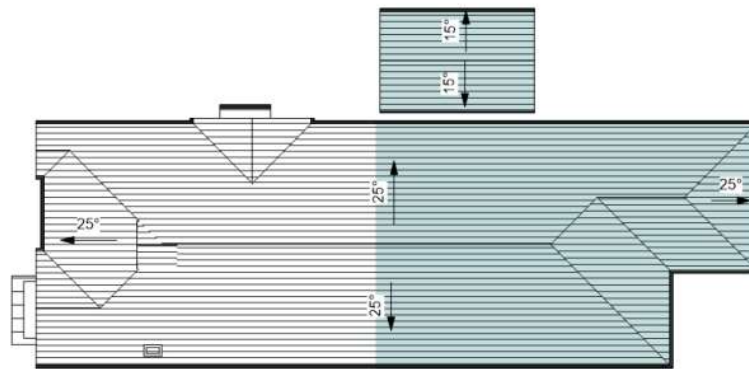
DRAWING TITLE
 NORTH-WEST ELEVATION PLAN
 SOUTH-EAST ELEVATION PLAN

SCALE
 1 : 100

PROJECT NO.
 200313

SHEET NO.
 DA06

NOT FOR CONSTRUCTION		
ISSUE	DATE	REVISION
A	17/10/20	ISSUED FOR CLIENT
B	09/05/21	ISSUED FOR DA SUBMISSION
C	09/01/22	ISSUED FOR COUNCIL LETTER 20, JULY 2021



Roof Plan

1 : 200

BASIX COMMITMENTS
CERTIFICATE NUMBER: A445715

Project score	
Water	Pass
Thermal comfort	Pass
Energy	Pass
Basix commitments	
Fixtures	
Shower heads	4 star
Toilet flushing system	4 star
Taps	4 star
Basin taps	4 star

Thermal comfort commitments	
Ground floor	Concrete slab on ground
Ground floor walls	Brick veneer
Ceiling insulation	Sarking foil and R4.0 insulation
Artificial lighting	
LED and Fluorescent	To be installed in Bedrooms, bathrooms...

Window Schedule						
MAKR	MODEL	SIZE (mm)	SILL HEIGHT	HEAD HEIGHT	STYLE	GLAZING
W01	SW1212	1200 x 1210mm	900	2100	Sliding Window	Clear
W02	SW1512	1500 x 1210mm	1200	2700	Sliding Window	Clear
W03	AW2409	2400 x 870mm	300	2700	Awning Window	Clear
W04	AW2409	2400 x 870mm	300	2700	Awning Window	Clear
W05	SW0924	900 x 2400mm	1800	2700	Sliding Window	Clear
W06	AW2409	2400 x 870mm	300	2700	Awning Window	Clear
W07	SW1524	1500 x 2410mm	1200	2700	Sliding Window	Clear
W08	SW1518	1500 x 1810mm	900	2400	Sliding Window	Clear
W09	SW1212	1200 x 1210mm	1200	2400	Sliding Window	Obscure
W10	SW1212	1200 x 1210mm	1200	2400	Sliding Window	Obscure

Door Schedule						
MARK	MODLE	SIZE (mm)	SILL HEIGHT	HEAD HEIGHT	STYLE	GLAZING
SD01	SD2448	2700 x 4810mm	0	2700	Sliding Door	Clear

NOT FOR CONSTRUCTION

Byl BUILDING DESIGN

 ABN: 79 108 382 154
 Phone: (02) 9617-0890 Mob: 0422-83360
 Email: byl@bylbuildingdesign.com.au


Notes

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PROJECT

PROPOSED ALTERATIONS & ADDITIONS TO EXISTING DWELLING
 AT: LOT 8, DP 6399, NO. 16 VICTORIA STREET
 EPPING, NSW 2121
 FOR: Ms. ZHANG

DRAWING TITLE

ROOF PLAN
 WINDOW SCHEDULE
 BASIX COMMITMENTS

ISSUE	DATE	REVISION
A	17/10/20	ISSUED FOR CLIENT
B	09/05/21	ISSUED FOR DA SUBMISSION
C	09/01/22	ISSUED FOR COUNCIL LETTER 20, JULY 2021

DESIGN AND DRAWN	CHECK	DATE	SCALE	PROJECT NO.	SHEET NO.
FK	SUE	03.2020	1 : 200	200313	DA08

Statement of Heritage Impact

Alterations and Additions to
'WEDGEWOOD' 16 VICTORIA ST, EPPING NSW

on behalf of

Ying Zhang



POC+P
architects

PATRICK O'CARRIGAN + PARTNERS P/L
ARCHITECTS | URBAN DESIGNERS | HERITAGE CONSULTANTS

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SEPTEMBER 2021

STATEMENT OF HERITAGE IMPACT

16 Victoria St, Epping

Proposed Alterations and additions to an existing Contributory c.1916 residential building in a Heritage Conservation Area.

PROPOSAL: This Statement of Heritage Impact forms part of the Statement of Environmental Effects by for 16 Victoria St, Epping.

DATE: August 2021

REFERENCE: City of Parramatta LEP 2011 Schedule 5
Epping/Eastwood Conservation Area

ADDRESS: 16 Victoria St, Epping 2121
Parish: Field of Mars County: Cumberland
Lot 8, DP 6399

AUTHOR: Patrick O'Carrigan FRAIA AIAMA, NSW Registered Architect # 5025,
1st Floor, 76 Edwin Street North, ASHFIELD 2132
Tel 9799 6600, Fax 9799 6011 Email patrick@pocp.com.au

Patrick O'Carrigan FRAIA AIAMA is a recognised heritage architect listed by the Heritage Office of NSW. He has over 30 years experience in the field, having previously worked with Clive Lucas and Howard Tanner. He is the author of many heritage impact statements, conservation plans and award winning heritage refurbishment projects including Customs House [City of Sydney], Story of Sydney, Pilgrim House, and Pitt Street Uniting Church. He was a Heritage Adviser of four years standing, for two rural shires, Merriwa and Murrurundi. He was appointed the Heritage Professional Member of the Heritage Review Panel for Waverley Council in late 2007. Patrick was responsible for the Heritage study Stage 4 for Hornsby Council. In 2009-10 he undertook over 50 heritage assessments of public primary schools in SW Sydney for the BER program. He is on the panel of preferred heritage consultants for JHR Rail.

METHODOLOGY: The report has been generally prepared in accordance with the requirements of Australia ICOMOS Burra Charter, the NSW Heritage Manuals "Statements of Heritage Impact" as issued by NSW Heritage Office 1996.

PREPARED: Ying Zhang via BYL Building Design

LIMITATIONS: The report has been prepared by Patrick O'Carrigan FRAIA and Elizabeth Wolfensberger, Heritage Researcher of Patrick O'Carrigan + Partners Pty. Ltd., and is based on external online [due to Covid restrictions] and independent research and secondary sources.

Issue	Description	Date	Initial
A	For Client Review	7/09/21	PO'C
B	For DA Submission	17/09/21	PO'C

1.0 GENERAL

1.1 SITE LOCATION

16 Victoria St, Epping is a contributory item located within the Epping/Eastwood Conservation Area, which is recognised as Local Heritage significance in City of Parramatta LEP 2011. The proposed changes to the Federation residence on the subject site will have some impact on the setting, significance or contribution of the property to Epping/Eastwood Conservation Area on the eastern side of Victoria St, midway between William St and Chesterfield Rd. The proposal, however, is considered to fall well within the parameters of the precedence of recent alterations and additions to similar properties within the Epping/Eastwood Conservation Area.



Figure 1: Site context, the location of subject site indicated in red.
Source: Google Maps

2.0 ASSESSMENT OF SIGNIFICANCE

2.1 SITE CONTEXT

Epping is a Sydney suburb, 18km north-west of the Sydney CBD, in the local government area of Parramatta.

The Wallumettagal or Wallumedegal (derived from *wallumai*, meaning snapper fish) were an indigenous Aboriginal tribe of the Eora nation, and were the original inhabitants of the area, from the intersection of the Lane Cove and Parramatta Rivers west to Parramatta. In earlier days of Sydney's history this area was known as Walumetta.¹

In 1792, Governor Arthur Phillip began the granting of parcels of lands to marines, and the area was referred to on Phillip's maps as the Field of Mars, Mars being the Roman god of war. It contained the area of what is now Epping, along with the surrounding suburbs of Ryde and Marsfield.

Epping railway station was opened on 17 September 1886, originally named "Field of Mars", and quickly renamed to "Carlingford" on 5 April 1887. The Post Office was opened on 16 October 1889, originally named "East Carlingford".

In 1899 the suburb name of Epping was adopted following the suggestion by a local landowner William Midson (1849–1924), after a town near Epping Forest in Essex, where his father was born. At this time, the names of the post office and the railway station were both changed to Epping. The land from the Field of Mars was broken up into farms and orchards, and after World War II it started to convert to residential use. Areas which had previously been reserved as part of the green belt scheme became available in 1948.²

¹ <https://en.wikipedia.org/wiki/Wallumettagal>

² https://en.wikipedia.org/wiki/Epping,_New_South_Wales



Figure 2: Extract from New South Wales. Department of Lands, cartographer, compiler. (1923). Parish of Field of Mars, County of Cumberland : Metropolitan & Parramatta Land Districts, Hornsby & Baulkham Hills Shires & Municipalities, Eastern Division N.S.W. Arrow indicates pproximate location of site. Source: Dictionary of Sydney <https://dictionaryofsydney.org/media/3892>

2.2 SITE HISTORY

Epping/Eastwood Conservation Area

This area is a sample of the suburban residential subdivisions near the railway line between Epping and Eastwood. It contains some outstanding large houses built from the 1910s to the 1940s and a variety of smaller houses built in the same period. It comprises parts of two large estates - the Eastwood House Estate and the Chesterfield Estate (with the common boundary along Chesterfield Road) - and the corner of a third estate cut off by the railway. The area was subdivided in the second decade of the twentieth century in five auctions from 1910 to 1915. In the late 1910s and early 1920s, Hepburn Pollock was a very active builder in this area. The standard and character of development was set with Terry's Eastwood House Estate: the first portion, auctioned in 1907, was in Ryde Municipality; and the second portion, auctioned on 26 February 1910, is the centre of this area.

By October-November 1937, when this area was surveyed by the Water Board, most allotments were built upon, with some vacant lots in Hillside Crescent. The remaining vacant lots were built on in the 1940s and 1950s. There has been some recent two-storey development. A new street, Harley Crescent, has been introduced into the middle of this area and is not included in the listing.

In 2008, Council approval was given for the conservation area to be extended northwards to the boundary of the Wyralla Avenue Conservation Area. The extended area has similar characteristics and a similar subdivision pattern to the Epping/Eastwood Conservation Area.

Included in the extended area are streets with links to orchardists who lived in the area. The Boulevard incorporates part of the Greenwood estate, named after orchardist Herbert Greenwood. Garland Avenue commemorates Edward Garland, another pioneer orchardist in the Epping district.³



Figures 3 and 4: Early undated photos of Epping Railway Station [previously known as Field of Mars Station and then Carlingford Station] and High St, Epping. Source: <https://www.hornsby.nsw.gov.au/library/catalogues-and-resources/local-history/history-resources/suburb-histories/epping>

³ Parramatta DCP 2011, Part 4, 4.4.1.1
POC+ P architects



Figure 5: Chesterfield Estate, 'The Pick of The Heights' Subdivision for auction on 2nd March 1912. Approximate location of subject site indicated by arrow. Note: auction lot numbers were indicated the subdivision notice not address numbers Source: https://digital.sl.nsw.gov.au/delivery/DeliveryManagerServlet?embedded=true&toolbar=false&dps_pid=FL8944366

Site History of Occupation

The firm of John Sands Ltd (Printers and Stationers) published their directory each year from 1858–59 to 1932–33 (with the exception of 1872, 1874, 1878 and 1881). The household and business information it contains has become a fundamental source for research into Sydney history.

The following information was gained through a study of Sands Directory entries for Victoria Street, East Side between 1916 and 1932–33. Prior to house numbers, residences and occupants were often listed with house names.

The first entry of a residence with the name 'Wedgewood' in Victoria St is in 1925 and the occupant is listed as Edwards, John. However, the earliest entry of an Edwards John in Victoria St appears in 1916 [no house name recorded].

YEAR	NAME	NOTE
1916	Edwards, John	No house name
1925	Edwards, John	Wedgewood
1931	Hutchings, Charles	First listing of a house number - 16
1932	Sale, Arthur	Final Sands record

The Sands Directory listings confirm the construction of housing on the east side of Victoria St, following the estate subdivision of 1912. This included construction of the residence on the subject site, No. 16 Victoria St, Epping, in the years from 1912 prior to the first recorded occupation in 1916.

Victoria Street
Common to Ohesterfield road
East side
Bridge street
 Buemol Phillip J., builder
 Holmes John, J.P., 'Murdah-
 mal'
 Fenning Alex., 'Elemanag'
 Cranston Rev. Geo., 'Roma'
William street
 House Herbert S., 'Brockley'
 Wilson Mrs. Ann E., 'Culto-
 garria'
 Dola A. E., 'Minnastro'
 West Sydney C., 'Thistio'
 Edwards John, 'Wedgewood'
 Wilson Syd., 'Narwood'
 Harber Henry, 'Airdie'
 Hicks William, 'Welmar'
 Nicholls W. H., 'Montgomery'
 Young R. G. P., 'Bradgata'
 Boll Joseph W., 'Wynulla'
West side

Figure 6: Extract from Sands Postal Directory 1925 showing entries for Victoria St, Epping, East Side [south of William St] including the entry for Edwards, John, 'Wedgewood'. The name Wedgewood remains on a plaque on the front verandah to this day.
 Source: archives.cityofsydney.nsw.gov.au

2.4 HERITAGE ITEMS IN THE VICINITY

The subject site, 16 Victoria St Epping, is located in the Epping/Eastwood Conservation Area as recognised by Parramatta LEP 2011 Schedule 5.

There are no other heritage items located in the immediate vicinity of the subject site.



Figure 7: Extract from Parramatta LEP 2011 Heritage Map _ 016 showing the extent of the Epping/Eastwood Conservation Area marked in the larger area of red.
 Source: <https://www.legislation.nsw.gov.au/maps/7f4de097-5304-ece6-cc55->

2.5 ARCHITECTURAL STYLE

The Existing Structure

The existing residential building on the subject site, 16 Victoria St, Epping is a typical example of the Federation Bungalow style of architecture that was popular at the time of Epping's Chesterfield Estate subdivision in 1912.

The residence is a single storey brick bungalow and features typical Sydney architectural features of its time including a simple hipped roof with a projecting gable, covered with terracotta tiles, steeply sloped with wrap around verandah and wide eaves. Other typical elements include stucco detailing, a sandstone foundation, leadlight windows and a tiled front verandah ornamented with decorative timber columns.

Details and finishes of the front rooms include detailed cornices, ceiling roses, high skirtings and moulded architraves.



Figures 8 and 9: No. 14 Victoria St, Epping [on left] and its immediate neighbour to the right, the subject site at No 16 Victoria St, are typical of the Australian Federation Bungalow style of architecture and feature hipped tiled roofs, vertical timber verandah posts, leadlight windows and tiled front verandahs. Source: Realestate.com.au



Figures 10 and 11: The front bedroom and sitting room of No 16 Victoria St, Epping feature typical Federation Bungalow elements such as high ceilings with decorative plasterwork and ceiling roses, high skirtings, ornate architraves and leadlight panels in casement windows. Source: Realestate.com.au 2020



Figure 12: Existing kitchen with Federation era high ceiling and decorative air vents. Source: Realestate.com.au



Figure 13: Modified rear of house with enclosed verandah sunroom. Source: Realestate.com.au



Figure 14: Side driveway with brick driveway runners and detached single garage at rear.
Source: BYL design 2021



Figure 15: Rear yard with dominant tree, lawn and flowerbeds.
Source: Realestate.com.au

2.6 SIGNIFICANCE

The subject site is considered as a contributory element to the Epping/Eastwood Heritage Conservation Area.

The Parramatta Development Control Plan DCP 2011 Part 4, Section 4.4 requires the assessment of and clear understanding of why the heritage item or building in a heritage conservation area is significant and what need to be conserved to maintain this significance.

This DCP identifies existing significant buildings that collectively demonstrate the history of a conservation area and contribute to its significance. These are known as Contributory items. Contributory items may not be individually listed as heritage items but, by virtue of their age, scale, materials, details, design style or intactness, make a significant contribution to the character of the heritage conservation area and therefore reinforce its heritage significance. Contributory items are required to be retained.

Non-contributory items may be described as neutral or intrusive. A neutral building is one that does not adversely or beneficially impact upon the character and heritage significance of the area in which it is sited or for which it is proposed. An intrusive building is disruptive because its visual character, form, scale or use is in conflict with the values of the area or setting. This conflict may mean that it adversely impacts on the heritage significance of the area or setting. Non-contributory items are not identified as existing significant buildings in the specific heritage conservation areas and are not required to be retained.

In the event of any inconsistency between the general objectives and controls and the objectives and controls listed in specific heritage conservation areas, the specific controls will take precedence.⁴

The Key Period of Significance of the Epping/Eastwood Conservation Area is the late 1910s - 1940s era of residential construction. The Epping/Eastwood Heritage Conservation Area is of local heritage significance and displays a consistent subdivision pattern largely as result of development occurring over a relatively short period of time.

Historical Significance

The Epping/Eastwood Heritage Conservation Area is of *historical* significance as a representative early 20th century subdivision with regular residential lots. Epping remains illustrative of the original 1910-1915 subdivision concept, retaining the cohesive character of similar style homes built by local builders possibly impacted by building covenants placed on the sale of blocks in various subdivisions.

Aesthetic Significance

The area is of *aesthetic* significance for its distinctive 1910s-1930s subdivision pattern with single storey, single dwellings on uniform block sizes which were designed and constructed using a variety of repeated floor patterns. The houses were constructed mostly Federation and Californian Bungalow architectural styles and illustrate the development of the subdivision.

Rarity

⁴ Parramatta DCP 2011 Part 4, Section 4.4-3
POC+ P architects

Epping is *not rare* as an early 20th century Sydney suburban subdivision.

Representativeness

The existing structure at 16 Victoria St, is *representative* of the Federation Bungalow style built in the Epping and greater Sydney area c. 1910s – c. 1930s.

STATEMENT OF SIGNIFICANCE

An intact residential suburban area in the first quarter of the twentieth century developed alongside the railway and from earlier villa estates. It includes a variety of houses in size and style, with Federation houses and 'between-the-wars' bungalows predominating. Mature trees, on private and public land (including remnant native trees), combine with the natural terrain to provide views, which are an integral part of the character of the area.⁵

3.0 LEP PLANNING CONTROLS

The Planning Controls contained in the Parramatta Local Environmental Plan 2011 concerning both Heritage items and Conservation areas as listed and described in Schedule 5 have the following objectives as set out in Parramatta DCP 2011 Part 4, Clause 4.4:

General Objectives:

- 0.1 Maintain all buildings and other structures which explain the history of the area and contribute to its significance.*
- 0.2 Ensure a consistency of scale and materials in extensions to existing buildings and in new buildings so that the new work does not detract from the historic buildings and their amenity or from the streetscape.*

The following sections, given the legislative framework above, address the extent of external and internal changes proposed by alterations and additions to the subject site and evaluate their impact, if any, on the fabric of the item and its setting [there being no aspects of the Proposal that impact on the significance of views]; give consideration to the need for any amelioration and mitigation, after drawing conclusions, make recommendations where appropriate.

4.0 DESCRIPTION OF SCOPE OF WORK

4.1. DESIGN PHILOSOPHY

In approaching the proposal for the alterations and additions to both the subject site, 16 Victoria St, Epping, BYL Building Design, has been encouraged by Council to uphold the integrity and protection of the Federation Bungalow style building as reflected by its inclusion as part of the Epping/Eastwood Heritage Conservation Area. To do otherwise would also be not appropriate to the philosophy of the Burra Charter. As a result of pre-DA discussions with Council the design scope has been substantially reduced and further modified in this amended submission. The major change being deletion of the rear secondary dwelling/sub-division. Followed by the lowering of the roof ridge and the separation of the garage from the house additions.

4.2. DESIGN PROPOSAL

The proposal seeks consent to construct alterations and additions to the existing residential building to improve the internal configurations of the dwelling to suit contemporary family needs. The works include the demolition of the existing rear kitchen, dining area, bathroom and sunroom as well as the rear detached garage and brick driveway runners.

In addition, the proposal involves modifications to the existing building including a single detached garage, and a new single storey extension to include a new living room, kitchen, dining area, new rear bedroom with ensuite and walk-in-robe plus new sunroom and alfresco area.

The proposed works are identified on the architectural drawings prepared by BYL Design as shown and evaluated below.

⁵ Parramatta DCP 2011 Part 4, Section 4.4-10
POC+ P architects

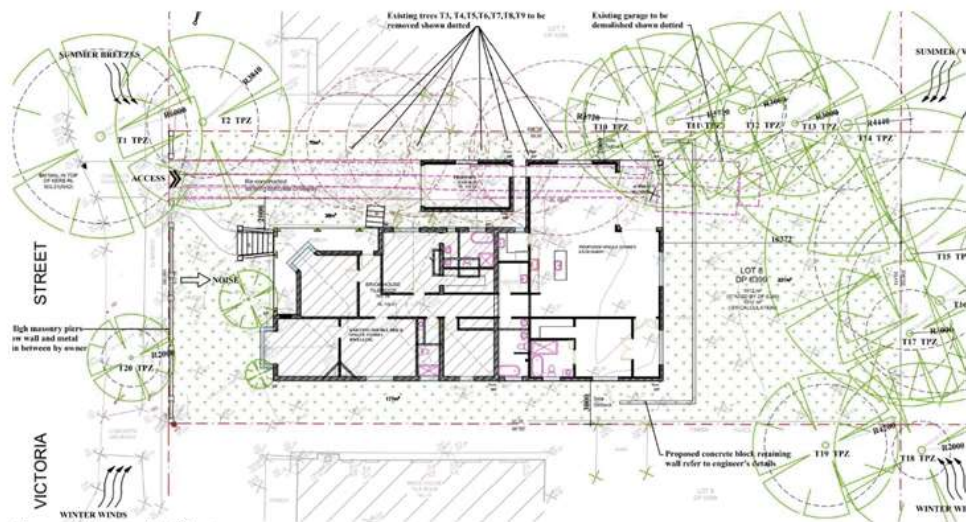


Figure 16: Amended Site plan
Source: BYL Building Design 2021

Note the earlier scheme with a secondary dwelling in the rear – which was promoted before POC+P architects were involved- has been deleted. The single storey garage has now been made freestanding and even though it is well forward of the former garage, it bears the same relationship to the house up the driving strip driveway as seen in Figure 14 above.

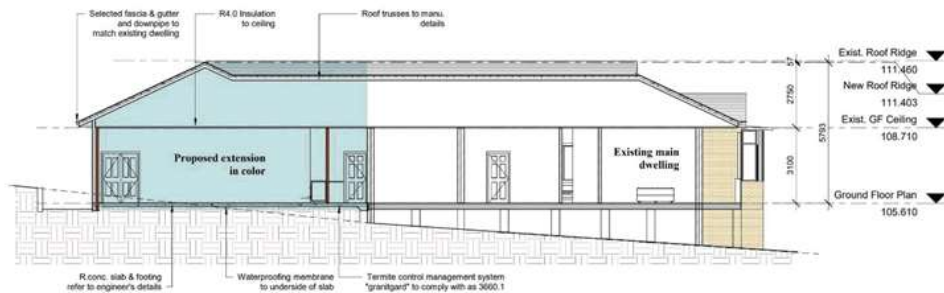


Figure 17: Section A
Source: BYL Building Design 2021

The section shows that the ridge of the addition is now merged with the existing house and the internal ceiling heights are maintained.



Figure 18: Roof Plan
Source: BYL Building Design 2021

By comparison with other nearby dwellings with additions, the scale of the amended scheme is much more in keeping with the original character. Since the house is elevated and substantially setback on a rising allotment, it is unlikely that the additions will be highly visible from any public place.

4.3. EXTERNAL EVALUATION

External Alterations

Externally, the proposal involves the erection of a new freestanding garage; and a new rear addition, both of which have been designed to complement the roof lines and finishes of the existing building.

The proposal is for the original building to maintain its appearance on the western façade to Victoria St and for the garage and rear wing to mirror the roof line and external details and finishes including roof tiles to match existing dwelling, painted brick, fibre cement clad gable with vertical timber strip covers and an attic vent. The new rear wing is to be of a double brick construction with select face brick to match the existing dwelling.

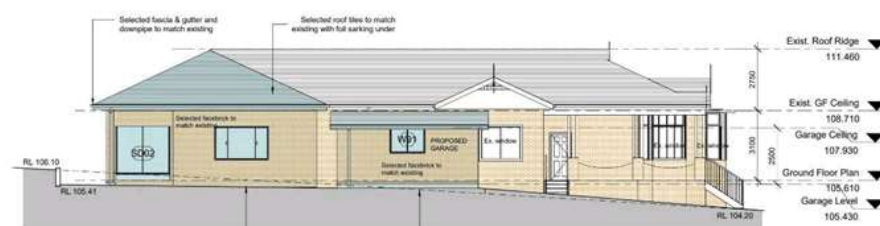


Figure 19: North West Elevation
Source: BYL Building Design 2021

The garage has been made less dominant in this amended scheme being reduced in scale and height so that it is clearly ancillary and not competing with the larger form of the house.



Figure 20: North East Elevation
Source: BYL Building Design 2021



Figure 21: South West Elevation
Source: BYL Building Design 2021

The proposal is for the original building to maintain its appearance on the western façade to Victoria St and for the garage and rear wing to mirror the roof line and external details and finishes including roof tiles to match existing dwelling, painted brick, fibre cement clad gable with vertical timber strip covers and an attic vent.



Figure 22: South East Elevation
Source: BYL Building Design 2021

The proposal includes a new driveway to the new garage and a new rear verandah and alfresco dining area. The new rear outdoor living areas will not be able to be viewed from Victoria St and will have no impact on the property's contribution to the Epping/Eastwood HCA.

4.4 INTERNAL EVALUATION

The proposed addition incorporates a new kitchen, dining and living areas as well as a new laundry and walk-in pantry. There is open access from the Family to the new detached garage.

The proposal also includes a new master bedroom with ensuite and a parents retreat as well as a new fourth bedroom.

The proposed internal arrangements and outside open spaces are intended to allow for the owner's growing family and has been designed to meet modern living standards.

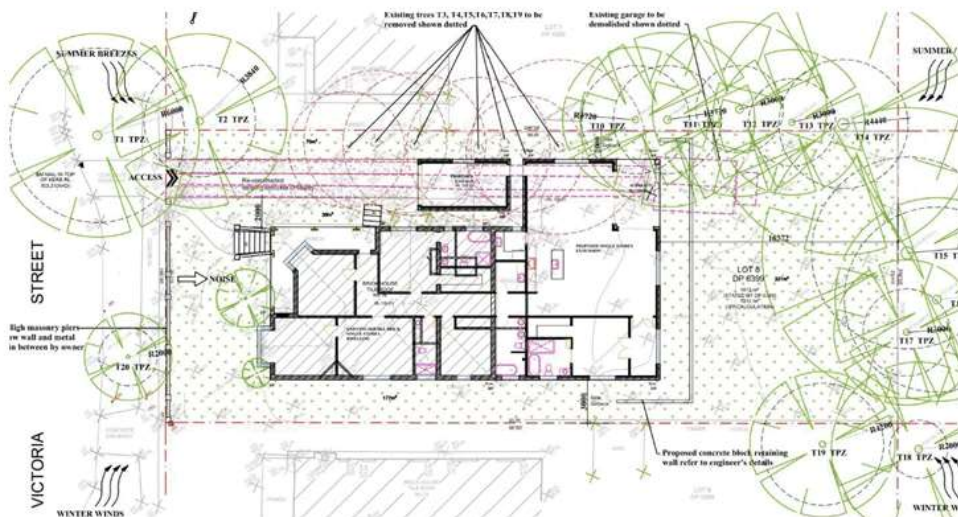


Figure 23: Amended Ground Floor Plan
Source: BYL Building Design 2021

5.0 ASSESSMENT OF HERITAGE IMPACT

The subject site is located within the administrative boundaries of Parramatta City Council and is recognised as a Contributory Item to the HCA1 Epping/Eastwood Heritage Conservation Area.

External Impact

The proposal is for the original building to maintain its appearance on the western façade to Victoria St and for the garage and rear wing to mirror the roof line and external details and finishes including roof tiles to match existing dwelling, painted brick, fibre cement clad gable with vertical timber strip covers and an attic vent.

The main impact of the proposal on the Victoria Street Epping streetscape is the bringing forward of the detached garage and the addition of a hip roofed rear extension.

However, neither of these aspects of the proposal is without precedence in recent alterations and additions permitted by Council to similar Bungalow buildings on Victorian St or within the greater HCA. Refer to pages 3-5 of the Statement of Environmental Effects for images of side and rooftop additions including attached garages.

5.1 EVALUATION

The following assessments evaluate, in the author's opinion the relative merit/demerit of aspects of the proposal upon the heritage significance of the item as a Contributory Item to HCA Epping/Eastwood Heritage Conservation Area.

The maintenance of the significance of the original building is achieved by proposal because of the following:

- No new structural addition is proposed that would diminish the significance of the front façade or setting of the building in the HCA1 Epping Heritage Conservation Area;
- No new vehicular openings or additional garage spaces are proposed rather a new driveway finish and replacement detached garage are proposed;
- No changes are proposed to the original front façade.
- The proposed new rear extension due to its reduced size and scale in comparison to the existing structure.

By comparison with other nearby dwellings with additions, the scale of the amended scheme is much more in keeping with the original character. Since the house is elevated and substantially setback on a rising allotment, it is unlikely that the additions will be highly visible from any public place.

The integrity of the original design and completed building is not threatened by or but is amended by this proposal.

The proposal is, however, consistent with the view that change is allowed provided it is measured and incremental. Notwithstanding, Council does not want to see any substantial changes to the structure and its front facade. The applicant is therefore required to and has endeavoured to make the architectural response as discrete as possible and in keeping with the higher order character of 16 Victoria St and its contribution to the site and to the heritage of Epping/Eastwood HCA.

Council has seen fit to recently allow significant changes to be made to the street appearance of buildings of the same type, same location, same era of construction and same significance to the HCA1 Asbury Heritage Conservation Area thereby providing precedence for consideration the comparative changes sought to the front façade of the subject site in this proposal.

As previously noted, the proposal has been designed to minimise the impact on the integrity of the original Victorian Bungalow architecture of the building on the subject site and its contribution to the streetscape and the heritage suburb as a whole.

The proposal can be considered to achieve those goals especially when compared to less successful examples of alterations and additions to properties on Victoria Street and within greater Epping.

5.2 MEASURES TO MINIMISE IMPACT

The roofline of the proposed detached garage – though at a lower scale- has been carefully designed to mirror the existing gable fronts so as to harmonise with the existing building.

The proposed form can be said to respond to the prevailing context of rear extensions, and it is not discordant.

Colours and materials have been carefully chosen to compliment the original fabric whilst clearly delineating the new from the old in keeping with the principal of guidance for alterations and additions to items within a heritage conservation area.

It is clear from this analysis that the utilitarian form, scale and materiality of what is proposed is in keeping with what has previously been approved to a similar structures, on the same street as the subject site, and therefore in keeping with the built context and significance of a Contributory item to the Epping/Eastwood Conservation Area.

6.0 CONCLUSION

The proposal is considered sympathetic to the objectives of the heritage provisions of Parramatta LEP 2012 and worthy to the conservation of this building in Epping. The proposal is compatible in form, of appropriate scale and utilises quality materials in order to sympathetically and discretely add to an existing residential building of local significance as a Contributory Item to the HCA1 Epping/Eastwood Heritage Conservation Area.

The proposed new alterations and additions to 16 Victoria Street have been designed with both the needs of the owners to provide contemporary living solutions and with the need to respect the original heritage fabric of the Victorian dwelling on the site.

The bulk of the proposed new works are limited to areas of lower heritage integrity [the rear of the main building, and current detached garage]. There are no additions or new structures forward of the existing front building line and no new street openings are proposed.

For the above reasons, Council will see minimal impact to the heritage significance of 16 Victoria St as the majority of the proposed alterations and additions are confined to the less significant rear portion of the existing house and current detached garage and will not overtly drawing attention to the introduction of change to allow the property to better accommodate contemporary living needs.

7.0 RECOMMENDATIONS

After consideration of the above reasoning and the conclusions stated, the following recommendations are made:

1. Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out any the scope of restoration work to the original building;
2. Continuity in finishes and colours between old and new parts of the building is essential for any future renovations or repairs.

8.0 ATTACHMENTS

The Statement of Environmental Effects for the subject property by BYL building design 2021.

9.0 REFERENCES

Apperley, Richard, et al. A Pictorial Guide to Identifying Australian Architecture: Styles and Forms from 1788 to the Present. Angus and Robertson, 1989.
 Jahn, Graham. Sydney Architecture. Watermark Press, 1997.
 National Library of Australia, Trove collection
 NSW Heritage Office (1998) The Heritage Manual
 Epping Local Studies collection
 The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance: Known as the Burra Charter. RMIT, 1988.
 The Book of Sydney Suburbs, compiled by Frances Pollen, Angus & Robertson Publishers, 1990, Published in Australia ISBN 0-207-14495-8
 Heritage Assessments. Heritage Office and Dept. of Urban Affairs and Planning, 1996.

DEVELOPMENT APPLICATION

ITEM NUMBER	5.3
SUBJECT	PUBLIC MEETING: 18-19 Ulandi Place, WINSTON HILLS (Lot 18 and Lot 19 DP 241037)
DESCRIPTION	Demolition, tree removal and construction of a 112 place child care centre with basement carparking for 28 vehicles.
REFERENCE	DA/1031/2021 - D08399245
APPLICANT/S	Ulandi Kids Pty Ltd
OWNERS	Mr M A Draybi
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	REFUSAL

DATE OF REPORT – 1 FEBRUARY 2022**REASON FOR REFERRAL TO LPP**

This item is being referred to Parramatta Local Planning Panel, as more than 10 unique submissions were received during the notification period (total of 25).

EXECUTIVE SUMMARY

This is a summary of the full assessment of the application as outlined in Attachment 1, the Section 4.15 Assessment Report.

The subject site comprises two separate allotments known as 18-19 Ulandi Plan, Winston Hills. The current property description is Lot 18 and Lot 19 DP 241037.

The site is zoned R2 Low Density Residential zone under which Centre Based Childcare Centres are a permitted use, with consent. The maximum building height is 9m and the maximum floor space ratio is 0.5:1. The subject site is also identified as being Bushfire Prone Land.

The proposal seeks to develop a single storey child care centre, with a maximum capacity of 112 children. The facility will have a basement parking level for 28 vehicles.

Notification

The application was notified in accordance with Council's Consolidated Notification Requirements. In response, 25 submissions were received. The issues raised within those submissions comprise the following:

- Traffic Impacts;
- Regulatory Compliance;
- Stormwater Discharge;
- Tree Removal;
- Flora and Fauna Impacts.
- Amenity;
- Proposal out of character in R2 zone;

- Bushfire Prone Land;
- Local Need;
- Non-compliance with DCP;
- Evacuation Procedures;
- Overshadowing;
- Excavation;
- Decline in surrounding property values.

Assessment

The application was assessed against the relevant environmental planning instruments, including *SEPP (Infrastructure) 2007*, *SEPP (Vegetation in Non-Rural Areas) 2017*, *SEPP (Educational Establishments and Child Care Facilities) 2017*, and *Parramatta LEP 2011*, as well as *Parramatta DCP 2011*. The proposal in its current form has several non-compliances with some of the above instruments.

The bushfire prone classification of the subject site had not been addressed in the supporting documentation submitted with the application. Further detail would be required to ensure the safety of the future occupants of the building, in the construction and operation of the facility.

Other Council Officers have requested amended documents including the following:

- Council's Stormwater Engineer;
- Council's Landscape Officer.

A deemed refusal appeal was lodged with the Land and Environment Court. In that regard, the application must be determined at the February Local Planning Panel meeting to meet the court mandated dates.

RECOMMENDATION

- (a) **That** Parramatta Local Planning Panel **refuse** DA/1031/2021 18-19 Ulandi Place, Winston Hills.
- (b) **Further**, that submitters are advised of the Panel's decision.

REASONS FOR REFUSAL:

1. State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017

- a. The proposed development is inconsistent with the following Design Quality Principles prescribed under the Child Care Planning Guideline 2017:
 - Principle 1 – Context;
 - Principle 5 – Landscape;
 - Principle 6 - Amenity
 - Principle 7 – Safety;
 - Part 3.1 – Site selection and location;
 - Part 3.2 – Local Character, streetscape and the public domain interface;
 - Part 3.3 Building orientation, envelope, building design and accessibility

- b. The proposed development is inconsistent with the following clauses under the Education and Care Services National Regulations:
 - Regulation 97 & 168 – Emergency Evacuation;
 - Regulation 107 – Unencumbered Indoor Play Space; and
 - Regulation 108 – Unencumbered Outdoor Play Space.
- 2. Parramatta Development Control Plan 2011**
- a. The proposed development is inconsistent with the following provisions of Parramatta Development Control Plan 2011:
 - Part 3.1.3 – Preliminary Building Envelopes – Front Setback
 - Part 3.3.6.1 – Water Sensitive Urban Design
- 3. Environmental Planning and Assessment Act 1979**
- a. As highlighted above, the proposal has non-compliances with *SEPP (Educational Establishments and Child Care Facilities) 2017*, and *Parramatta DCP 2011*. Accordingly, the proposal fails to satisfy the matters of consideration prescribed under s4.15(1)(a)(i) and (iii) of the *EP&A Act 1979*.
 - b. As the proposed development inconsistent with critical provisions of child care centres required to ensure amenity of the children, staff and the surrounding locality, the proposal is not considered to be in the public interest and also fails to satisfy s4.15(1)(b), (d), and (e) of the *EP&A Act 1979*.

Darren Wan
Development Assessment

ATTACHMENTS:

1  	Assessment Report	23 Pages
2  	Locality Map	1 Page
3  	Complete Architectural Plans	31 Pages
4  	Statement of Environmental Effects	70 Pages

REFERENCE MATERIAL



City of Parramatta

File No: DA/1031/2021

**SECTION 4.15 ASSESSMENT REPORT – CHILD CARE CENTRES –
PARRAMATTA LEP
Environmental Planning & Assessment Act 1979**

SUMMARY

DA No:	DA/1031/2021
Property:	LOT 18 DP 241037, LOT 19 DP 241037, 18-19 Ulandi Place, WINSTON HILLS NSW 2153
Proposal:	Demolition, tree removal and construction of a 112 place child care centre with basement carparking for 28 vehicles.
Date of receipt:	9 November 2021
Applicant:	ULANDI KIDS PTY LTD
Owner:	Mr M A Draybi
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	25
Recommendation:	Refusal
Assessment Officer:	Darren Wan

Legislative requirements

Environmental Planning Instruments	<ul style="list-style-type: none"> • SEPP (Educational Establishments and Child Care Facilities) 2017 • SEPP 55 – Remediation of Land • Parramatta Local Environmental Plan 2011
Zoning	R2 - Low Density Residential
Bushfire Prone Land	Yes
Heritage	No – However, within vicinity to many heritage items
Heritage Conservation Area	No
Integrated development	No
Clause 4.6 variation	No
Delegation	Parramatta Local Planning Panel (10+ submissions)

SITE HISTORY

09/11/2021	DA/1031/2021 lodged
19/11/2021 – 10/12/2021	DA Advertised

SITE DESCRIPTION AND CONDITIONS

The subject site comprises two separate allotments known as 18-19 Ulandi Plan, Winston Hills. The current property description is Lot 18 and Lot 19 DP 241037. The sites are regularly shaped and have a significant slope from the north-east corner down to the south-west corner of approximately 3 metres over a distance of 61 metres. The site is located within a cul-de-sac street.

Should the application have been recommended for approval, a condition of consent would have been imposed to ensure the lots were consolidated prior to the issue of a Construction Certificate. Henceforth, the subject site referred to in this report will describe the two lots as combined.

The subject site has the following area and dimensions:

Area – 1,813.5 square metres

Frontage – 37.64 metres

Rear – 37.66 metres

East – 47.555 metres

West – 48.805 metres

The site is zoned R2 Low Density Residential zone. The surrounding properties are also generally zoned R2 Low Density Residential. Directly to the south is Moxham Park, which is zoned part C2 Environmental Conservation and part C3 Environmental Management.

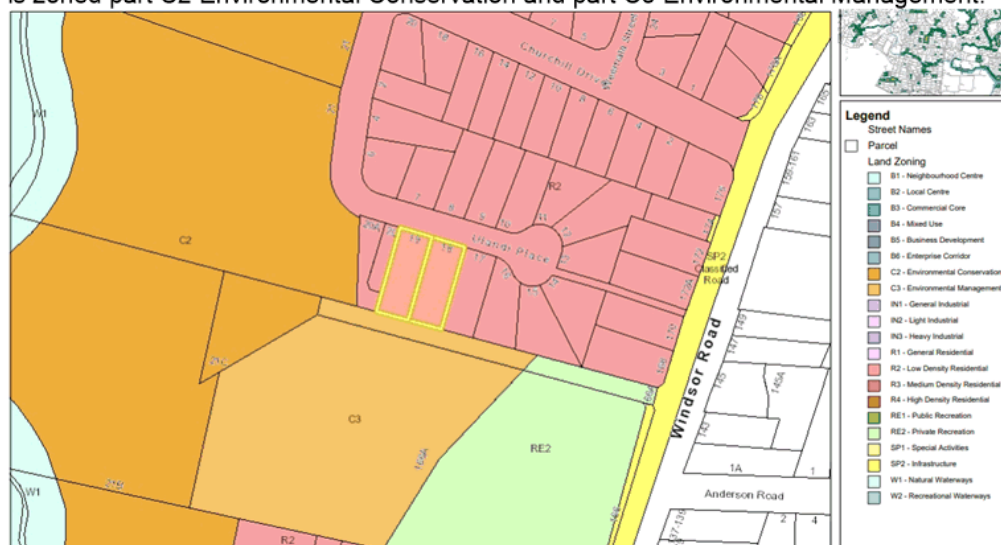


Figure 1: Zoning of the subject site and surrounds

The subject site currently accommodates two single storey dwelling houses. It is located within an established residential area characterised by single and double storey residential dwellings and dual occupancy developments. Adjoining the subject site to the south is Moxham Park, which is identified as an item of local heritage significance (I448). Within Moxham Park there are two other items of local heritage significance, including 'Former Moxham Quarry' (I752) and 'Road Structures' (I649). It is noted that heritage mapping indicates a separation between the boundary of the subject site, and the boundary of the heritage items by what appears to be a service road.

The subject site is also identified as being bushfire prone.



Figure 2: Aerial of the subject site and surrounds (nearmaps)



Figure 3: Subject site as seen from Ulandi Place (Google Streetview)

SECTION 4.15 EVALUATION

THE PROPOSAL

The proposed development includes the following components:

Works

- Demolition of all existing dwelling houses and ancillary structures;
- Removal of trees;
- Construction of a single storey Centre-Based Childcare Centre as follows:
 - **Basement:**
Parking for 28 vehicles, bike rack, bin storage, lift, and services;
 - **Ground Floor:**
Dual vehicular driveways, ramp from street level down to lobby, reception, lift, accessible bathroom, laundry, kitchen, staff room, indoor play area 0-2 years (39m²), cot room, indoor play area 2-3 years (127m²), indoor play area 3-5 years (191m²), combined outdoor play area 0-5 years (770m²);

Use

- Maximum capacity of 112 children with the following age breakdown:
 - 0-2 years – 12 places (minimum 3 staff required)
 - 2-3 years – 40 places (minimum 8 staff required)
 - 3-5 years – 60 places (minimum 6 staff required)
- The centre will be run by 17 staff
- The proposed hours of operation are to be 7:00am to 6:00pm, Monday to Friday.

PERMISSIBILITY

The site is zoned R2 Low Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are defined as a 'centre based childcare centre' which is permissible within the R2 Low Density Residential zone.

Zone Objectives

The proposed development is consistent with the aims and objectives of the R2 Low Density Residential zoning applying to the land as the proposed works:

- Enables other land uses that provide facilities or services to meet the day to day needs of residents; and
- Ensures non-residential land uses are located in a context and setting that minimises impacts on the amenity of low-density residential environment.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

- ☒ 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.

The existing dwellings are proposed to be demolished and had the application been approved, appropriate conditions would have been included to require any potential asbestos to be removed from the site by a suitably qualified person.

Therefore, in accordance with Clause 7 of the State Environmental Planning Policy No 55—Remediation of Land, the land is suitable for a centre based childcare facility.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is not subject to Clause 45 of the SEPP as the development does not propose any works within the vicinity of electricity infrastructure.

The application is not subject to Clause 101 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to Clause 102 of the SEPP as the site does not have frontage to a road with a daily traffic volume of more than 20,000 vehicles.

The application is not subject to Clause 104 of the SEPP as the site is not within 90m of the Windsor Road intersection.

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 application proposes the removal of non-native vegetation from the site and the replacement of native vegetation as part of the landscape plan. Conditions of consent requiring

sensitive construction methods used to protect adjacent vegetation would have been imposed had the application been recommended for approval.

STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

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

Development standard	Compliance
Clause 22 – Centre based Childcare Facility – Concurrence Does the floor area of the building or place comply with Regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations? Required – $112 \times 3.25\text{m}^2 = 364\text{m}^2$ Does the outdoor space requirements for the building or place comply with Regulation 108 of the Education and Care Services National Regulations? Required – $112 \times 7\text{m}^2 = 784\text{m}^2$	No - The proposal will provide 357m ² of indoor play space, and 770m ² of outdoor play space. The proposal therefore does not comply with the quantum of both indoor and outdoor play space.
Clause 23 – Matters for Consideration. Before determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i> , in relation to the proposed development.	Yes – The applicable provisions of the Child Care Planning Guideline have been considered and an assessment against the matters for consideration are provided in the table below.
Clause 25 – Non- Discretionary Development Standards a) Location b) Indoor or Outdoor space c) Site Area & Site Dimensions d) Colour of building materials or shade structures	Yes - The non-discretionary development standards subject of this clause including location, indoor and outdoor space in excess of the regulations, site area and dimensions, and building materials and finishes have been considered satisfactory during the assessment of the application.
Clause 26 – Centre-based childcare facility —development control plans (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for childcare services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based childcare facility contained in: i) the design principles set out in Part 2 of the Child Care Planning Guideline, or ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).	Yes - The provisions contained in the Parramatta Development Control Plan 2011 pertaining to this clause have not been applied when assessing the proposed development.

CHILDCARE PLANNING GUIDELINE 2017

The Guideline identifies issues that must be taken into consideration when assessing the proposal for a Childcare Centre. It also refers to the application of the *National Regulations for Childcare Centres*. The table below responds to each consideration raised in the Guideline. The assessment against the National Regulations is addressed in a separate table.

Provisions	Comment	Complies
Part 2 – Design Quality Principles		
Principle 1 – Context	<p>The subject site is generally considered to be an appropriate location for the proposed childcare centre for the following reasons:</p> <ul style="list-style-type: none"> • The site has adequate vehicular access via Ulandi Place. The site also provides pedestrian access from the designated car parking spaces to the building. • It is located within a low-density residential zone, however, only has residential uses adjoining on the side boundaries. • The site is within close proximity to public transport and employment and business nodes. Nearby bus services include the 604, 614X and 706, which provides connections between Parramatta, Blacktown and Dural. • Although the site is located within a cul-de-sac street, Council's Traffic Officers have not raised any safety concerns. • The proposal is also not within proximity to any intensive, offensive and hazardous land uses. The predominant land uses within the surrounding locality comprise residential uses. <p>However, it is noted that the subject site is identified as bushfire prone land. At the time of writing this report, a Bushfire Management Plan had not been provided, nor had adequate evacuation procedures been detailed in the Plan of Management.</p> <p>The proposal is therefore recommended for refusal accordingly.</p>	No
Principle 2 – Built Form	The proposed childcare centre is considered to have a built form that mimics that of a dwelling house, which is the predominant building typology within the locality.	Yes
Principle 3 – Adaptive Learning Spaces	The proposed childcare centre is considered to have outdoor play spaces that are well designed and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use.	Yes
Principles 4 – Sustainability	The design of the building is considered to be sustainable as the building form allows for cross ventilation, as well as acceptable solar access to the play areas.	Yes
Principle 5 – Landscape	<p>The application was referred to Council's Landscape Officer who has requested further details on the landscape plan before a comprehensive assessment could be conducted.</p> <p>The proposal is therefore recommended for refusal accordingly.</p>	No

Principle 6 – Amenity	<p>The proposal currently provides less play area than required for the proposed number of children, however the play areas will have access to sunlight, natural ventilation, outlook, storage, service areas, and accessible areas.</p> <p>Appropriate measures will also be undertaken to ensure minimisation of acoustic and visual privacy impacts to adjoining properties.</p>	No
Principle 7 – Safety	<p>The evacuation plan relies on an egress via a single access ramp for 112 children plus staff. The subject site is also identified as bushfire prone land. A detailed Bushfire Management Plan is required, including clarity on how the evacuation procedures will be implemented.</p> <p>The proposal is therefore recommended for refusal accordingly.</p>	No
Part 3 – Matters for Consideration		
<p>3.1 Site selection and location</p> <p><i>C1 Zone Considerations</i></p> <p><i>Objective: To ensure that appropriate zone considerations are assessed when selecting a site</i></p>	<p>Visual and Acoustic Privacy – acceptable</p> <p>In regard to visual privacy, the proposed development is not considered likely to create any overlooking impacts onto neighbouring properties as the childcare uses will be located at ground level. All play areas are oriented toward the middle of the site</p> <p>In regard to acoustic privacy, an Acoustic Report was submitted with the application. This report was reviewed by Council's Environmental Health Officer, who raised no objections, subject to conditions of consent.</p> <p>Setbacks – acceptable</p> <p>The subject site is zoned R2 Low Density Residential, therefore, the respective setback controls applicable are those for dwelling house.</p> <p><u>Front Setback – 5-9 metres or consistent with prevailing</u></p> <p>No – The southern side of Ulandi Place has an established and consistent front setback of approximately 7.2m. The proposal has a stepped building design where parts of the building will only have a 5m front setback. The length of the building that protrudes into the established 7.2m front setback extends for approximately 12.5m with a distance to the street boundary ranging between 5m and 6.8m and will be primarily solid brick construction with timber slats for articulation.</p> <p>Whilst the southern side of Ulandi Place only comprises 4 dwellings, the 7.2m street setback is established and quite clear. The proposed variance to this control is considered to adversely impact on the streetscape and is not supported.</p> <p><u>Side Setbacks – Minimum 2m</u></p> <p>Yes – the proposed building will have a 2m setback to both side boundaries.</p> <p><u>Rear Setback – Minimum 30% of the length of the site</u></p> <p>Yes – The rear boundary has a slight angle to it, and 30% of the length of the site ranges between 14.2m and 14.6m. The ground floor will have a setback to the rear boundary of between 14.4m and 14.7m and complies.</p>	

	<p>Traffic and Parking – acceptable.</p> <p>The number of parking spaces provided complies with the numerical requirements, and the application was also referred to Council's Traffic Officer, who raised no objections to the development subject to the imposition of conditions of consent.</p>
<p>3.1 Site selection and location</p> <p><i>C2 Site selection</i></p> <p><i>Objective: To ensure that the site selected for a proposed childcare facility is suitable for the use.</i></p>	<p>Compatible uses</p> <p>Contextually, existing developments in the surrounding area are detached residential dwellings. The proposed development is considered to be compatible.</p> <p>Environmental constraints – not acceptable</p> <p>The site is not affected by land slip, or flooding, but is identified as bushfire prone. A detailed Bushfire Management Plan is required, including clarity on how the evacuation procedures will be implemented.</p> <p>Contamination</p> <p>A review of Council's records does not indicate any contamination on the site that warrants additional assessment. The existing dwelling may contain asbestos and should be disposed of appropriately. Refer to 'SEPP 55 Remediation of Land' comments under 'Environmental Planning Instruments' section above.</p> <p>Site Characteristics</p> <p>The proposed childcare centre is considered to have a built form that mimics that of a dwelling house, which is the predominant building typology within the locality.</p> <p>Drop off areas</p> <p>The site provides 13 drop off spaces within the basement car park.</p> <p>Restricted Premises</p> <p>The site is not located in proximity to any restricted premises or places of incompatible social behaviour.</p>
<p>3.1 Site selection and location</p> <p><i>C3 Site location</i></p> <p><i>Objective: To ensure that sites for childcare facilities are appropriately located.</i></p>	<p>The site is within close proximity to public transport and employment and business nodes. Nearby bus services include the 604, 614X and 706, which provides connections between Parramatta, Blacktown and Dural.</p>
<p>3.1 Site selection and location</p> <p><i>C4 Avoidance of hazards</i></p> <p><i>Objective: To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards.</i></p>	<p>The site is not affected by land slip, or flooding, but is identified as bushfire prone. A detailed Bushfire Management Plan is required, including clarity on how the evacuation procedures will be implemented.</p>

<p>3.2 Local character, streetscape and the public domain interface</p> <p><i>C5 Compatible character and streetscape</i></p> <p><i>Objective: To ensure that a childcare facility is compatible with the local character and surrounding streetscape.</i></p>	<p>Design</p> <p>The proposed childcare centre is considered to have an acceptable built form. The proposed scale and building mass are proportional in relation to the size of the subject site and maintains even distribution of scale and form. However, as mentioned under Part 3.1, the proposal seeks a variation to the established front setback of Ulandi Place. This would create an adverse impact on the streetscape and is not supported.</p>
<p>3.2 Local character, streetscape and the public domain interface</p> <p><i>C6 Public and Private Spaces</i> <i>C7 Multiple Entries</i> <i>C8 Parks and open spaces</i></p> <p><i>Objective: To ensure clear delineation between the childcare facility and public spaces.</i></p>	<p>Play Space</p> <p>The childcare centre has clear delineations between the public and private domain with a separate pedestrian path and a separate vehicular access from Ulandi Place. The children play areas are located towards the rear portion of the site.</p> <p>Multiple Entries</p> <p>A pedestrian entry ramp to the childcare facility is proposed from Ulandi Place. The pedestrian entry is clearly delineated from the driveway through a change in materials and colours. The proposal also maintains two separate driveways to have separate vehicular entry and exit points.</p>
<p>3.2 Local character, streetscape and the public domain interface</p> <p><i>C9 Front Fencing</i></p> <p><i>C10 Fencing on Classified Roads</i></p>	<p>Front fencing</p> <p>A timber slat fence is proposed along the front boundary. It's noted that there are no other properties within Ulandi Place that has a front fence. Had the application been approved, a condition of consent would have been imposed to delete it. This would allow for the landscape area within the front setback to soften streetscape.</p> <p>Fencing on Classified Roads</p> <p>The site does not front a classified road.</p>
<p>3.3 Building orientation, envelope and design</p> <p><i>C11 Building Layout</i></p> <p><i>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</i></p>	<p>Solar Access</p> <p>The indoor and outdoor spaces will receive adequate solar access throughout the day due to the orientation of the site and comply. The U-shape of the building provides shade to the outdoor play areas in the middle of the site, and the outdoor play areas toward the rear of the site will have sunlight throughout the day.</p> <p>Cut and Fill</p> <p>There will be significant cut to accommodate the basement parking. Council's Stormwater Engineer has requested additional information regarding the stormwater discharge for the site, which could potentially alter the design of the basement.</p>
<p>3.3 Building orientation, envelope and design</p> <p><i>C12 Scale</i></p> <p><i>Objective: To respond that the scale of the childcare facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>	<p>The proposed childcare centre is considered to have a built form that mimics that of a dwelling house, which is the predominant building typology within the locality.</p> <p>The proposed scale and building mass are generally compliant with the building height and floor space ratio development standards, and setback controls, with exception of the front setback.</p>

<p>3.3 Building orientation, envelope and design</p> <p><i>C13 Front Setback</i> <i>C14 Rear Setback</i></p> <p><i>Objective: To respond that the scale of the childcare facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>	<p>The southern side of Ulandi Place has an established and consistent front setback of approximately 7.2m. The proposal has a stepped building design where parts of the building will only have a 5m front setback. The length of the building that protrudes into the established 7.2m front setback extends for approximately 12.5m with a distance to the street boundary ranging between 5m and 6.8m and will be primarily solid brick construction with timber slats for articulation.</p> <p>Whilst the southern side of Ulandi Place only comprises 4 dwellings, the 7.2m street setback is established and quite clear. The proposed variance to this control is considered to adversely impact on the streetscape and is not supported.</p>
<p>3.3 Building orientation, envelope and design</p> <p><i>C15 Built Form</i></p> <p><i>Objective: To ensure the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</i></p>	<p>The proposed childcare centre is considered to have an acceptable built form. The proposed scale and building mass are proportional in relation to the size of the subject site and maintain even distribution of scale and form to ensure that adequate character/scale elements are afforded to the streetscape.</p>
<p>3.3 Building orientation, envelope and design</p> <p><i>C16 Entry</i></p> <p><i>Objective: To ensure that the buildings are designed to create safe environments for all users.</i></p>	<p>Entry to the childcare centre provides for a separate pedestrian pathway and a single-entry door and a two-way vehicle entrance to the basement parking.</p>
<p>3.3 Building orientation, envelope and design</p> <p><i>C17 Accessibility</i> <i>Objective: To ensure that childcare facilities are designed to be accessible by all potential users.</i></p>	<p>The development provides an accessible visitor car space within the site and accessibility ramps from the street and internally.</p>
<p>3.4 Landscaping</p> <p><i>C18 Landscaping</i> <i>C19 Car park landscaping</i></p> <p><i>Objective: To provide landscape design that contributes to the streetscape and amenity.</i></p>	<p>The proposal will have landscaped areas that address Ulandi Place and is considered acceptable.</p>

<p>3.5 Visual and Acoustic Privacy</p> <p><i>C20 Balconies</i> <i>C21 Overlooking from public space</i> <i>C22 Overlooking onto adjoining developments</i> <i>C23 Acoustic privacy</i> <i>C24 Acoustic consultant</i></p> <p><i>Objective: To protect the privacy and security of children attending the facility.</i></p> <p><i>Objective: To minimise impacts on privacy of adjoining properties.</i></p> <p><i>Objective: To minimise the impact of childcare facilities on the acoustic privacy of neighbouring residential developments</i></p>	<p>Balconies Not applicable to centre-based childcare facilities.</p> <p>Overlooking from public space The play areas are located towards the middle and rear of the site and are screened by the building. The outdoor play area is setback from the side boundaries by screen planting and a acoustic barriers.</p> <p>Overlooking onto adjoining private space The proposal does not overlook into adjoining properties. Shade structures and screen planting is proposed to further minimise potential for overlooking.</p> <p>Acoustic privacy The proposal utilises a 1.8m high solid barrier along the western side boundary and a 2.2m high solid barrier along the eastern side boundary. The 2.2m high barrier will be setback from the boundary fence by 1m to avoid overbearing the neighbouring property.</p> <p>Acoustic Consultant The application was accompanied by an Acoustic Report. The report was referred to Council's Environmental Health Officer who raised no objections, subject to conditions of consent.</p>
<p>3.6 Noise and air pollution</p> <p><i>C25 Noise attenuation measures from centre</i> <i>C26 Noise attenuation from external sources</i> <i>C27 Air pollution</i> <i>C28 Air quality report</i></p> <p><i>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</i></p> <p><i>Objective: To ensure air quality is acceptable where childcare facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i></p>	<p>Noise attenuation measures from centre The proposal utilises a 1.8m high solid barrier along the western side boundary and a 2.2m high solid barrier along the eastern side boundary. The 2.2m high barrier will be setback from the boundary fence by 1m to avoid overbearing the neighbouring property.</p> <p>Noise attenuation from external sources The centre is not located nearby a noise source that requires attenuation of external noise sources</p> <p>Air Pollution The site is not located nearby to any polluting sources such as industrial activities or major roads.</p> <p>Air Quality Report Not required</p>

Part 4 – Applying the National Regulations to Development Proposals (Checklist)		
Controls	Proposed	Compliance
4.1 Indoor space requirements		
Regulation 107 Every child being educated and cared for within a facility must have a minimum of 3.25m ² of unencumbered indoor space.	Required – 364m ² Provided – 357m ²	No
Verandas' as indoor space For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather.	The application does not rely on verandahs as indoor space.	N/A

<p>Storage Storage areas including joinery units are not to be included in the calculation of indoor space.</p> <p>It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space • a minimum of 0.2m³ per child of internal storage space. 	<p>Required External Storage – 33.6m³</p> <p>Provided External Storage – 33.6m³</p> <p>Required Internal Storage – 22.4m³</p> <p>Provided Internal Storage – 26m³</p>	<p>Yes</p>
4.2 Laundry and hygiene facilities		
<p>Regulation 106 There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen</p>	<p>A laundry room is provided. This room is contained so as not to pose a risk to children.</p>	<p>Yes</p>
4.3 Toilet and hygiene facilities		
<p>Regulation 109 A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	<p>Satisfactory toilet and hygiene facilities have been provided for use by children attending the CCC.</p>	<p>Yes</p>
4.4 Ventilation and natural light		
<p>Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p>	<p>Each room to be utilised by the children has access to an external opening to provide the required ventilation and natural light</p>	<p>Yes</p>
4.5 Administrative space		
<p>Regulation 111 A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>The CCC is provided with a staff room, office and a reception area.</p>	<p>Yes</p>
4.6 Nappy change facilities		
<p>Regulation 112 Childcare facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p>	<p>As the CCC will accommodate children that wear nappies, nappy change facilities are provided in all children's bathrooms.</p>	<p>Yes</p>
4.7 Premises designed to facilitate supervision		
<p>Regulation 115 A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p>	<p>The open floor plan of the CCC facilitates supervision by staff at all times. Similarly, due to the design of the external play areas and the openings of the CCC, supervision is ensured from within the facility and from the external play areas.</p>	<p>Yes</p>

4.8 Emergency and evacuation procedures		
<p>Regulations 97 and 168</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	<p>The evacuation of the building relies upon the single ramp through the reception area, onto Ulandi Place. The Plan of Management does not adequately detail how the evacuation of 112 children would be achieved in a timely manner. The Evacuation Plan also does not include reference to the Bushfire Prone nature of the subject site.</p>	No
4.9 Outdoor space requirements		
<p>Regulation 108</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7m² of unencumbered outdoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p>	<p>Required – 784m² Provided – 770m²</p>	No
4.10 Natural environment		
<p>Regulation 113</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.</p>	<p>The development provides an outdoor play space that is well integrated with the proposed building and would provide diversity in function and use, age appropriateness and amenity.</p>	Yes
4.11 Shade		
<p>Regulation 114</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>The proposal provides for satisfactory shaded areas around the CCC. The shade structure allows for monitoring of the children from within the CCC.</p> <p>The proposal provides solar access to at least 30% of the ground area.</p> <p>The shaded areas are evenly distributed throughout the CCC.</p>	Yes
4.12 Fencing		
<p>Regulation 104</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	<p>The outdoor play area is enclosed by a minimum of 1.8m boundary fencing.</p>	Yes

4.13 Soil Assessment		
Regulation 25 Education and Care Services National Regulations Subclause (d) of regulation 2 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required: <ul style="list-style-type: none"> • A soil assessment for the site of the proposed education and care services premises; • If a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken; and • A statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	A review of Council's records indicates that the site does not contain potential for contamination and was deemed to be satisfactory. Refer to 'SEPP 55 Remediation of Land' comments above.	Yes

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

Development standard	Compliance
Minimum lot size	N/A – No subdivision proposed.
Height of Buildings Allowable = 9m Proposed = 3.7m	Yes
Floor Space Ratio – 0.5:1 Allowable = 906.75m ² Proposed = 532.3m ²	Yes
Development on land intended to be acquired for public purposes	The proposal is not identified on the map.
Architectural roof features	An architectural roof feature is not proposed.
Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Heritage Conservation	Yes – the subject site is not identified as being a heritage item, nor is it located within land identified as a heritage conservation area. There are items of local significance within vicinity of the subject site, however none of which directly adjoin the site boundaries. It is noted that the items are not built forms, but rather natural heritage items. With respect to the single storey nature of the development, it is considered to satisfy the requirements of Clause 5.10.
Aboriginal Places of Heritage significance	Yes – The subject site is identified as having low sensitivity to Aboriginal Places of Heritage Significance. Accordingly, it is considered unlikely that the proposal would impact upon any Aboriginal Places of Heritage Significance.
Acid sulphate soils	An Acid Sulphate Soils Management plan is not required to be prepared.

Earthworks	There will be significant cut to accommodate the basement parking. Council's Stormwater Engineer has requested additional information regarding the stormwater discharge for the site, which could potentially alter the design of the basement.
Flood planning	The site is not identified by council as being flood prone.
Biodiversity protection	The site is not identified on this map.
Water protection	The site is not identified on this map.
Development on landslide risk land	The site is not identified on this map.
Affected by a Foreshore Building Line	The site is not located in the foreshore area.
Bushfire Hazard Reduction	N/A - The site is identified as being bushfire prone. However, Clause 5.11 only relates to bushfire reduction work which is not relevant to this proposal.
Exceptions to development standards	N/A

DRAFT LOCAL ENVIRONMENTAL PLAN 2020

Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 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 Section 4.15(1)(a)(ii) of the *Environmental Planning & Assessment Act 1979*, the LEP is neither imminent or certain and therefore limited weight has been placed on it.

LEP	ZONE	HEIGHT	FSR
LEP 2011	R2	9m	0.5:1
DLEP 2020	R2	9m	0.5:1

Notwithstanding, the draft LEP will have no changes to the primary development standards applicable to the subject site.

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

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

Control	Compliance
Building Setbacks The childcare centre shall comply with the minimum street and side setback and building envelope controls for the respective Residential zones. Side setback is to be a minimum 2m.	<p>The subject site is zoned R2 Low Density Residential, therefore, the respective setback controls applicable are those for a dual occupancy.</p> <p><u>Front Setback – 5-9 metres or consistent with prevailing</u> No – The southern side of Ulandi Place has an established and consistent front setback of approximately 7.2m. The proposal has a stepped building design where parts of the building will only have a 5m front setback. The length of the building that protrudes into the established 7.2m front setback extends for approximately 12.5m with a distance to the street boundary ranging between 5m and 6.8m and will be primarily solid brick construction with timber slats for articulation.</p> <p>Whilst the southern side of Ulandi Place only comprises 4 dwellings, the 7.2m street setback is established and quite clear. The proposed variance to this control is considered to adversely impact on the streetscape and is not supported.</p> <p><u>Side Setbacks – Minimum 2m</u> Yes – the proposed building will have a 2m setback to both side boundaries.</p> <p><u>Rear Setback – Minimum 30% of the length of the site</u> Yes – The rear boundary has a slight angle to it, and 30% of the length of the site ranges between 14.2m and 14.6m. The ground floor will have a setback to the rear boundary of between 14.4m and 14.7m and complies.</p>
Access and Parking 1 Parking Space per every 4 childcare places 1 Bicycle Space per every 25 childcare places	<p>Yes – With 112 childcare places proposed, 28 total parking spaces, and 4 bicycles spaces are required.</p> <p>Council's Traffic and Transport Engineer has reviewed the application and raised no objection to the development.</p>
Acoustic and Visual Privacy	<p>Yes – In regard to visual privacy, the proposed development is not considered likely to create any overlooking impacts onto neighbouring properties as the childcare uses will be located at ground level. All play areas are oriented toward the middle of the site</p> <p>In regard to acoustic privacy, an Acoustic Report was submitted with the application. This report was reviewed by Council's Environmental Health Officer, who raised no objections, subject to conditions of consent.</p>

Indoor Areas	<p>Yes – all indoor areas of the childcare centre would provide the following:</p> <ul style="list-style-type: none"> • Appropriate pedestrian access and circulation; • Convenient access from indoor to outdoor spaces; • Safety and security within the childcare centre in relation to OH&S for children, staff and visitors; • External security, with significant passive surveillance of incoming/outgoing patrons; • Clear and unobstructed lines of sight to all areas; • Provision of food preparation and storage areas commensurate with the preparation of safe food; • Acceptable natural light for play areas and appropriate external shading of windows; • Natural cross ventilation through the appropriate placement of openings; • Appropriate waste storage areas; • Non-slip floors that are easy to clean; and • A storeroom/cupboard in each playroom.
Outdoor Areas	<p>Yes – the outdoor play area of the childcare centre will provide the following:</p> <ul style="list-style-type: none"> • Separated by a fence from the main entrance of the childcare centre, car parking areas or vehicle circulation areas; • Integrated with the indoor area, with direct and easy access; • Will have direct line of site from other areas of the childcare centre; • Located away from existing and potential noise and environmental pollution sources. configured so that they can be closed off and used only under supervision for controlled activities; • Located in a residential environment and is not considered to be at risk from potential noise and environmental pollution sources; • Inaccessible from public areas outside the Child Care Centre; • Adequately fenced on all sides; and • Internal and external storage areas.
Transition Areas	N/A – There is no area designated to be a transition area.
Fencing	Yes – Appropriate fencing is provided around the site with child-proof fencing to ensure the safety of the children without obstructing sight lines between pedestrians or vehicles.
Stormwater Drainage	No – The development was referred to Council's Development Engineer who requested additional information.
Waste Management	Yes – The Waste Management Plan was reviewed by Council's environmental Health Officer, who raised no objections, subject to conditions of consent.

REFERRALS

Internal Referrals	Comment
Development Engineer	Not supported, additional information requested.
Landscape	Not supported, additional information requested.
Traffic and Transport	Supported subject to conditions.
Open Space & Natural Areas	Supported subject to conditions.
Waste	Supported subject to conditions.
Food Premises	Supported subject to conditions.
Acoustic	Supported subject to conditions.
Contamination	Supported subject to conditions.
External Referrals	Comments
Rural Fire Service	<p>As the proposed use of the subject site is a Child Care Centre, it is considered to be a 'Special Fire Protection Purpose' under Clause 100B of the <i>Rural Fires Act 1997</i>.</p> <p>Accordingly, the application should be Integrated Development under Division 4.8 of the <i>EP&A Act 1979</i>. At the time of writing this report, no Bushfire Management Plan had been received from the applicant, so no comment has been sought from RFS as yet.</p>

PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures contained within Appendix 5 of DCP 2011. In response, 25 unique submissions were received. The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition.

Issue	Response
Traffic/Parking/Safety/non-compliance with AS and BCA/Cul-de-sac street	<p>Submissions that raised Traffic/Parking as a concern, included a report commissioned by a neighbour. The concerns raised in the submissions, including the report, comprise the following:</p> <ul style="list-style-type: none"> Concerns with swept paths at the corner of the street outside 6 Ulandi Place; Removal of on-street parking to improve access into the site; Accuracy of Traffic Modelling; Delays at the intersection of Windsor Road/Churchill Drive; Increase in overall traffic; Safety of the intersection of Ulandi Place/Churchill Drive; Concerns with car park layout; Increased pedestrian movements on Ulandi Place; and Concerns with site servicing. <p>The commissioned report was reviewed by Council's Traffic Management Officer, who also reviewed the traffic report submitted by the applicant. In conclusion, the Officer advised that <i>"Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds subject to traffic related conditions."</i> Accordingly, they raised no objections to the proposal, subject to conditions of consent.</p>

Regulatory Compliance: – Building Height; – Setbacks; – Fencing;	<p>The proposed built form is generally compliant with the applicable building height, FSR, setback controls, with the exception of the front setback.</p> <p>The front setback variance is not supported and is raised as a reason for refusal accordingly.</p>
Stormwater	<p>Council's Stormwater Engineer has requested additional information to address outstanding stormwater drainage issues.</p> <p>This has been raised as a reason for refusal.</p>
Tree Removal /Fauna Impacts /Venomous Snakes	<p>The application was referred to Council's Open Space and Natural Areas Officer who was satisfied that the proposed development was not likely to significantly impact threatened species, ecological communities or their habitats and no ecological constraints were applicable that warranted further investigation. No objections were raised to the development, subject to the imposition of conditions of consent.</p>
Amenity: – Visual Privacy; – Noise Impacts; – View loss	<p>In regard to visual privacy, the proposed development is not considered likely to create any overlooking impacts onto neighbouring properties as the childcare centre is single storey. For the same reason, the proposal is not considered to impact on any existing views of the bushland to the rear.</p> <p>Submissions that raised noise Impacts as a concern, included a report commissioned by a neighbour. The concerns raised in the submissions, including the report, comprise the following:</p> <ul style="list-style-type: none"> • Non-compliant assessment procedure for traffic noise generation on Ulandi Place due to the additional traffic from the proposed development; • The absence of any noise impact assessment conducted for deliveries and loading/unloading activities, together with any typical mitigation measures provided; and • The likely instance that the designated passive play area will emit noise characteristic of an active play area and hence has not considered correctly with the plan of management or noise management plan. <p>The commissioned report was reviewed by Council's Environmental Health Officer, who also reviewed the traffic report submitted by the applicant. In conclusion, the Officer raised no objections to the proposal, subject to conditions of consent.</p>
Proposal is Prohibited in the R2 Zone/Developer seeking commercial use for profit	<p>Although the proposed development is commercial by nature, it is defined as a Centre-Based Child Care Facility, which is permitted with consent within the R2 Low Density Residential zone under Parramatta LEP 2011.</p> <p>Whether or not the development is for profit is not a matter for consideration under S4.15 of the EP&A Act.</p>

Bushfire	<p>As the proposed use of the subject site is a Child Care Centre, it is considered to be a 'Special Fire Protection Purpose' under Clause 100B of the <i>Rural Fires Act 1997</i>.</p> <p>Accordingly, the application should be Integrated Development under Division 4.8 of the <i>EP&A Act 1979</i>. At the time of writing this report, no Bushfire Management Plan had been received from the applicant, so no comment has been sought from RFS as yet.</p> <p>This has been raised as a reason for refusal.</p>
Local Need/over supply of Child Care Centres	<p>Concern has been raised in regard to the local need of a child care centre on the subject site as there are many other child care centres within close proximity of the subject site.</p> <p>Whilst it is acknowledged that there are existing centres located nearby, the proposed use is permitted with consent within the R2 zone. In accordance with Clause 25(2)(a), there is no requirement for the proposed use to be located any distance from these existing centres.</p>
Does not Comply with DCP Requirements	<p>Many submissions raised concern that the development had many non-compliances with Parramatta DCP 2011.</p> <p>In accordance with Clause 26 of <i>SEPP (Educational Establishments and Child Care Facilities) 2007</i>, the provisions of Parramatta DCP 2011 are not applicable, with the exception of controls relating to building height, side and rear setbacks and car parking rates.</p>
Evacuation Procedures	<p>Concern was raised that the evacuation of the subject site was unsafe as it requires all children and staff to use a single ramp in and out of the building.</p> <p>Council agrees with this concern and additional detail on how evacuation procedures will be handled is required.</p> <p>This has been raised as a reason for refusal.</p>
Overshadowing/Shade structure overhand boundaries	<p>By virtue of the north-south orientation of the site, and the single storey design of the development, the proposal is not considered to have any solar impacts on neighbouring properties.</p> <p>On Plan No.18, it indicates shade structures overhanging the side boundaries. Whilst this appears to be a tree canopy, had the application been recommended for approval, a condition of consent would have required the deletion of the overhanging structures.</p>
Excavation	<p>The proposal requires excavation works to accommodate the proposed basement parking. A Geotechnical Report has been provided by the applicant; however Council's Stormwater Engineer has requested additional information on the stormwater discharge for the site, which may require an amendment to the basement design.</p> <p>Nevertheless, had the application been recommended for approval, a Dilapidation Survey Report for all private properties adjoining the site would have been conditioned to be prepared to protect neighbouring assets.</p>
Decline of surrounding property values	<p>Property values of surrounding sites is not a matter for consideration under s4.15 of the <i>EP&A Act 1979</i>.</p>

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

COVID-19 STATEMENT

Council's Crisis Management Team suspended all Conciliation Meetings from 25 March 2020, for the foreseeable future, due to COVID19 and maintaining social distancing requirements. Therefore, a conciliation meeting in accordance with Council's resolution was not required to held for this application.

OTHER MATTERS

Design Excellence Advisory Panel

The application was originally to be presented to DEAP on 20th January 2022. However, due to the timeframes presented by the Land and Environment Court appeal, the item was removed from the agenda.

DEVELOPMENT CONTRIBUTIONS

Had the application been recommended for approval, a standard condition of consent would have been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

BONDS

In accordance with Council's Schedule of Fees and Charges, had the application been recommended for approval, the developer would have been obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

EP&A REGULATION 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, had the application been recommended for approval.

CONCLUSION

Refusal

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal *is not* suitable for the site and *is not* in the public interest. Therefore, it is recommended that the application be *refused*.

RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

(a) That Parramatta Local Planning Panel **refuse** DA/1031/2021 for the following reasons.

1. State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017

a. The proposed development is inconsistent with the following Design Quality Principles prescribed under the Child Care Planning Guideline 2017:

- Principle 1 – Context;
- Principle 5 – Landscape;
- Principle 6 – Amenity
- Principle 7 – Safety;
- Part 3.1 – Site selection and location;
- Part 3.2 – Local Character, streetscape and the public domain interface;
- Part 3.3 Building orientation, envelope, building design and accessibility

b. The proposed development is inconsistent with the following clauses under the Education and Care Services National Regulations:

- Regulation 97 & 168 – Emergency Evacuation;
- Regulation 107 – Unencumbered Indoor Play Space; and
- Regulation 108 – Unencumbered Outdoor Play Space.

2. Parramatta Development Control Plan 2011

a. The proposed development is inconsistent with the following provisions of Parramatta Development Control Plan 2011:

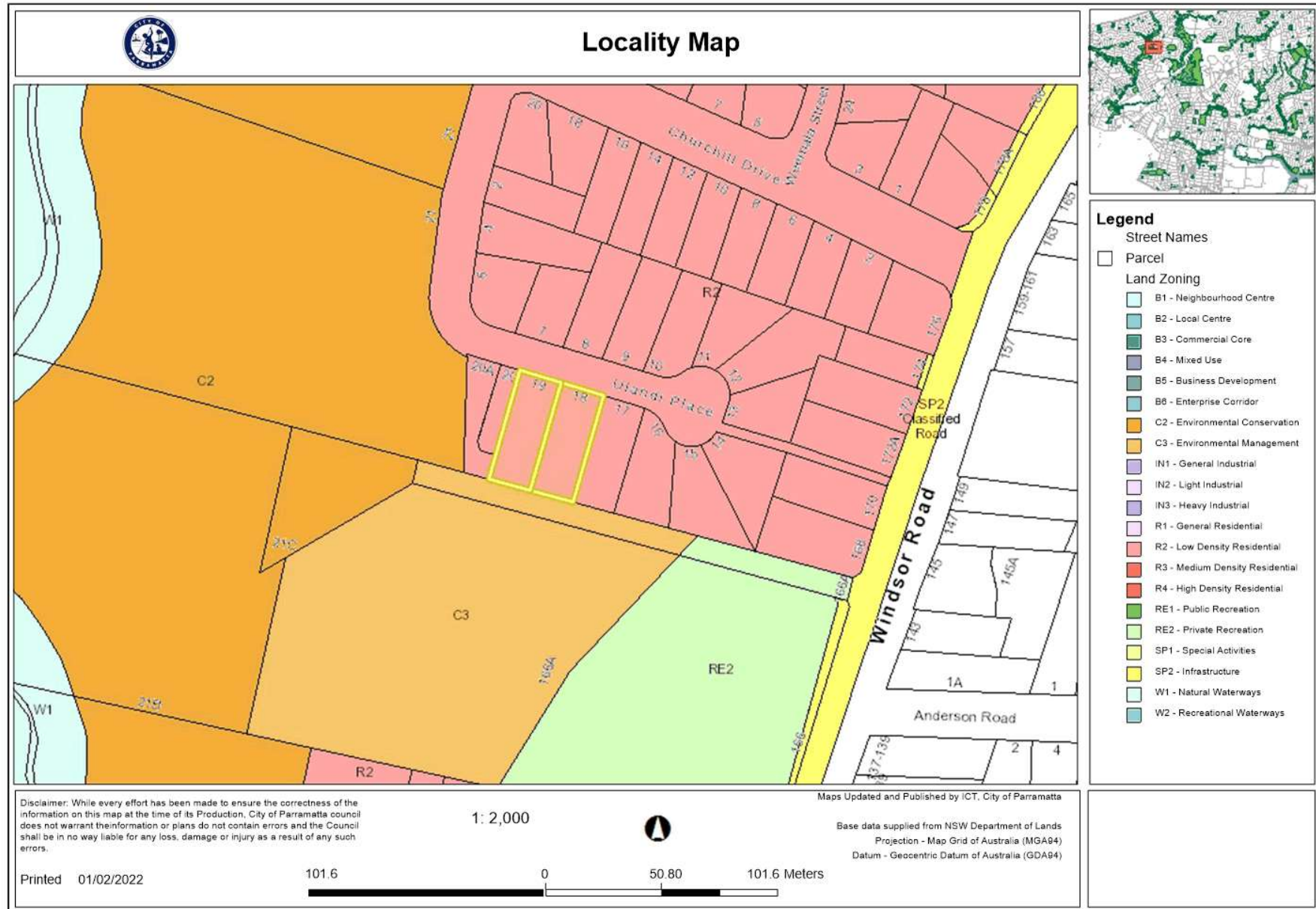
- Part 3.1.3 – Preliminary Building Envelopes – Front Setback
- Part 3.3.6.1 – Water Sensitive Urban Design

3. Environmental Planning and Assessment Act 1979

a. As highlighted above, the proposal has non-compliances with *SEPP (Educational Establishments and Child Care Facilities) 2017*, and *Parramatta DCP 2011*. Accordingly, the proposal fails to satisfy the matters of consideration prescribed under s4.15(1)(a)(i) and (iii) of the *EP&A Act 1979*.

b. As the proposed development inconsistent with critical provisions of child care centres required to ensure amenity of the children, staff and the surrounding locality, the proposal is not considered to be in the public interest and also fails to satisfy s4.15(1)(b), (d), and (e) of the *EP&A Act 1979*.

(b) **Further**, that submitters are advised of the Panel's decision.



20091

The image contains two architectural renderings of a proposed single-story house. The top rendering is a side view of the house, showing a dark brown fence in the foreground, a concrete driveway, and a large white garage door. The house has a dark brown brick exterior and a light-colored roof. The bottom rendering is a front view of the house, showing a dark brown fence in the foreground, a concrete driveway, and a large white garage door. The house has a dark brown brick exterior and a light-colored roof. The address '18-19' is visible on the front of the house in both renderings.

[illegible]

FOR DA APPROVAL

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**PROPOSED CHILD CARE FACILITY
18-19 BLANDE PLACE, WINSTON HILLS**

COVER PAGE

PROJECT NUMBER	DRAWING NUMBER	DATE	REVISION
20091	00	24/10/2021	A
	SCALE: 1:1	DRAWN BY	CHECKED BY
	GA		CE

This drawing is copyright and the property of B&B Design. Large scale drawings and smaller drawings from professional CAD software may not scale from drawings of dimensions in the field or on the before commencing work. All dimensions to be rounded off to the nearest of the value.

PROPOSED CHILD CARE FACILITY

20091

18-19 BLANDI PLACE, WINSTON HILLS
LOT / SECTION / PLAN NO: 18-19 / DP241037 / CITY OF PARRAMATTA COUNCIL

COMPLIANCE TABLE

ITEM	PROPOSED	STANDARD	COMPLIANCE
A SITE AREA	1808.4 m ² (BY DP) / 1813.5 m ² (BY CALCULATION)	-	-
B SETBACK			
	FRONT 6 m	6 m	YES
	REAR 14.265 m	-	YES
	SIDE 2 m	-	YES
C GROSS FLOOR AREA			
	BASEMENT 1025.5 m ²	-	-
	GROUND 823 m ²	-	-
	TOTAL GROSS FLOOR AREA 1848.5 m ²	-	YES
D FSR	0.29:1	0.5:1	YES
E HEIGHT	5.7 m	9 m	YES
F LANDSCAPE AREA	999m ² / 50%	-	YES
G DEEP SOIL	427m ² / 24%	-	-
H CHILDCARE			
	NUMBER OF CHILDREN		
	0-2 YEARS 12 KIDS	-	YES
	2-3 YEARS 40 KIDS	-	YES
	3-5 YEARS 60 KIDS	-	YES
	TOTAL NO. 112 KIDS	-	YES
	NUMBER OF TEACHERS		
	0-2 YEARS 3 TEACHERS	1.4 KIDS	YES
	2-3 YEARS 8 TEACHERS	1.5 KIDS	YES
	3-5 YEARS 6 TEACHERS	1.10 KIDS	YES
	TOTAL NO. 17 TEACHERS	-	YES
	INDOOR PLAY AREA		
	0-2 YEARS 39 m ²	3.25 m ² / KID	YES
	2-3 YEARS 130 m ²	3.25 m ² / KID	YES
	3-5 YEARS 195 m ²	3.25 m ² / KID	YES
	TOTAL AREA 364 m ²	3.25 m ² / KID	YES
	OUTDOOR PLAY AREA		
	TOTAL AREA 786 m ²	7 m ² / KID	YES
I CAR PARKING			
	SHARED 1 SPACE	-	-
	DISABLED 1 SPACE	-	-
	VISITOR SPACES 13 SPACES	-	-
	STAFF SPACES 14 SPACES	-	-
	TOTAL CAR SPACES 28 SPACES	-	YES
J WASTE MANAGEMENT			
	TOTAL BIN 6 @ 860 LITRES	-	YES

DRAWING LIST

SHEET NUMBER SHEET NAME

00	COVER PAGE
01	COMPLIANCE TABLE
02	DEMOLITION PLAN
03	SITE ANALYSIS PLAN
04	SITE CONTEXT PLAN
05	SITE PLAN
06	BASEMENT PLAN
07	GROUND FLOOR PLAN
08	ELEVATIONS
09	ELEVATIONS
10	SECTIONS
11	ADDITIONAL SECTIONS
12	CALLOUT ELEVATIONS

DRAWING LIST

SHEET NUMBER SHEET NAME

13	3D VIEWS
14	LAUNDRY + KITCHEN DETAILS
15	TYPICAL NAPPY CHANGE DETAIL
16	BOTTLE PREP DETAIL
17	WINTER SHADOW DIAGRAMS
18	SOLAR STUDY
19	CALCULATION PLAN
20	EVACUATION PLAN
21	INDOOR PLAY AREA DIAGRAMS
22	INDOOR PLAY AREA DIAGRAMS
23	OUTDOOR PLAY AREA CALC.
24	SCHEDULE OF FINISHES
25	NOTIFICATION PLAN

INDOOR & OUTDOOR STORAGE			
AGE	TOTAL KIDS	PROPOSED STORE	STANDARD (2-200 indoor per 100 2-200 outdoor per 100)
0-2	12	3.6 m ²	2.4 m ²
2-3	40	8 m ²	8 m ²
3-5	60	14.58 m ²	12 m ²
OUTDOOR	112	26.18 m ²	22.4 m ²

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1	DEVELOPMENT APPLICATION	20/10/2021	JB

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PROPOSED CHILD CARE FACILITY
18-19 BLANDI PLACE, WINSTON HILLS

PROJECT NO: 20091

DATE: 26/10/2021

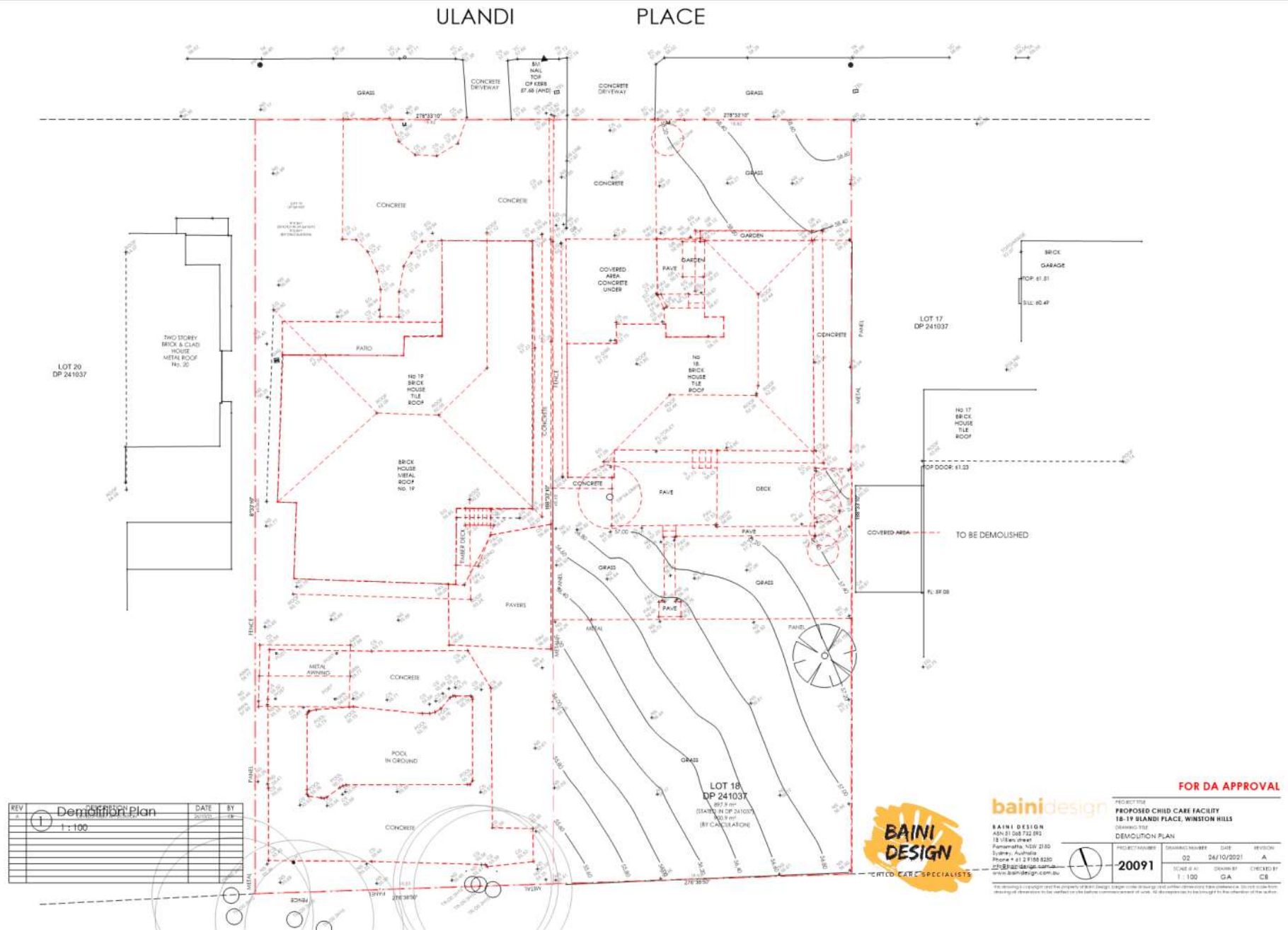
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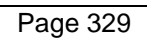
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LAND ZONING

	R2
	E2
	E3
	RE2
	R3
	BUS STOP

REV	DESCRIPTION	DATE	BY
1	REVISIONS	20/10/2021	18



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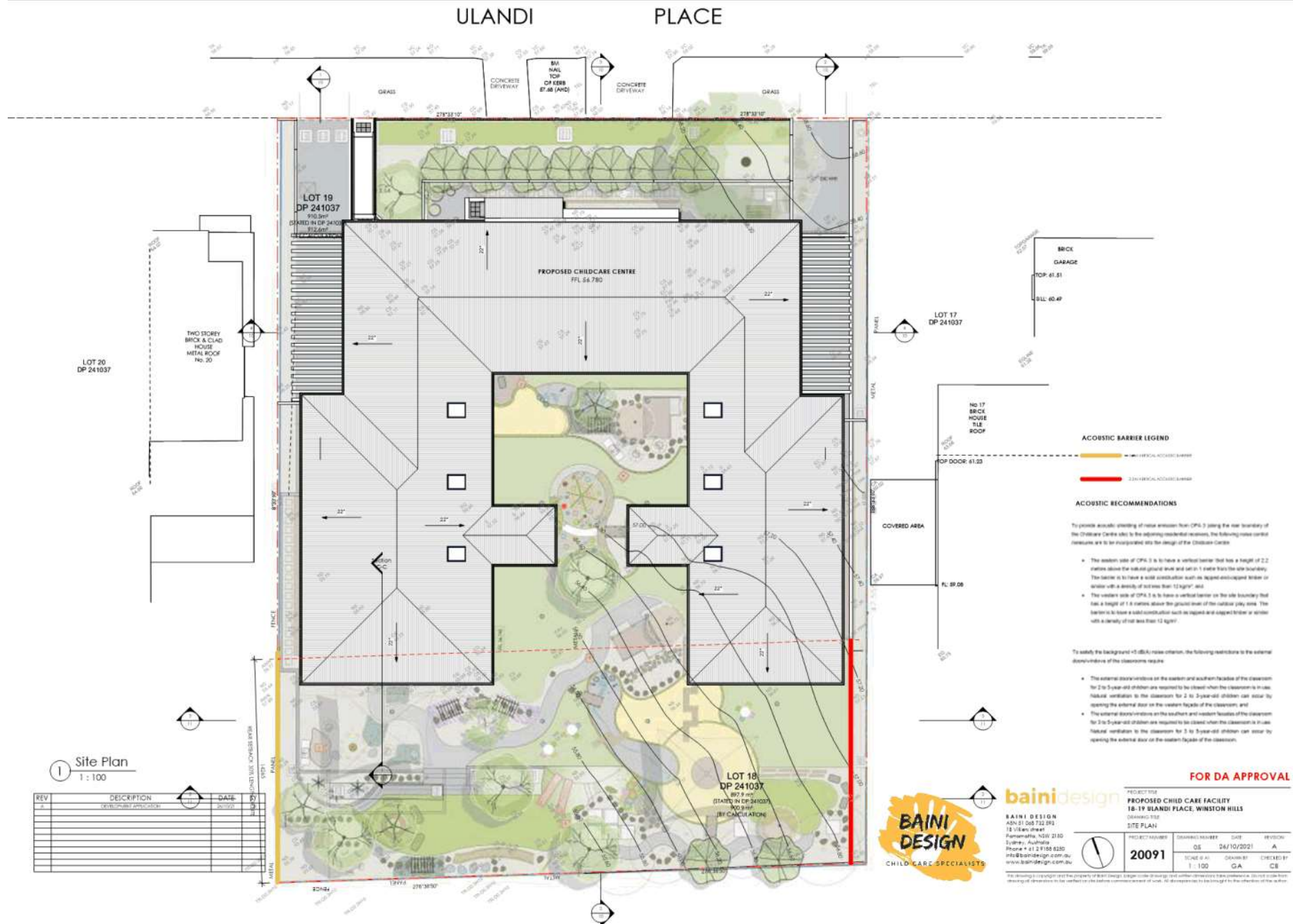
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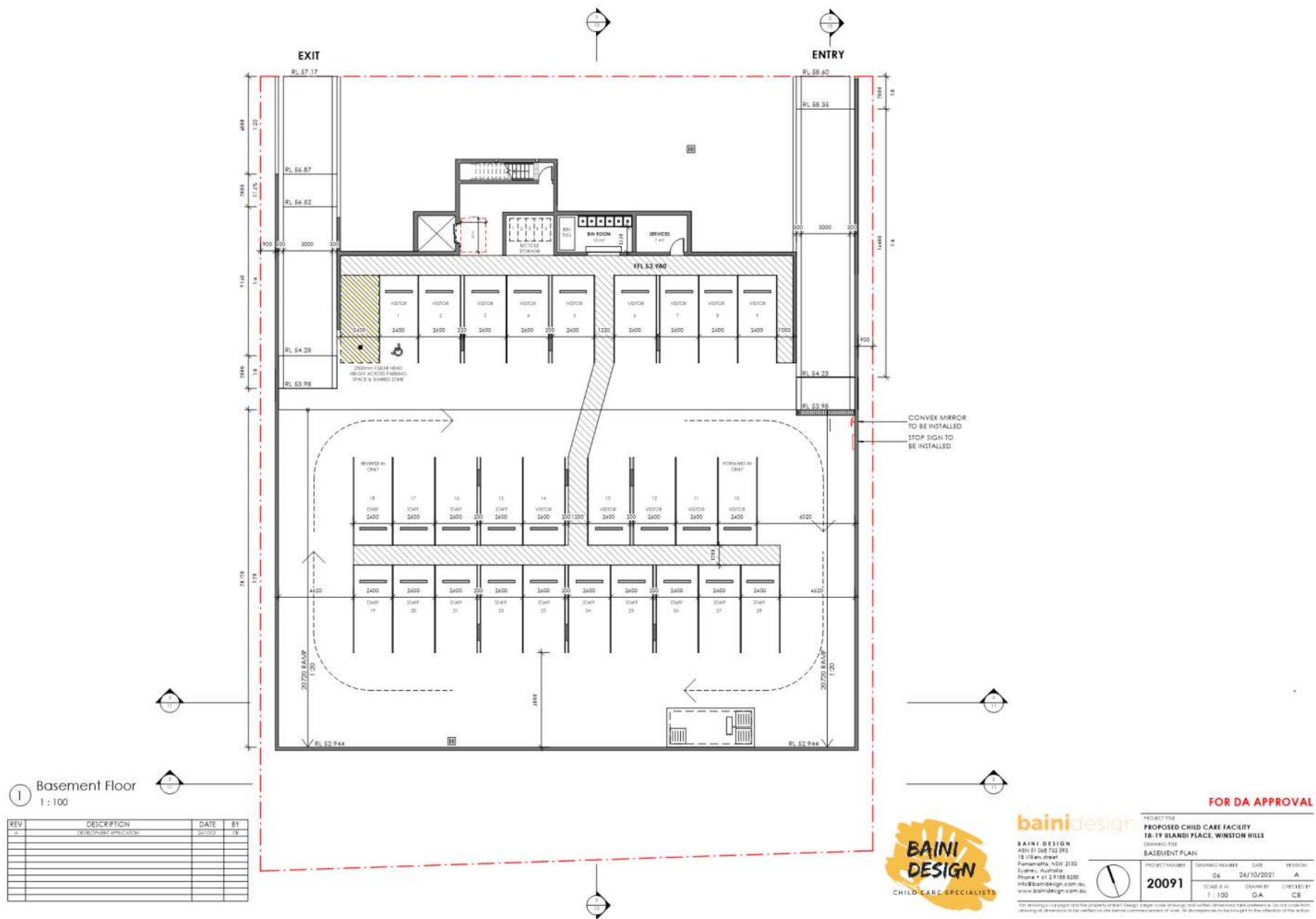
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18-19 BLAND PLACE, WINSTON HILLS

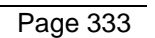
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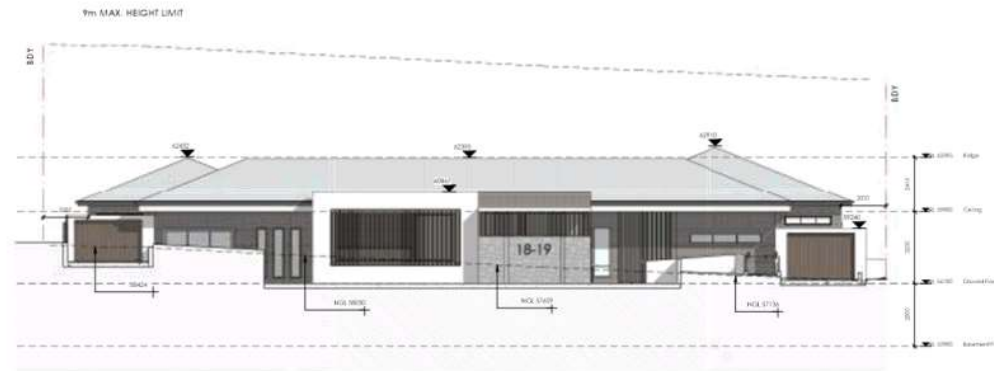
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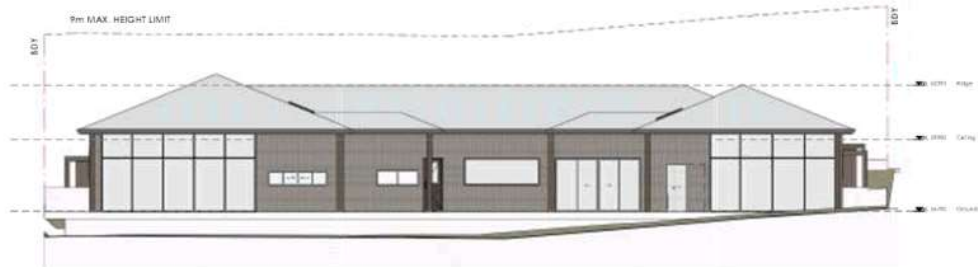








③ North Elevation
1 : 100



② South Elevation
1 : 100

REV	DESCRIPTION	DATE	BY
1	DEVELOPMENT APPLICATION	26/10/2021	JB



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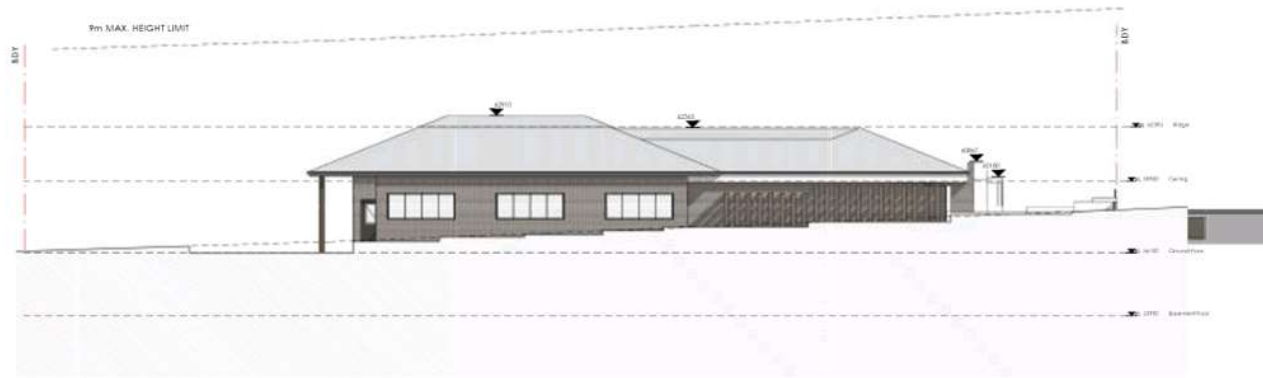
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PROJECT TITLE
 PROPOSED CHILD CARE FACILITY
 18-19 BLANDI PLACE, WINSTON HILLS

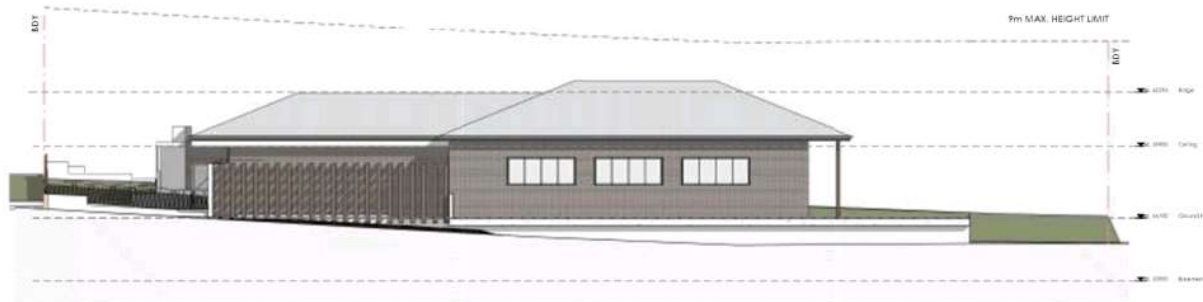
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 ELEVATIONS

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① East Elevation
1:100



② West Elevation
1:100

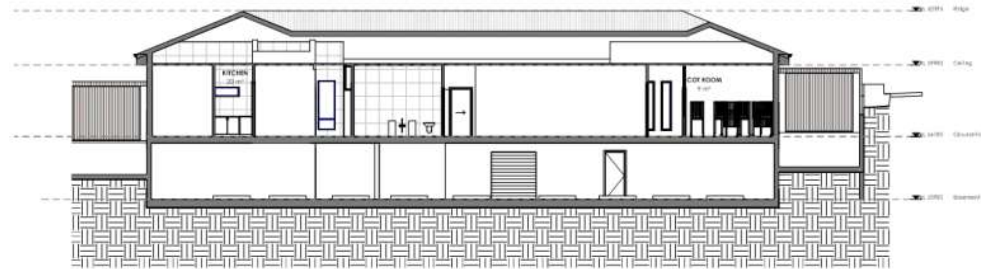
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1	DEVELOPMENT APPLICATION	26/10/2021	JB



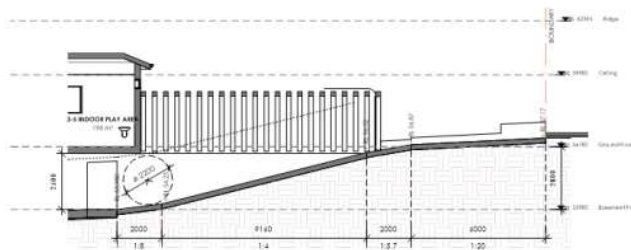
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DRAWING TITLE			
ELEVATIONS			
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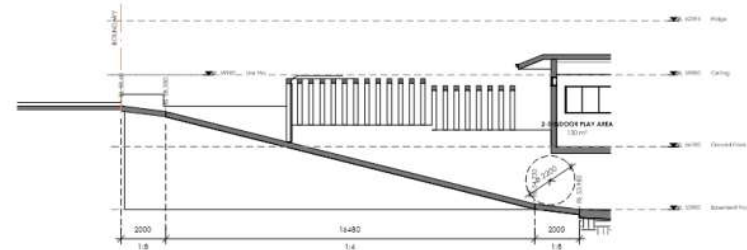
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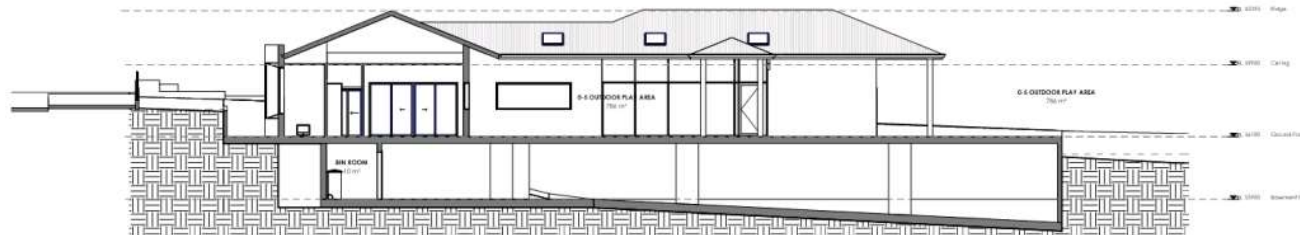
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1 Exit Ramp
1:100



2 Entry Ramp
1:100



3 Section B-B
1:100

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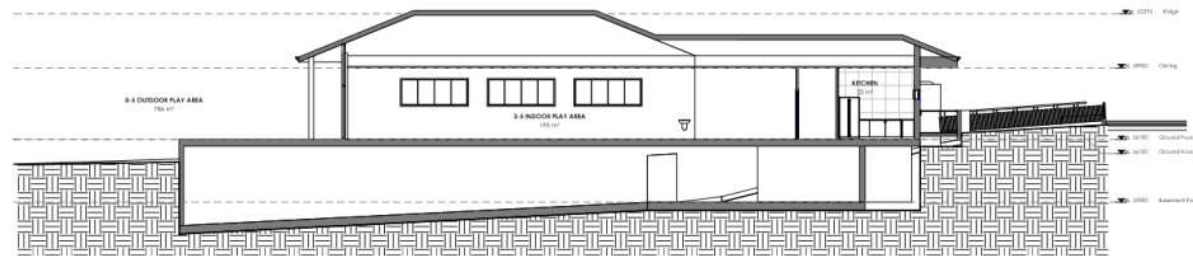
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18-19 BLANDI PLACE, WINSTON HILLS**

SECTIONS

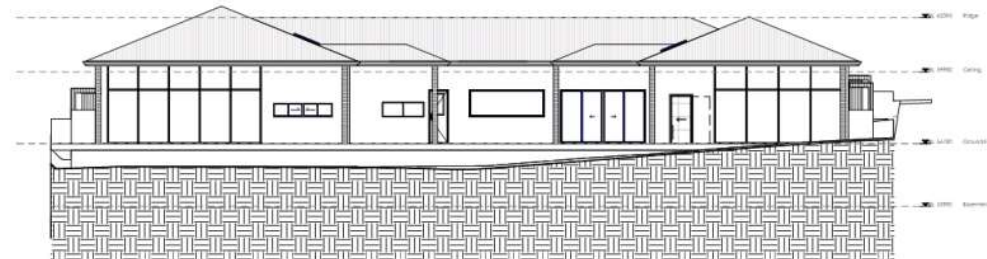
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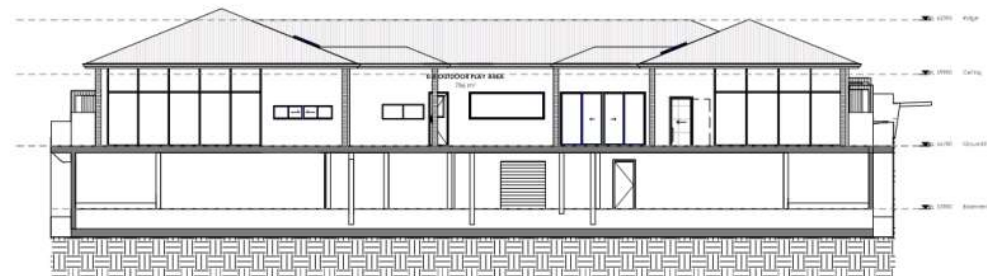
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① Section C-C
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② Section D-D
1 : 100



③ Section E-E
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REV	DESCRIPTION	DATE	BY
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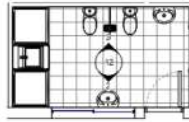


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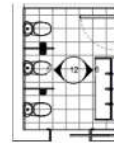
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PROPOSED CHILD CARE FACILITY			
18-19 BLANDI PLACE, WINSTON HILLS			
DRAWING FILE			
ADDITIONAL SECTIONS			
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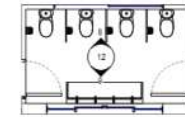
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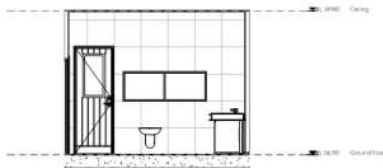
① 0-2 Bath Plan
1:50



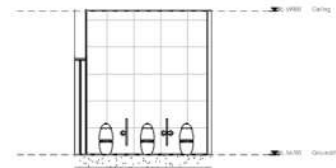
④ 2-3 Bath Plan
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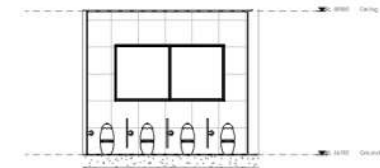
⑦ 3-5 Bath Plan
1:50



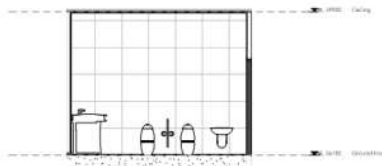
② 0-2 Bath (1)
1:50



⑤ 2-3 Bath (1)
1:50



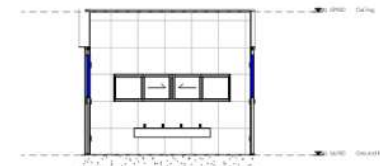
⑧ 3-5 Bath (1)
1:50



③ 0-2 Bath (2)
1:50



⑥ 2-3 Bath / N.C (2)
1:50

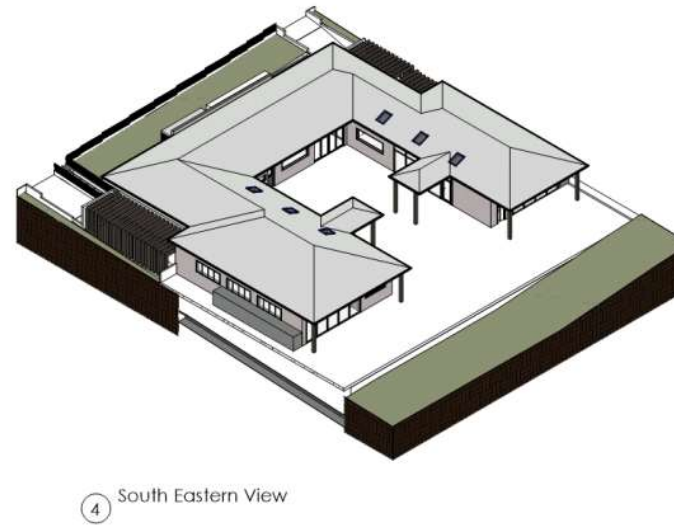
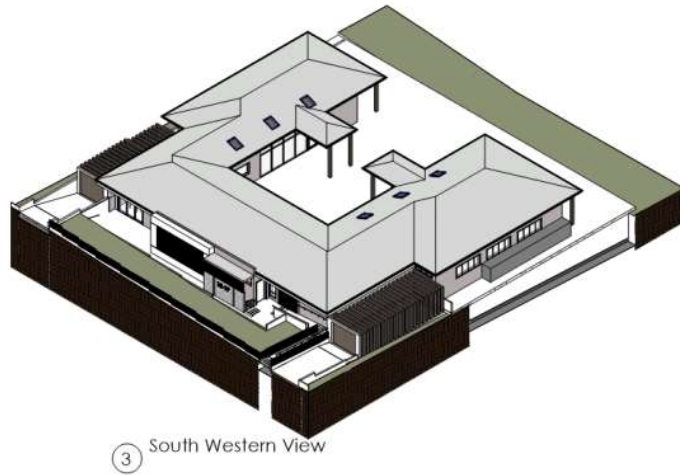
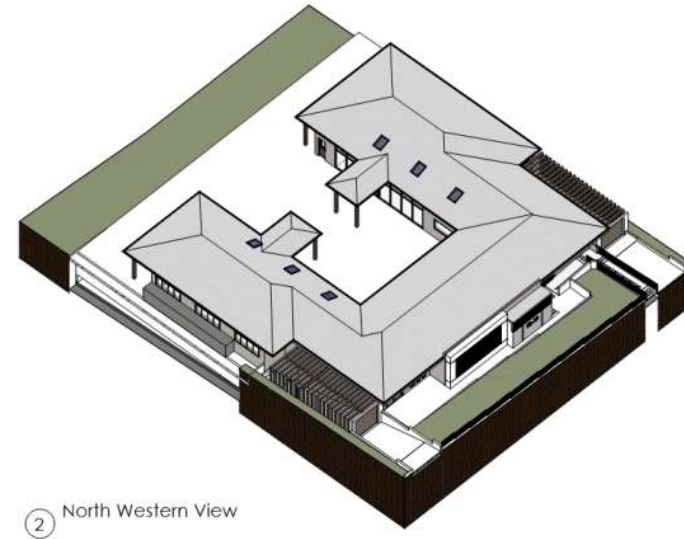
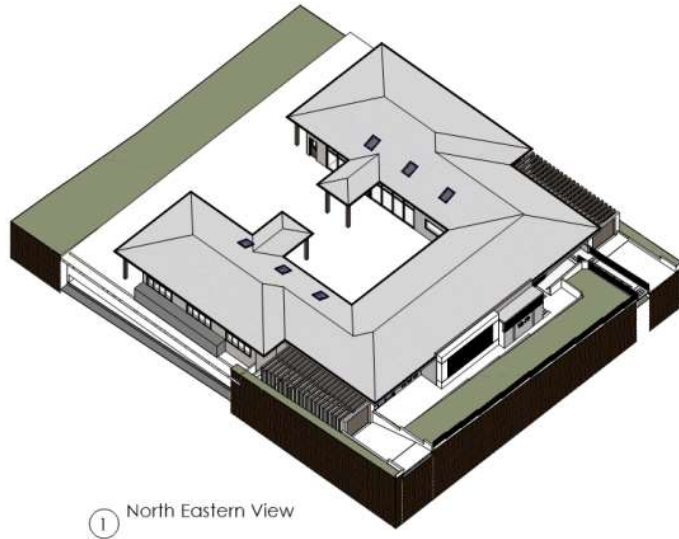


⑨ 3-5 Bath (2)
1:50

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1	DEVELOPMENT APPROVALS	20/10/2021	JB



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PROJECT TITLE PROPOSED CHILD CARE FACILITY 18-19 BLANDY PLACE, WINSTON HILLS			
DRAWING TYPE CALLOUT ELEVATIONS			
PROJECT NUMBER 20091	DRAWING NUMBER 12	DATE 24/10/2021	REVISION A
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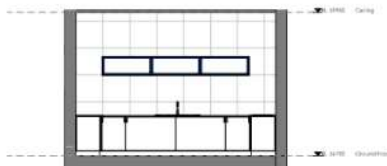
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PROJECT TITLE			
PROPOSED CHILD CARE FACILITY			
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DRAWING TITLE			
3D VIEWS			
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	GA	CE	

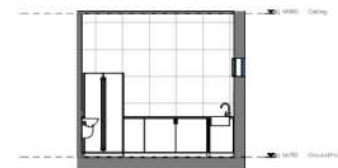
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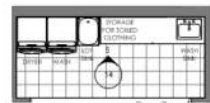
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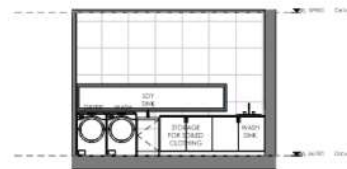
2 Kitchen Elevation 3
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3 Kitchen Elevation 1
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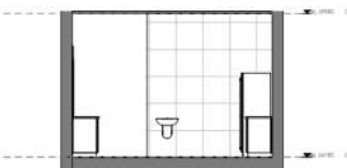
4 Laundry Plan
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5 Laundry Elevation
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6 Kitchen Elevation 2
1 : 50



7 Kitchen Elevation 4
1 : 50

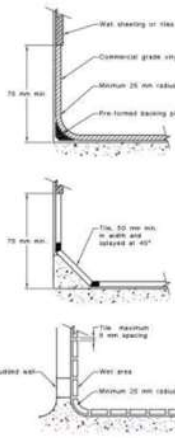


FIGURE 3.1 TYPICAL COVING METHODS

FOOD TO BE PROVIDED

(As per Caring for Children Birth to 5 years (Food, Nutrition and Learning Experiences) NSW GOVT HEALTH)

Table 3 - Daily food amounts for children (2 to 5 years):

Food Group and Serve Sizes	Minimum number of serves while in care for 0 hours	Comments
Vegetables and legumes/beans Each of the following foods is one serve: 1/2 cup cooked vegetables 1/2 cup cooked dried, canned beans, peas or lentils 1 cup salad vegetables 1/2 medium potato or sweet potato 1 medium tomato	2	<ul style="list-style-type: none"> Includes different types and colours. Fresh, frozen and canned vegetables can be used. Choose canned vegetables with no added salt.
Fruit Each of the following foods is one serve: 1 medium (150g) piece of fruit e.g. apple, banana, orange or pear 2 small apricots, seed fruits or plums 1 cup dried or canned fruit (no added sugar) 30g dried fruit e.g. 4 dried apricot halves	2	<ul style="list-style-type: none"> Serve fresh fruit rather than juice.
Wholegrain cereal foods and breads Each of the following foods is one serve: 1 slice of bread 1/2 a bread roll 1/2 cup wheat cereal flakes 1/2 cup cooked rice 1/2 cup cooked pasta 2 crispbread biscuits 1 crumpet 1 English muffin 1 scone	2	<ul style="list-style-type: none"> Includes a variety of - breads, cereals, rice, pasta, noodles, potatoes, couscous, oats, quinoa and barley. Choose wholegrain or wholemeal varieties and when available varieties with added iron.
Lean meat and poultry, fish, eggs, tofu, seeds and legumes Each of the following foods is one serve: 65g cooked lean meats - beef, lamb, veal, pork, goat, kangaroo (90-100g raw) 65g cooked lean poultry or turkey (100g raw) 100g cooked fish (115g raw) 1 small can fish 2 large eggs 1 cup cooked or canned legumes/beans 170g tofu	1/2	<ul style="list-style-type: none"> 70m fat from meat where possible.
Milk, yoghurt, cheese and alternatives Each of the following foods is one serve: 1 cup milk 2 slices of cheese (40g) 200g yoghurt 170g ricotta cheese 1 cup soy milk with at least 100mg of added calcium per 100ml	1	<ul style="list-style-type: none"> Serving milk at morning and afternoon tea may be an easy and reliable way to meet this requirement. Choose mostly reduced fat varieties.

Note: If a child is in care for more than eight hours extra meals and/or midmeals (i.e. breakfast or late afternoon tea) should be provided.

Child Care Centre Kitchen

The premises are to be constructed and fitted out strictly in accordance with the Australian/New Zealand Food Safety Standards Code 3.2.3 Food Premises & Equipment and Australian Standard 4874 2004 Design, Construction & Fit Out of Food Premises.

Fitout of Food Preparation Area

Arigid smooth faced impervious ceiling shall be provided over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being light jointed, sealed and dustproof.

The ceiling shall be painted with a light coloured washable paint.

All fluorescent light fittings shall be fitted with a smooth faced diffuser. Lighting shall be either - recessed so that the diffuser is flush with the ceiling or - designed to ensure that no horizontal surface exists which would allow dust & grease to accumulate.

The floor is to be constructed of concrete or other material impervious to moisture, finished to a smooth facelined finish, covered at the intersections with the walls and graded and drained to approved sewerage connections.

Coving is to be provided between all walls and the floor and between the floor and all fitting. This can be achieved by coving tiles, cement render, or by turning vinyl flooring up the walls. In this case a fillet or backing piece is required to support the cove.

Floor to be constructed of material impervious to water, non slip and graded and drained to floor waste.

The walls in the kitchen are to be constructed of cement rendered bricks, blocks or concrete finished to a smooth, steel trowelled surface, covered to the floor, and where not tiled, painted with a light coloured gloss paint. Unrendered brick or block work is not permitted.

The walls of the kitchen are to be tiled with close jointed, glazed tiles of a light colour to a height of 2 metres.

The walls of the kitchen are to be tiled with close jointed, glazed tiles of a light colour to a height of 450mm above all sinks, tubs, draining boards, wash hand basins and preparation benches.

All walls where not tiled shall be cement rendered to a smooth surface and painted with a light coloured washable paint.

Refrigeration, frozen food cabinets, cooking appliances, equipment, fitting, cupboards, and cabinets are to be supported on one of the following systems: Wheels or casters which allow the fully loaded fitting to be easily moved. Legs which provide a min. 150mm clearance from the floor to the underside of the fitting.

All shelving being installed on approved metal brackets and kept at least 25mm clear off wall.

Food preparation benches shall be constructed of stainless steel.

The top and exposed edges of all benches, counters and shelving shall be finished in a smooth and non absorbent material free of joints.

All service pipes, condensate pipes and electrical conduits must be sealed into the walls, floors or plinths.

All service pipes, condensate pipes and electrical conduits which are not capable of being concealed within the walls shall be mounted on brackets to as to provide at least 25mm clearance between the pipe and adjacent (wall) vertical surface and 100mm between the pipe and adjacent (floor) horizontal surface.

A freestanding wash hand basin is to be provided in an approved position in the kitchen/food preparation area connected to both hot and cold water at a minimum temperature of 40°C through a single outlet, as required by Clause 14 (1) and (2) of the Australian New Zealand Food Standards Code Food Safety Standard 3.2.3. Provide and maintain dispensable soap and single use towels or other suitable hand drying facilities near the wash hand basin.

All openings in the walls, floor and ceiling and all external doors and windows must be vermin proof.

All windows and doors to the external air are to be provided with fly screens.

A kitchen exhaust hood is to be provided above all appliances of heating capacity greater than 8kW in accordance with AS 1688 Part 2. A test certificate shall be submitted to the Principal Certifying Authority with application for an Occupation Certificate.

The doors of the air-lock and sanitary compartments must be close fitting and self closing.

A liquid soap dispenser and paper towel dispenser must be provided above or adjacent to the hand basin.

Washing facilities must be provided and comply with the Food Premises Code.

Not less than 300 lux of light will be available on all surfaces where food is prepared, or utensils are washed and sterilised in accordance with SA 1680.

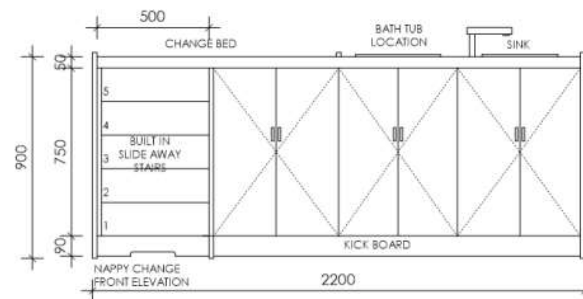
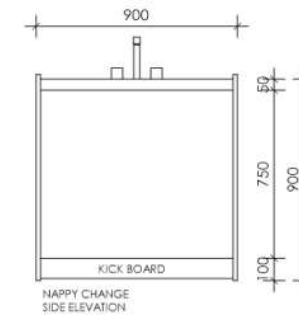
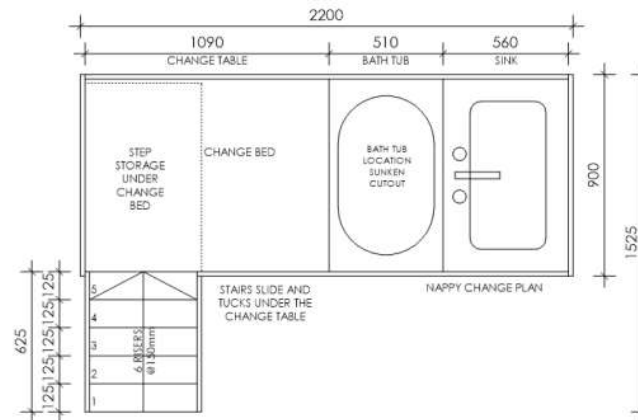
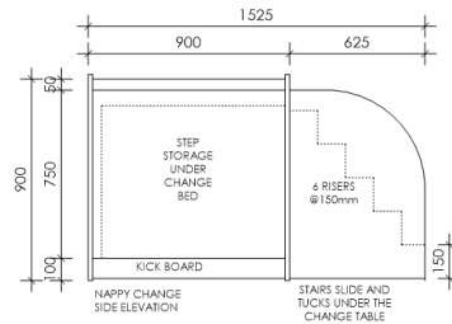
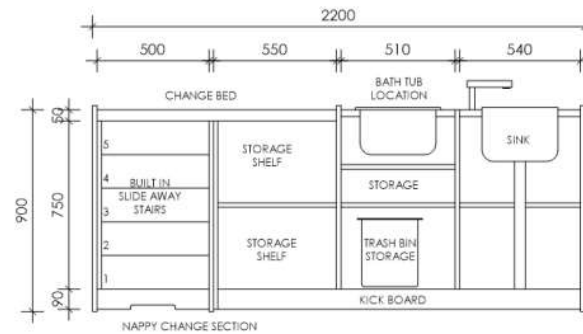
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1	REVISION	20/10/2021	JB



PROJECT TITLE			
PROPOSED CHILD CARE FACILITY			
18-19 BLANDY PLACE, WINSTON HILLS			
DRAWING TITLE			
LAUNDRY + KITCHEN DETAILS			
PROJECT NUMBER	DRAWING NUMBER	DATE	REVISION
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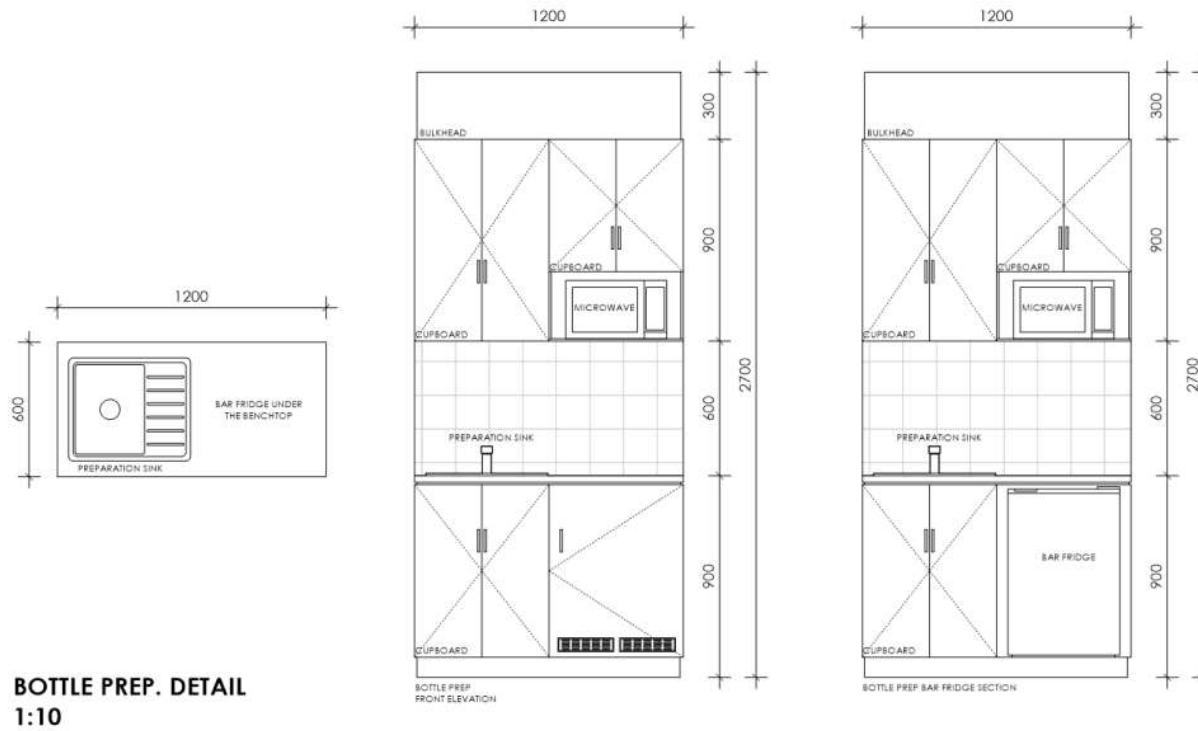


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PROPOSED CHILD CARE FACILITY			
18-19 BLANDY PLACE, WINSTON HILLS			
DRAWING TITLE			
TYPICAL NAPPY CHANGE DETAIL			
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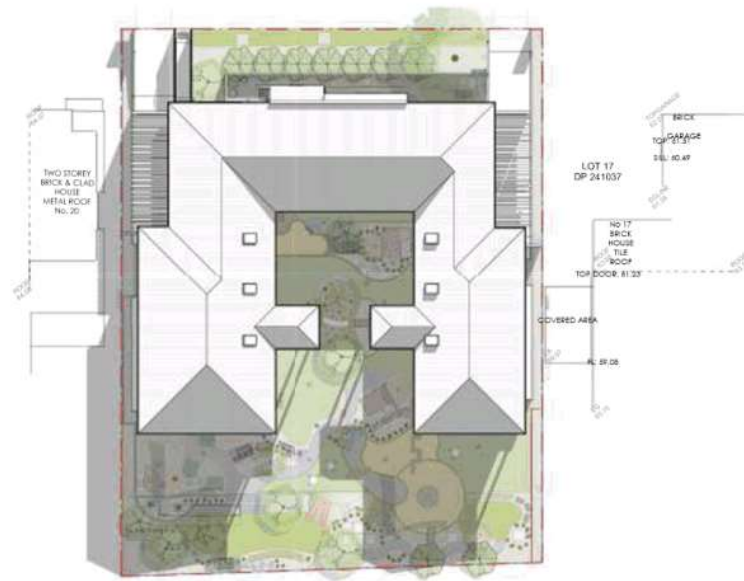


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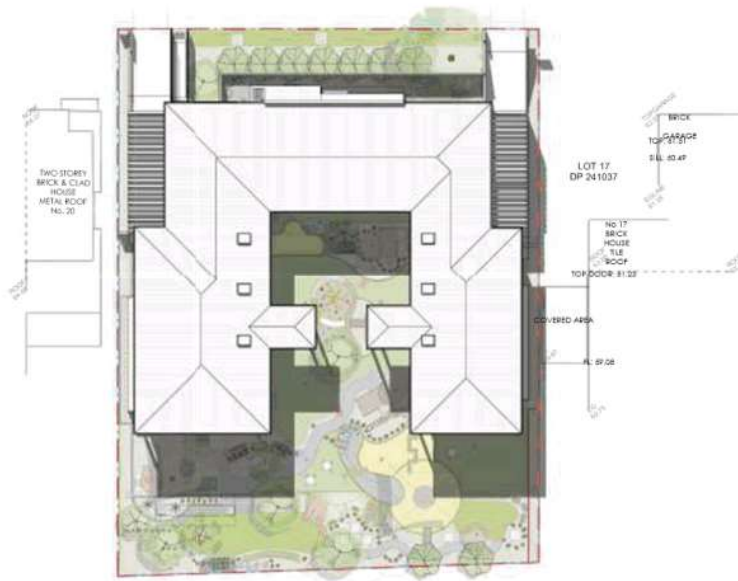
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FOR DA APPROVAL			
PROJECT TITLE			
PROPOSED CHILD CARE FACILITY			
18-19 BLANDI PLACE, WINSTON HILLS			
DRAWING TITLE			
BOTTLE PREP DETAIL			
PROJECT NUMBER	DRAWING NUMBER	DATE	REVISION
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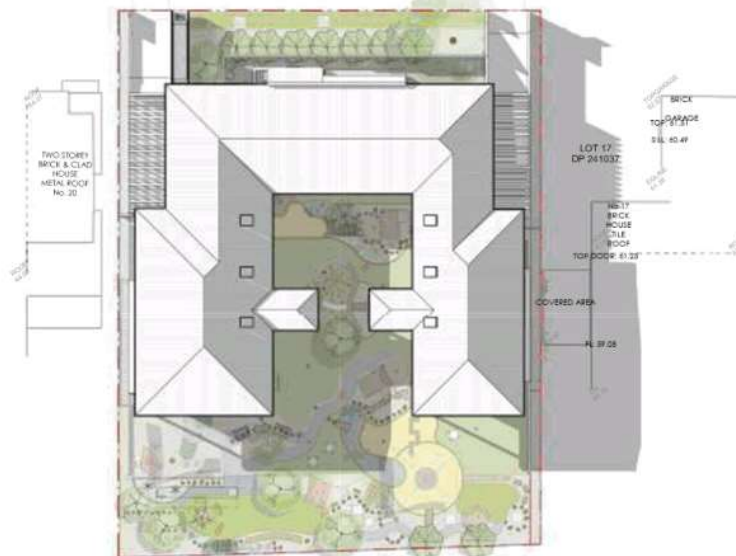
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① 9am
1 : 200



② 12pm
1 : 200



③ 3pm
1 : 200

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1	DEVELOPMENT APPLICATION	26/10/2021	JB



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FOR DA APPROVAL

PROJECT TITLE
**PROPOSED CHILD CARE FACILITY
18-19 BLANDI PLACE, WINSTON HILLS**

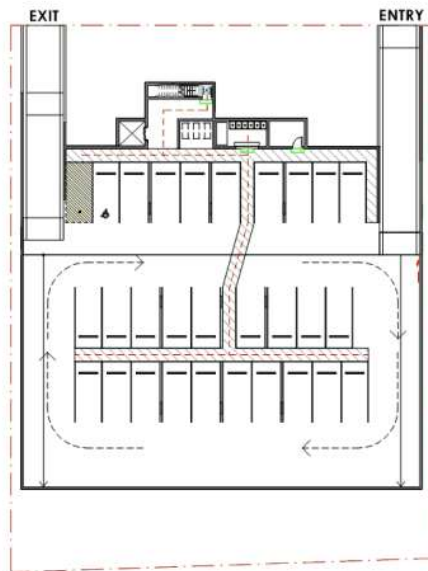
DRAWING TITLE
WINTER SHADOW DIAGRAMS

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① Basement Evac. Plan
1 : 200



② Ground Floor Evac. Plan
1 : 200

1. Remain calm. Do not panic
2. Leave building by designed exit or nearest safe exit
3. Proceed to the closest ASSEMBLY AREA (see map)
4. Remain at ASSEMBLY AREA until otherwise directed by staff / Emergency Services

LEGEND

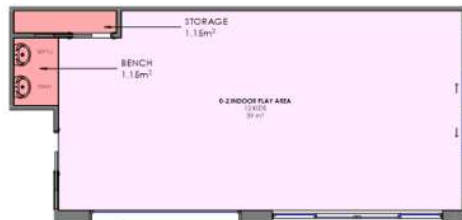


FIRE OPERATION

- Stay back from fire 2-3 metres
- Check Pressure Gauge
- Ensure door or clear exit path is directly behind you
- use the **PASS** method

P - pull pin
A - aim at edge of fire
S - squeeze the handle
S - sweep the fire

IN CASE OF EMERGENCY
FIRE / AMBULANCE / POLICE
DIAL 000



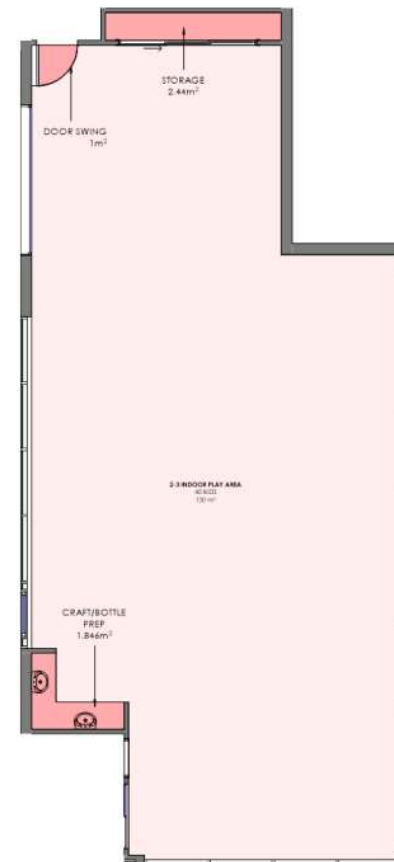
① 0-2 Indoor Play Area
1 : 50

SPACES	SQM
INDOOR STORAGE	- 1.15m ²
CRAFT + BOTTLE BENCH	- 1.5m ²
Total Encumbered Indoor Play Area	41.65m ²
Total Unencumbered Indoor Play Area	39 m²

UNENCUMBERED INDOOR PLAY SPACE

ENCUMBERED INDOOR SPACES

REV	DESCRIPTION	DATE	BY
1	REVISION	20/10/2021	JB



③ 2-3 Indoor Play Area
1 : 50

SPACES	SQM
INDOOR STORAGE	- 2.44m ²
DOOR SWING	- 1m ²
CRAFT + BOTTLE BENCH	- 1.846m ²
Total Encumbered Indoor Play Area	135.286m ²
Total Unencumbered Indoor Play Area	130 m²

UNENCUMBERED INDOOR PLAY SPACE

ENCUMBERED INDOOR SPACES



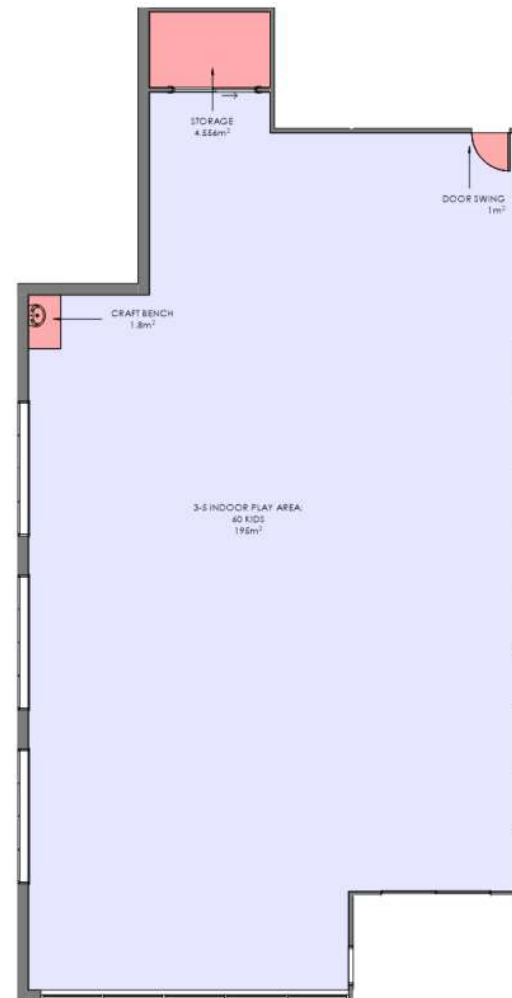
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FOR DA APPROVAL			
PROJECT TITLE			
PROPOSED CHILD CARE FACILITY			
18-19 BLANDI PLACE, WINSTON HILLS			
DRAWING TITLE			
INDOOR PLAY AREA DIAGRAMS			
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SPACES	SQM
INDOOR STORAGE	-4.556m ²
DOOR SWING	- 1m ²
CRAFT BENCH	- 1.8m ²
Total Encumbered Indoor Play Area	202.356m ²
Total Unencumbered Indoor Play Area	195 m²

-  UNENCUMBERED INDOOR PLAY SPACE
 ENCUMBERED INDOOR SPACES

REV	DESCRIPTION	DATE	BY
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② 3-5 Indoor Play Area
1:50



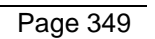
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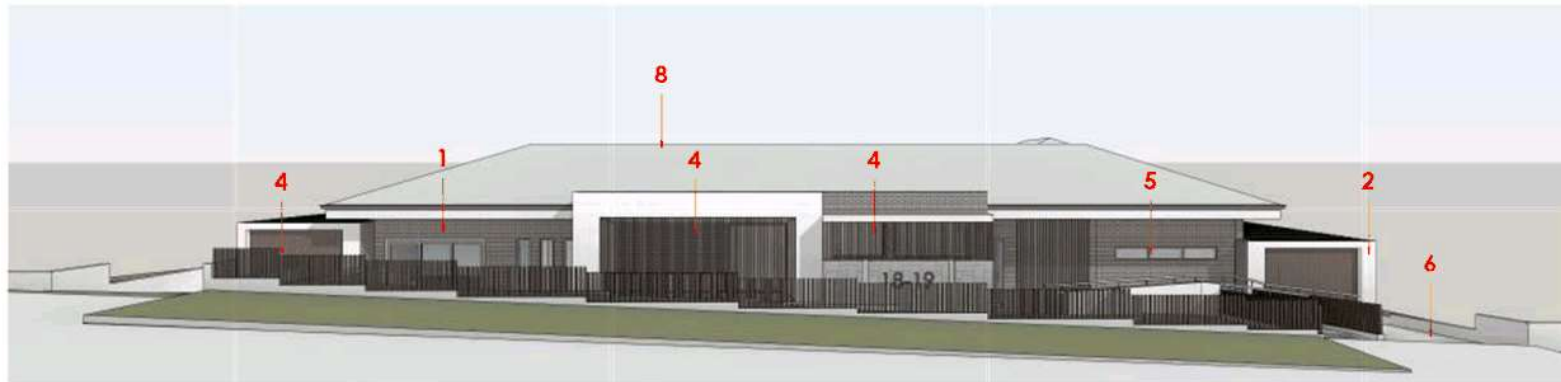
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PROJECT TITLE			
PROPOSED CHILD CARE FACILITY			
18-19 BLANDI PLACE, WINSTON HILLS			
DRAWING TITLE			
INDOOR PLAY AREA DIAGRAMS			
PROJECT NUMBER	DRAWING NUMBER	DATE	REVISION
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SCHEDULE OF MATERIALS AND FINISHES

SUBJECT TO AVAILABILITY

REFERENCE	ELEMENT	MATERIAL	FINISH / SPECIFICATION
01	EXTERNAL WALL	FACE BRICK	AUSTAL METALLIC BRONZE / OR SIMILAR
02	EXTERNAL WALL	RENDER	DULUX LEXICON WHITE / OR SIMILAR
03	EXTERNAL WALL	RENDER	DULUX TIMELESS GREY / OR SIMILAR
04	EXTERNAL WALL	TIMBER LOUVRES	-
05	WINDOWS/DOORS	GLASS SET IN POWDER COATED ALUMINIUM FRAME	-
06	DRIVEWAY	CONCRETE	BURNT CONCRETE CHARCOAL MATTE FINISH
07	ENTRANCE/ALFRESCO DOOR	GLASS SET IN POWDER COATED ALUMINIUM FRAME	-
08	ROOF & GUTTERS	COLORBOND	SHALE GREY / OR SIMILAR

REV	DESCRIPTION	DATE	BY
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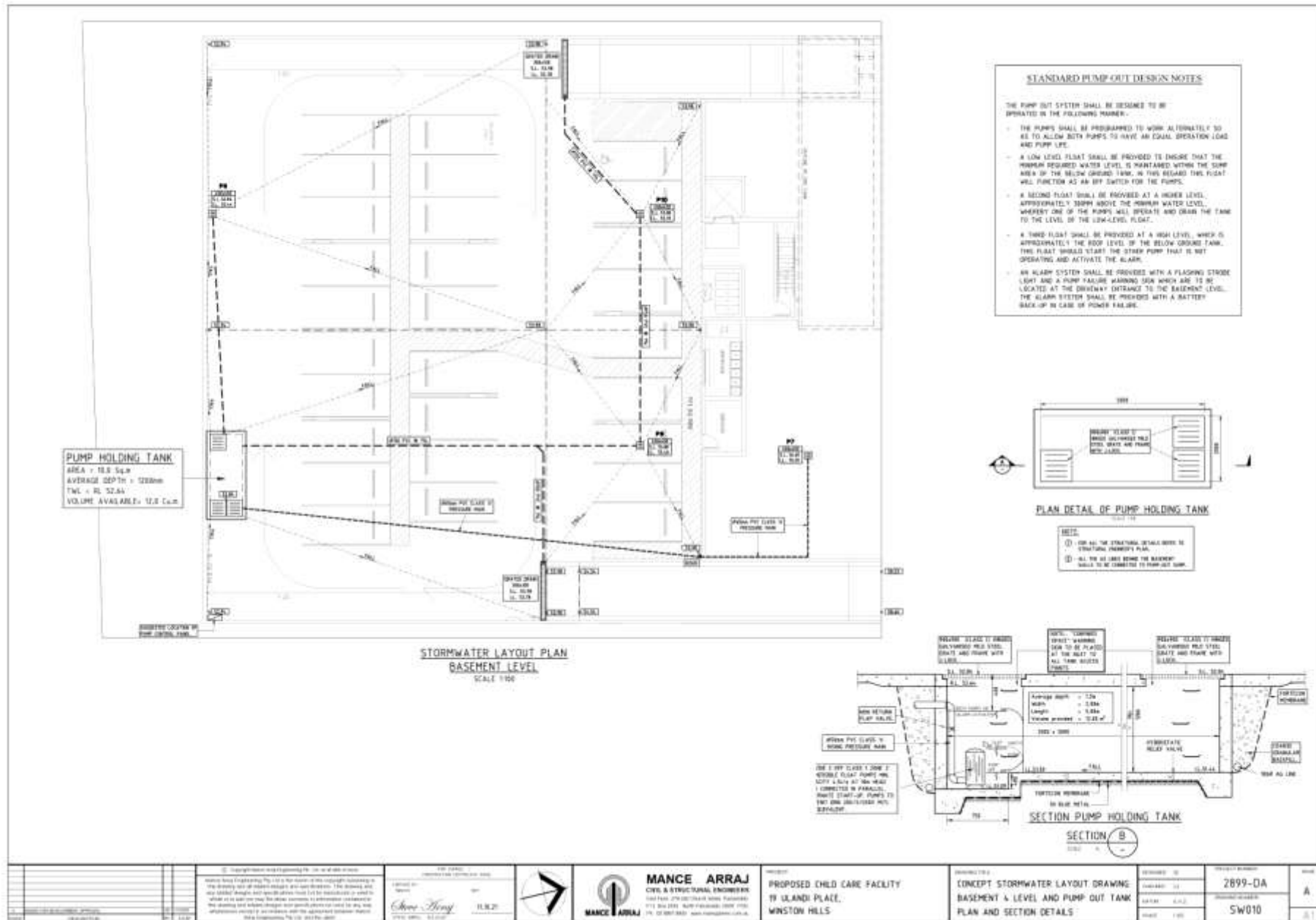
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PROPOSED CHILD CARE FACILITY
18-19 BLANDI PLACE, WINSTON HILLS

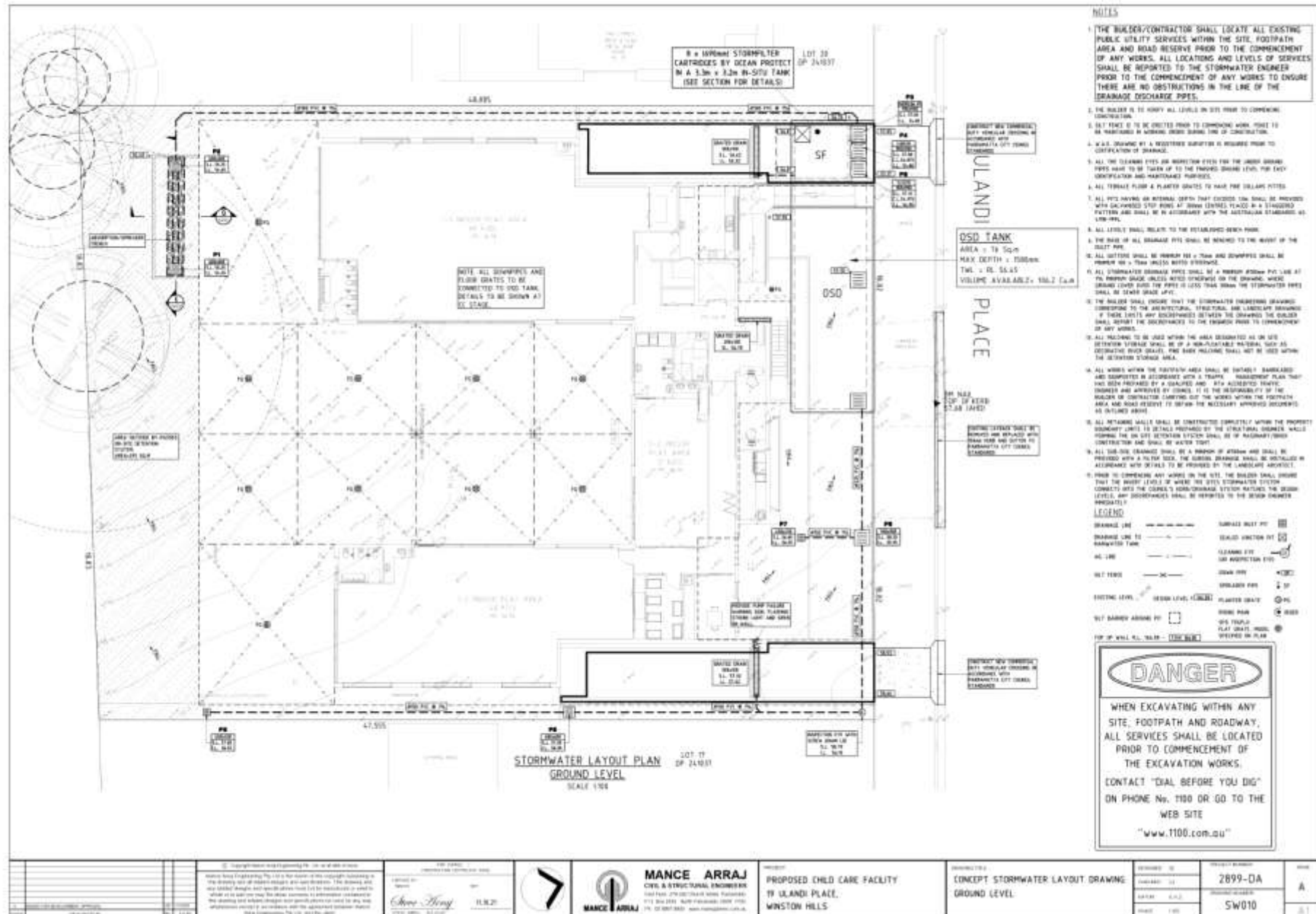
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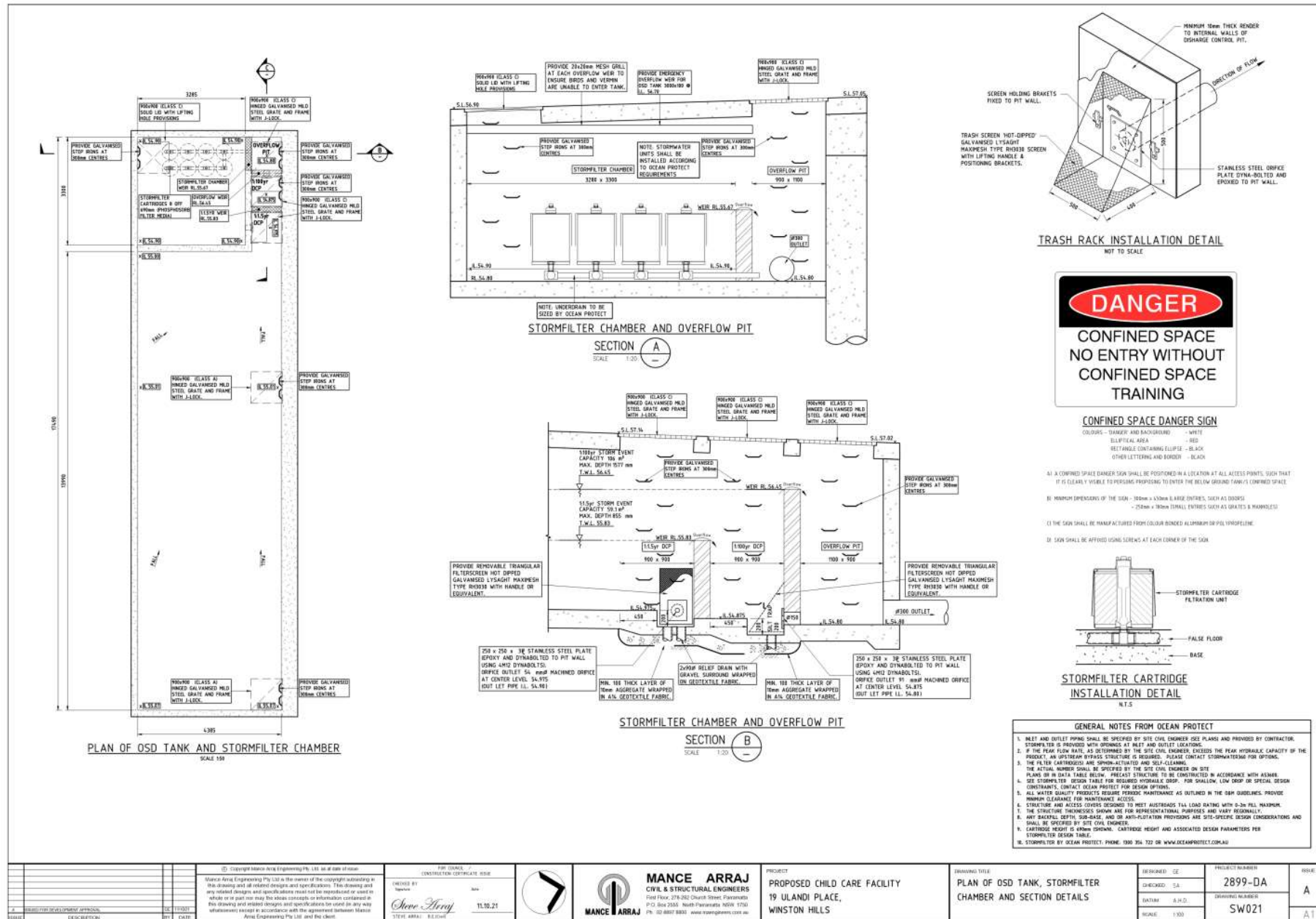
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		GA	CB

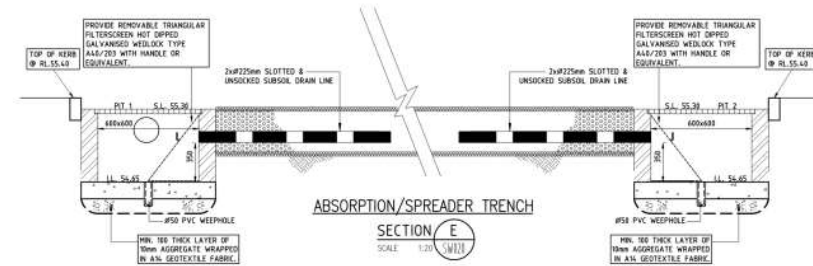
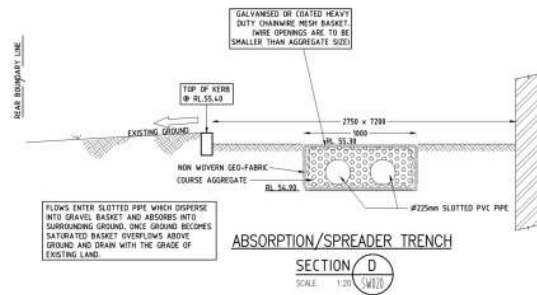
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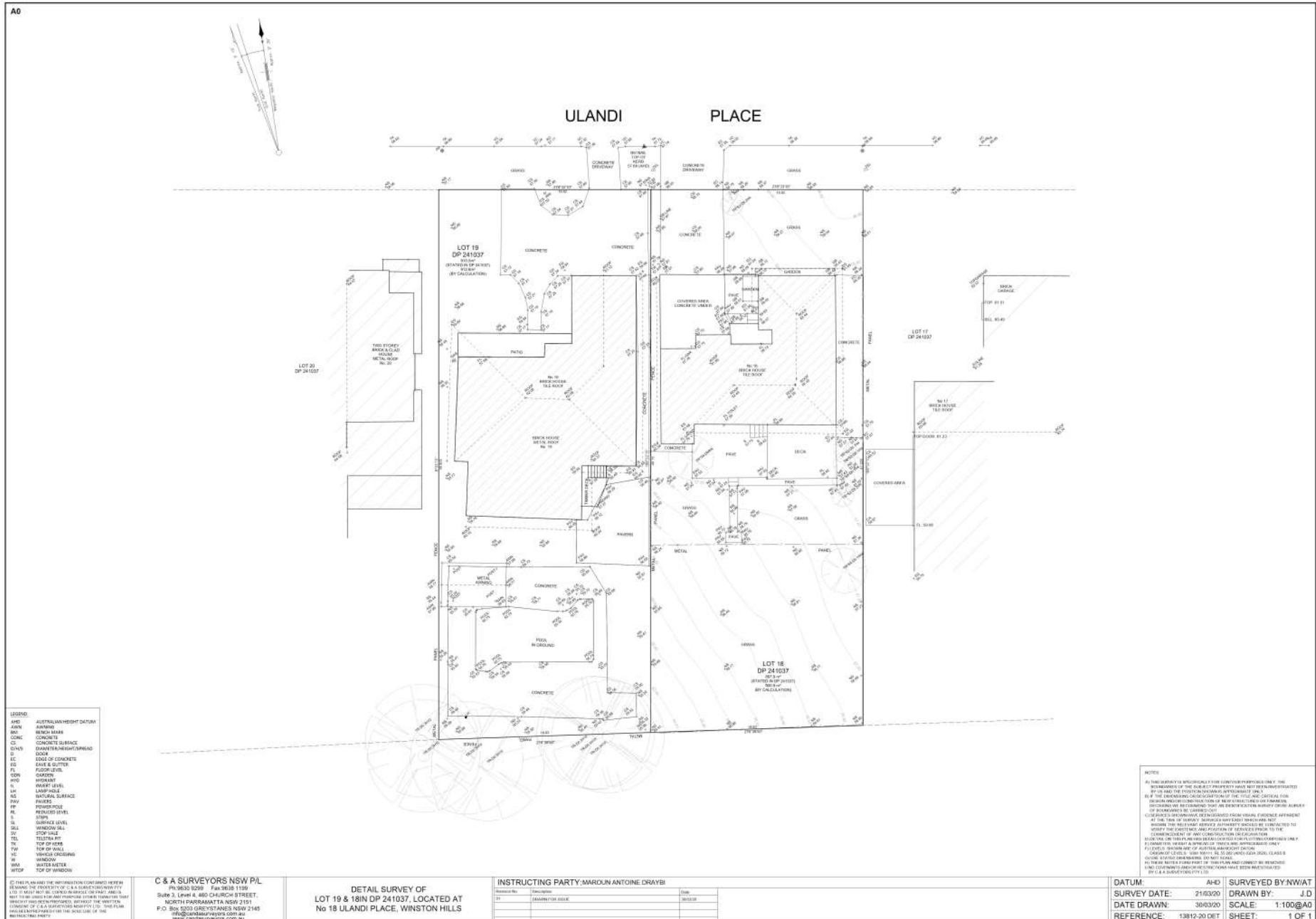








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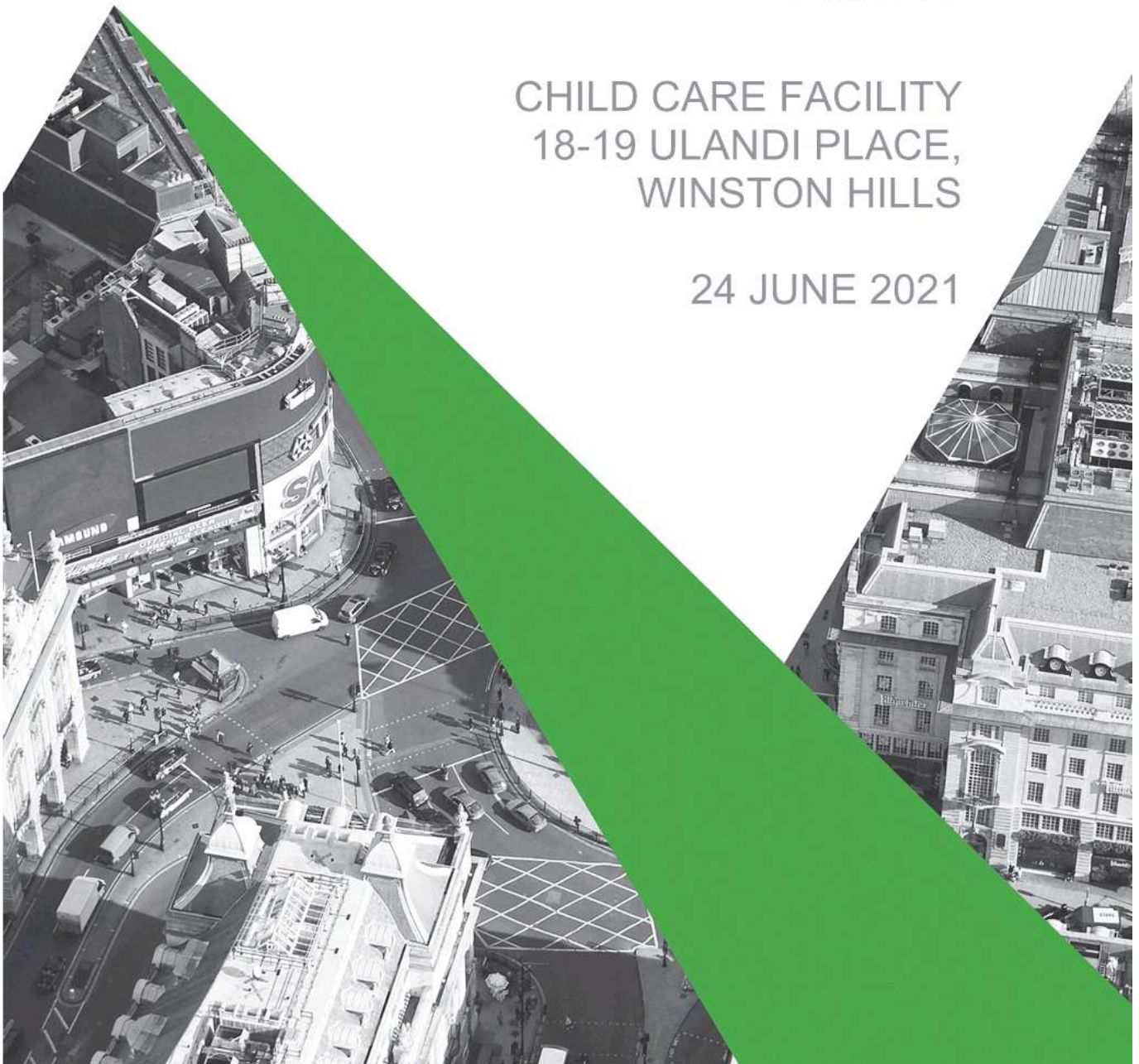




Statement of Environmental Effects

CHILD CARE FACILITY
18-19 ULANDI PLACE,
WINSTON HILLS

24 JUNE 2021





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QUALITY ASSURANCE

PROJECT:	Statement of Environmental Effects – Centre-based Child Care Facility
ADDRESS:	18-19 Ulandi Place, Winston Hills
LOT/DP:	Lots 18 & 19 in DP241037
COUNCIL:	City of Parramatta Council
AUTHOR:	Think Planners Pty Ltd

Document Management

Prepared by:	Purpose of Issue:	Date:
SR/JW	Draft Issue	December 2020
SR/JW	Revised Issue	June 2021
Reviewed by:	Purpose of Issue:	Date:
JW	DA	June 2021

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

Concurrence

SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No



EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the removal of identified trees and the demolition of existing structures in-order to construct a single storey 'Centre-Based Child Care Facility' with basement level parking for 28 vehicles at 18-19 Ulandi Place, Winston Hills.

Child Care Facility:

The purpose single storey 'Child Care Facility' will operate with a maximum capacity of 112 places with the following age groups:

- 0-2 years: 12 places;
- 2-3 years: 40 places; and
- 3-5 years: 60 places.

The facility provides a total of 364m² or 3.25m² of unencumbered indoor play area per child, with the following breakdown:

- 0-2 years: 39m²;
- 2-3 years: 130m²; and
- 3-5 years: 195m².

The facility provides a total of 788m² or 7m² of unencumbered outdoor play area per child.

The facility will be run by 17 staff with and the operating hours are proposed to be 7am to 6pm Monday – Friday (excluding public holidays).

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing an attractive and large single storey-built form that is consistent with the low residential character within the subject area*
- *Appropriate replacement and landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the low density residential character of the site and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*



- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Parking:

The development proposal a total of 28 car parking spaces within a basement level with the following breakdown:

- 14 staff parking; and
- 14 visitor/parent car parking spaces including an accessible car parking space.

Access to the site will be provided via 2 x single width vehicles crossovers and ramps to Ulandi Place, allowing for separate ingress and egress to the site.

Located within proximity to Windsor Road, the development site is situated on the southern side of Ulandi Place, approximately 180m south east from the intersection of Churchill Drive and Ulandi Place, Winston Hills.

The development site is within close proximity to educational establishments, places of public worship and services. Bus stops with services to Parramatta Station and Sydney CBD (Route 604, 706 & 614X) are located within a 200m walking distance of the subject site.

Located within an established residential estate, the development site once amalgamated can be best described as a large irregular shaped allotment with a frontage of 37.64m to Ulandi Place and a total site area of 1,813.5m².

The development site currently accommodates 2 x single storey brick and tile dwellings with associated parking areas. All existing structure and identified trees are to be removed in-order to accommodate the proposed purpose build child care facility.

The site has been zoned R2 Low Density Residential with a maximum height limit of 9m and a maximum FSR of 0.5:1 under the Parramatta Local Environmental Plan 2011. 'Child Care Facilities' are permissible with consent within the R2 Zone.

The child care facility has been designed to comply with key planning requirements under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Parramatta Local Environmental Plan 2011, Parramatta Development Control Plan 2011, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.



The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate situated near an established town centre, public transportation and industrial estates.

The development will play a positive role in increasing valuable child care places within Winston Hills by 112 places.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

As detailed further in this statement the development concept is consistent with the planning principles and controls applying to the site and represents an efficient use of well-located land.

Therefore, having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land that will contribute towards providing valuable child care services, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.



SITE AND LOCALITY DESCRIPTION

The subject site is legally defined as Lots 18 & 19 in DP241037, but is more commonly known as 18-19 Ulandi Place, Winston Hills.

Site Analysis

The development site is located on the southern side of Ulandi Place, approximately 200m south east from the intersection of Churchill Drive and Ulandi Place, Winston Hills.

Located within an established residential estate, the development site once amalgamated can be best described as a large mid-block allotment with a frontage of 37.64m to Ulandi Place and a total site area of 1,813.5m².

At present 2 x older style single storey dwelling brick and tile dwellings and associated structures and vegetation including trees currently resides within the development site as illustrated by Photograph 1 below.

Photograph 1: Shows the subject sites: 18-19 Ulandi Place.






The development site bounds a recently constructed large single storey dual occupancy to its western boundary, a two storey dwelling house to its eastern boundary, a lot zoned E3 Environmental Management to its southern boundary and is separated by Ulandi Place from two storey dwelling houses to the north. This is illustrated by an aerial map extract below. It is noted that the site is within a cul-de-sac and further to the south-east is the Northmead Bowling Club.

Image 1: Aerial Map of Subject Site (Source: Six Maps)



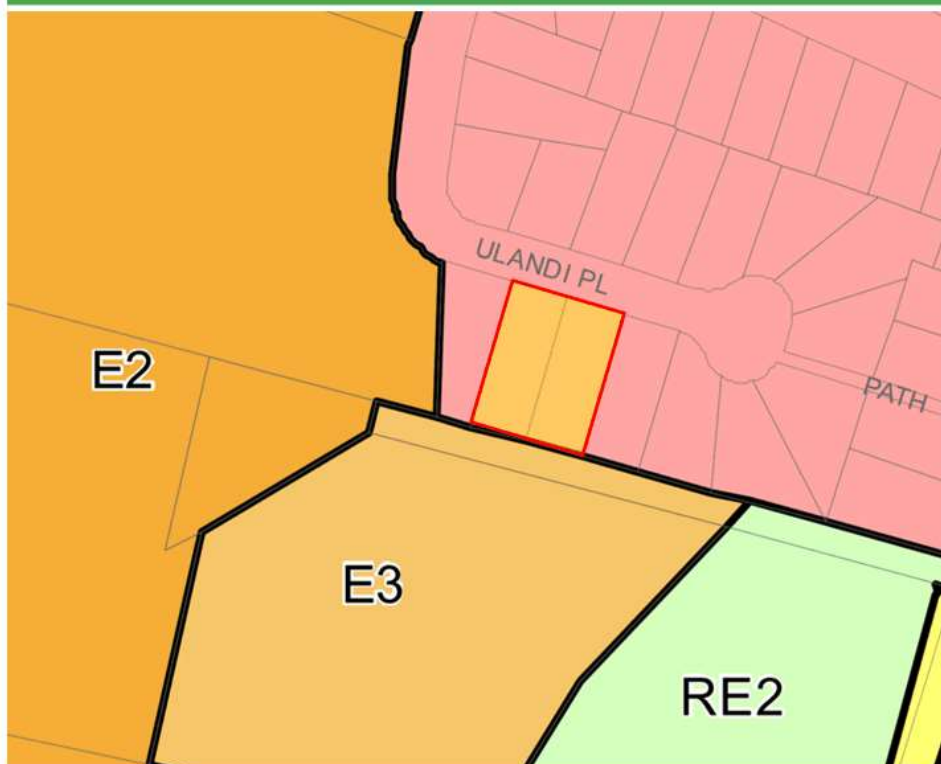
 - Subject Site



Zoning Controls

As outlined below, the subject site is zoned R2 Low Residential Density under the provisions of the Parramatta Local Environmental Plan 2011. 'Centre-Based Child Care Facilities' are permissible with consent within the R2 Zone, with the site subject to a maximum building height of 9m and a maximum FSR of 0.5:1 under the Parramatta LEP 2011. The current application is made pursuant to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Image 2: Zoning Map Extract (Source: Parramatta LEP – LZN_003)



 Subject Site

Subject Area Analysis

The site bounds land zoned E3 Environmental Management to its southern boundary. The development site is also within close proximity to educational establishments, places of public worship and services along Windsor Road and Church Street.

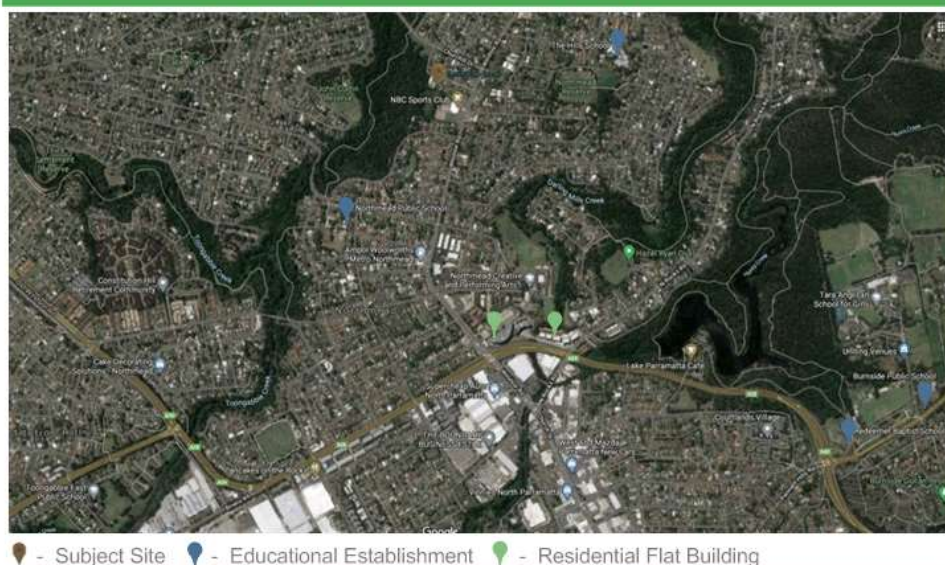


There have been recently constructed large scale residential developments along the eastern side of Windsor Road, which will result in an increase of residents and a demand for child care services within the locality.

Bus stops with services to Parramatta Station and Sydney CBD (Route 604, 706 & 614X) are located within a 200m walking distance of the subject site.

An analysis of the development site within its subject area is illustrated by an aerial map below.

Image 3: Aerial Map of Subject Area (Source: Google Maps)



The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate situated near an established town centre, public transportation and industrial estates.

The development will play a positive role in increasing valuable child care places within Winston Hills by 112 places.

Photographs provided overleaf and within the following pages provide context to the locality and also the relationship of the development site with adjoining developments.



Photograph 2: Shows a recently constructed attached two storey dual occupancy, bounding the sites western boundary.



Photograph 3: Shows the residential properties located on the northern side of Ulandi Place.





Photograph 4: Shows streetscape on the southern side of Ulandi Place.





HERITAGE

The site is not identified as a heritage item and it is not located within a heritage conservation area, however there are several heritage listed environmental sites (I752, I648, I448 & I649) within the locality. This is illustrated by a heritage map extract below.

Image 4: Heritage Map Sheet HER_002 Extract (Source: Parramatta LEP 2011)



 **Subject Site**

The single storey form of the proposal, the buffer between the subject site and the heritage items by adjoining lots and the nature of the heritage items (being non-residential), the proposal will have no impact on the heritage items during construction and operation of the proposed child care facility.

As a result, the subject site will not have any associated heritage restriction and no further heritage investigation is considered necessary.



DESCRIPTION OF PROPOSAL

The Development Application proposes to remove identified trees and demolish existing structures in-order to construct a single storey 'Centre-Based Child Care Facility' with basement level parking for 28 vehicles at 18-19 Ulandi Place, Winston Hills.

Neighbouring trees are to be retained and protected as per the Attached Arborist Report.

Child Care Facility:

The purpose built single storey 'Child Care Facility' will operate with a maximum capacity of 112 places with the following age groups:

- 0-2 years: 12 places;
- 2-3 years: 40 places; and
- 3-5 years: 60 places.

The play areas are located on the ground floor with the administration areas including office, staff room, kitchen, bathroom and laundry to be located at the ground floor also.

The facility provides a total of 364m² or 3.25m² of unencumbered indoor play area per child, with the following breakdown:

- 0-2 years: 39m²;
- 2-3 years: 130m²; and
- 3-5 years: 196m².

The facility provides a total of 788m² or 7m² of unencumbered outdoor play area per child with the following breakdown:

The facility will be run by 17 staff with and the operating hours are proposed to be 7am to 6pm Monday – Friday (excluding public holidays). Outdoor activities will be restricted before 9:00am and 5:00pm.

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing an attractive and large single storey-built form that is consistent with the low residential character within the subject area*
- *Appropriate replacement and landscape embellishment to ensure the landscape character of the site is respected.*



- *The proposed built form has been designed commensurate with the low density residential character of the site and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Parking:

The development proposal a total of 28 car parking spaces basement level parking with the following breakdown:

- 14 staff parking; and
- 14 visitor/parent car parking spaces including an accessible car parking space.

Acoustic Treatment

The development proposal has undergone a number of design revisions to present a suitable outcome with regard to potential acoustic impacts through the adoption of the 'U' configuration. This is reflected in the acoustic report which only requires acoustic barriers of 1.8m to the rear part of the western boundary and 2.2m to the rear part of the eastern boundary which demonstrates a suitable design outcome with regard to acoustics which is a key consideration for child care centre developments.

An extract of the recommended barriers is provided over the page- noting this is taken from the acoustic report.



Acoustical Assessment – Proposed Childcare Centre at 18-19 Ulandi Place, Winston Hills
Centurion Lawyers

Appendix D5



Access to the site will be provided via 2 x single width vehicles crossovers and ramps to Ulandi Place, allowing for separate ingress and egress to the site.

The relevant architectural plans for the proposal have been prepared by Baini Design while supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, acoustic, drainage and landscaping.

The development seeks to utilise the land in accordance with the zoning and take advantage of its size and location within an established residential estate situated near an established town centre, public transportation and industrial estates. The development will play a positive role in increasing valuable child care places within Winston Hills by 112 places.



KEY PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy BASIX;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- Sydney Regional Environmental Plan – Sydney Harbour Catchment; and
- Parramatta Local Environmental Plan 2011.

POLICY CONTROLS

The applicable policy control documents are: -

- Parramatta Development Control Plan 2011;
- Childcare Planning Guidelines; and
- Education and Care Service National Regulations 2012.



CONSIDERATION OF PLANNING CONTROLS

A summary of the compliance of the proposal with the relevant planning controls is provided below.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – CONTAMINATED LAND

Clause 7 of SEPP 55 provides:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The development site has historically been utilised for residential purposes with no known potential contamination activities being conducted on site.

A Preliminary Site Investigation was undertaken by Geotechnical Consultants Australia, who came to the following conclusion. *"GCA considers that the potential for significant contamination of soil and groundwater within the site to be low. Therefore, based on this assessment, GCA finds that the site is suitable for the proposed development and land use, providing the recommendations within Section 13 below are implemented during the Construction Certificate (CC) stage".*

BCA made the following recommendations in order for the development to be undertaken with consideration of contaminated land.

"Based on the information collected and available during this investigation, the following recommendations have been made:

- Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014);*
- All structures on the site should have a Hazardous Materials Survey (HMS) conducted by a qualified occupational hygienist and/or environmental consultant for the site prior to any demolition or renovation works in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements;*



- *The demolition of any structures and excavation activity on site be undertaken in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements; and*
- *A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.*

STATE ENVIRONMENTAL PLANNING POLICY – (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP 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 appropriate preservation of trees and other vegetation.

The subject site is within a well-established residential area, having historically been used for urban purposes.

The current proposal is to remove identified some insignificant trees and vegetation on site. Neighbouring trees are to be retained and protected and the design of basements and the like has been carried out to limit impact to trees on adjoining properties in terms of encroachment to root zones and the like.

The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.

The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties.



STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 102 of the SEPP does not apply to the current proposal as the development is not going to be used for residential purposes.

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as *'traffic generating development'*.

The current proposal is not identified as traffic generating development by schedule 3 of the SEPP. Accordingly, the proposal is not required to be referred to the RMS for comment.

STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

The SEPP Educational Establishments and Child Care Facilities and associated Child Care Planning Guidelines were gazetted on the 1st of September 2017. The SEPP has been introduced to facilitate the effective delivery of educational establishments and early education and care facilities across the State of NSW.

The table in the following page provides discussions against the relevant provisions of the SEPP.

SEPP	Comment
3 Aims of Policy The aims of this Policy are as follows: <ul style="list-style-type: none"> (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and, (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including 	The proposal will result in an addition of valuable child care places within the Parramatta LGA.



- providing for consultation with communities regarding educational establishments in their local area), and
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
 - (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,
 - (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
 - (h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

5 Interpretation

centre-based child care facility means:

a building or place used for the education and care of children that provides any one or more of the following:

long day care,
occasional child care,
out-of-school-hours care (including vacation care)
preschool care, or
an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

but does not include:

- a building or place used for home-based child care or school-based child care, or
an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or

- a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

- a child-minding service that is provided in connection with - a recreational or commercial

The proposed centre-based child care facility is consistent with the definition contained within the SEPP.



facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
 - a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
 - a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Part 3 Early education and care facilities – specific development controls

23 Centre-based child care facility – matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guidelines*, in relation to the proposed development.

Applicable provisions under the Child Care Planning Guidelines has been addressed further within this statement.

25 Centre-based child care facility – non-discretionary development standards

The objective of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.

The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:

location

the development may be located at any distance from an existing or proposed early education and care facility,

There are no restrictions relevant to the proposed development.

indoor or outdoor space

for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

The centre-based child care facility provides 364m² or 3.25m² of unencumbered indoor play space and 788m² or 7m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies –



the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,	
Indoor play space required = 3.25m ² for each child Outdoor place space required = 7m ² for each child	
site area and site dimensions – the development may be located on a site of any size and have any length of street frontage or any allotment depth,	Noted.
colour of building materials or shade structures – the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	
<p>26 Centre-based child care facility – development control plans</p> <p>A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility: operational or management plans or arrangements (including hours of operation), demonstrated need or demand for child care services, proximity of facility to other early childhood education and care facilities, any matter relating to development for the purpose of a centre-based child care facility contained in: the design principles set out in Part 2 of the <i>Child Care Planning Guidelines</i>, or the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p>	<p>Parramatta DCP 2011 stipulates that the maximum child care places in a residential zone is 40.</p> <p>Clause 26 of the Educational Establishment and Child Care Facility 2017 stipulates that any provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, groupings, number of the like, of children) does not apply to development for the purpose of a centre-based child care facility.</p> <p>As such a minimum ratio requirement under the DCP is not considered a relevant matter.</p>



CHILD CARE PLANNING GUIDELINE

Under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

The table below provides detail on the relevant development standards relevant to the current proposal.

SEPP	Comment
Objectives The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations 	The development results in a high quality centre-based child care facility designed to comply with the requirements of the Education and Care Service National Regulations.
<ul style="list-style-type: none"> ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses 	The child care facility is compatible in scale and design with the existing streetscape along Ulandi Place.
<ul style="list-style-type: none"> minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment 	<p>The design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. The child care facility has been sited, oriented and designed so that openings from indoor play areas and outdoor play areas oriented towards the rear boundary, as the site adjoins E3 zoned land that does not contain residential properties. Combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.</p> <p>The development incorporates a mix of blank walls and high sill windows to the site's side elevations to mitigate potential privacy impacts to neighbouring properties along the site's side boundaries.</p> <p>An Acoustic Assessment has been prepared by 'The Acoustic Group' which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;</p>



"With the noise control measures specified, we can support the application for a Childcare Centre at 18-19 Ulandi Place, Winston Hills, as the proposed Childcare Centre can be built and operated to satisfy the various acoustic criteria applicable to the development."

Part 3 Early education and care facilities – specific development controls

3.1 Site selection and location

C1 – For proposed development in or adjacent to a residential zone, consider:

- **the acoustic and privacy impacts of the proposed development on the residential properties**

An Acoustic Assessment has been prepared by 'The Acoustic Group' which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following:

"With the noise control measures specified, we can support the application for a Childcare Centre at 18-19 Ulandi Place, Winston Hills, as the proposed Childcare Centre can be built and operated to satisfy the various acoustic criteria applicable to the development."

Furthermore, the development incorporates a mix of blank walls and high sill windows to the site's side elevations to mitigate potential privacy impacts to neighbouring properties along the site's side boundaries.
- **the setback and siting of buildings within the residential context**

Complies with setback requirements under the DCP for dwelling houses.
- **traffic and parking impacts of the proposal on residential amenity**

Parking will be provided within a basement level and as such will have a minimal impact to the streetscape, with a Traffic Report prepared which demonstrates that the development will not result in unacceptable traffic and parking impacts on the amenity of neighbouring properties and in the context of the cul-de-sac location.

C2 – When selecting a site, ensure that:

- **the location and surrounding uses are compatible with the proposed development or use**

Centre-based child care facilities are a permissible and compatible land use within the R2 Low Residential Density.
- **the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards**

Site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards.
- **there are no potential environmental contaminants on the land, in the building or the general proximity, and**



whether hazardous material remediation is needed	The development site has historically been utilised for residential proposes with no known potential contamination activities being conducted on site.
<ul style="list-style-type: none"> the characteristics of the site are suitable for the scale and type of development proposed having regards to: <ul style="list-style-type: none"> size of street frontage, lot configuration, dimensions and overall size Number of shared boundaries with residential properties will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas 	<p>A Preliminary Site Investigation was undertaken on the site. See the comments on SEPP 55 for further detail.</p> <p>The site, which has an area of 1,813.5m² and can best be described as a large rectangular shaped land parcel that is of a sufficient size and width to accommodate the proposed centre-based child care facility.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas. Further the building is designed to minimise impacts to adjoining properties as far as a practicable with acoustic barriers servicing to mitigate visual privacy impacts and the facility is single storey.</p>
<ul style="list-style-type: none"> where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use 	N/A. Development proposes to undertake the development of a new centre-based child care facility.
<ul style="list-style-type: none"> there are suitable drop off and pick up areas, and off and on street parking 	The development provides car parking spaces in accordance with the DCP, noting appropriate car parking spaces are provided to permit the drop off and pick up of children.
<ul style="list-style-type: none"> the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use 	The subject site does not front a classified or arterial road, noting Ulandi Place is considered appropriate and safe for the proposed use .
<ul style="list-style-type: none"> not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises 	Subject site not located closely to incompatible social activities and uses. Whilst the site is to the north east of the Northmead Bowling Club that club is on Windsor Road and is substantially removed from the site such that potential for interaction between guardians and children of the centre and patrons is extremely low and does not present any concerns in this regard. Further a bowling club in a general sense is not considered a high risk use given the nature of activities and the like.
C3 – A child care facility should be located:	
<ul style="list-style-type: none"> near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship 	The subject site is located in wider proximity to educational establishments, parks and places of public worship.



<ul style="list-style-type: none"> • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like 	<p>Subject site is located near Parramatta CBD and commercial land on Windsor Road and Church Street.</p> <p>The development site is within close proximity to educational establishments, places of public worship and services. Bus stops with services to Parramatta Station and Sydney CBD (Route 604, 706 & 614X) are located within a 200m walking distance of the subject site.</p>
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C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

<ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses • any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site 	<p>The subject site is not located within proximity to any identified environmental hazard.</p> <p>The development site has historically been utilised for residential proposes with no known potential contamination activities being conducted on site.</p> <p>A Preliminary Site Investigation was undertaken for the site. See the discussion provided on SEPP 55 earlier in the report for further detail.</p>
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3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

<ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that responds to and integrate with the existing streetscape 	<p>The development proposes a modern single storey building designed to be compatible within an established low density residential estate.</p> <p>Appropriate landscaping is to be provided. Refer to attached Landscape Plan for detail.</p>
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- use landscaping to positively contribute to the streetscape and neighbouring amenity
- integrate car parking into the building and site landscaping design in residential areas

C6 – Create a threshold with a clear transition between public and private realms, including:

- | | |
|--|---|
| <ul style="list-style-type: none"> • fencing to ensure safety for children entering and leaving the facility | <p>The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.</p> |
| <ul style="list-style-type: none"> • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community | <p>The proposed development incorporates an active façade that will permit casual surveillance to the common areas within the development site.</p> |
| <ul style="list-style-type: none"> • integrating existing and proposed landscaping with fencing | <p>Proposed landscaping works seek to soften the built form and fencing and also seek to integrate the development with the site's low density context.</p> |

C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours

The site does not contain multiple buildings or entries;
The primary entry point is designed to be clearly visible and legible.

C9 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:

- | | |
|--|--|
| <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries | <p>The subject site adjoins bushland to the rear and provides clearly defined street access and, pedestrian paths from Ulandi Place.</p> |
| <ul style="list-style-type: none"> • low fences and planting which delineate communal/private open space from adjoining public open space | <p>Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.</p> |



<ul style="list-style-type: none"> minimal use of blank walls and high fences 	Where appropriate, the single storey child care facility is to minimise the use of blank walls and high fences.
<p>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p> <p>Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>Development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Parramatta Local Government Area.</p> <p>Subject site is not identified as a heritage item, nor is not located within a heritage conservation area, nor are there any heritage listed items within close proximity of the development which are likely to be impacted by the proposed development.</p> <p>As such no further heritage studies is considered necessary noting that the development site is not burdened by any heritage restrictions.</p>
<p>C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	Subject site does not front a classified road; however, the development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.
<p>3.3 Building orientation, envelope and design</p>	
<p>C11 – Orient a development on a site and design the building layout to</p> <ul style="list-style-type: none"> ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties placing play equipment away from common boundaries within residential properties locating outdoor play areas away from residential dwellings and other sensitive uses 	<p>The single storey centre-based child care facility has been designed to comply with prescribed setback controls under the Parramatta DCP 2011 for dwelling houses and the Child Care Planning Guidelines to minimise privacy impacts on neighbouring properties.</p> <p>The development incorporates a mix of blank walls and high sill heights to walls oriented to the site's side elevations.</p> <p>An Acoustic Assessment has been prepared by 'The Acoustic Group' which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;</p> <p><i>"With the noise control measures specified, we can support the application for a Childcare Centre at 18-19 Ulandi Place, Winston Hills, as the proposed Childcare Centre can be built and operated to satisfy the various acoustic criteria applicable to the development."</i></p> <p>Barriers are limited to 1.8m and 2.2m in height.</p>



<ul style="list-style-type: none"> • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions 	<p>The siting and orientation of the proposed building combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Furthermore, the single storey centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with setback provisions. This is supported by the attached shadow diagrams.</p>
<p>C12 – The following matters may be considered to minimise the impacts of the proposal on local character:</p>	
<ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	<p>The child care facility is recessed from Ulandi Place and as such is not highly visible from the public domain. However, the development proposes a single storey building that is consistent and compatible with the existing low density built form character within the subject area.</p> <p>Development is consistent with setback requirements under the Parramatta DCP 2011 for dwelling houses and the Child Care Planning Guidelines.</p>
<p>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p>	<p>N/A.</p>
<p>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</p>	<p>The development has been designed to comply with setback requirements under the Parramatta DCP 2011 which requires child care facilities within residential zones to achieve setback prescribed for dwelling houses in-order to be consistent with the built form pattern in established residential estates.</p>



C15 – The built form of the development should contribute to the character of the local area, including how it:

- respect and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage
- contributes to the identity of the place
- retains and reinforces existing built form and vegetation where significant
- considers heritage within the local neighbourhood including identified heritage items and conservation areas
- responds to its natural environment including local landscape setting and climate
- contributes to the identify of place

The development proposes a single storey building that is consistent and compatible with the existing low density built form character within the subject area.

Development proposes to undertake appropriate landscape embellishment works within an established residential estate.

Subject site is not listed as a heritage item or is it within a conservation area, nor are there any heritage items within close proximity to the development site.

As such no further heritage studies is considered necessary, noting that the development site is not burdened by any heritage restrictions.

C16 – Entry to the facility should be limited to one secure point which is:

- located to allow ease of access, particularly for pedestrians
- directly accessible from the street where possible
- directly visible from the street frontage
- easily monitored through natural or camera surveillance
- not accessible through an outdoor play area

A single entry point is provided to the child care facility with direct pedestrian pathway provided from Ulandi Place.

C17 – Accessible design can be achieved by:

- providing accessibility to and within the building in accordance with all relevant legislation
- linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry

The development has been designed to be accessible to and within the building in accordance with all relevant legislation, with pedestrian access provided via Ulandi Place from a pedestrian pathway. Furthermore, a lift core provides access to the ground floor from the basement parking level.

Access to the site is in accordance with the Access Review Report that accompanies this application.



<ul style="list-style-type: none"> • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance via a pedestrian pathway .</p>
<h3>3.4 Landscaping</h3>	
<p>C18 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p>	<p>The development is to remove identified trees/vegetation in-order to accommodate the proposed child care facility, noting appropriate landscape embellishment works within a low density residential estate is proposed.</p>
<p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping 	<p>The landscaping plan incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.</p> <p>Refer to attached Landscaping Plan for detail.</p>
<p>C19 – Incorporate car parking into the landscape design of the site by:</p>	<p>The development proposes parking within a basement level. The vehicle ramps are bounded by landscaping that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and its low density surroundings.</p>
<ul style="list-style-type: none"> • planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas 	<p>Refer to attached Landscaping Plan for detail.</p>
<h3>3.5 Visual and acoustic privacy</h3>	
<p>C20 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.</p>	<p>The proposal is not part of a mixed-use development. Not applicable</p>



C21 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout and specific design measures including the provision of predominantly blank walls and high sill windows to the side boundaries where appropriate.

C22 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

Complies, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments, noting that the facility is to be appropriate treated through the combination of blank walls and high sill windows along the side elevation.

C23 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing)
- ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

Development proposes appropriate fencing along the site's side and rear boundaries at the ground floor with the incorporation of 1.8m high barrier fencing along the rear portion of the sites western boundary and a 2.2m high barrier fencing along the rear portion of the sites eastern boundary.

An Acoustic Assessment has been prepared by 'The Acoustic Group' which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;

"With the noise control measures specified, we can support the application for a Childcare Centre at 18-19 Ulandi Place, Winston Hills, as the proposed Childcare Centre can be built and operated to satisfy the various acoustic criteria applicable to the development."

Acoustic barriers are limited to 1.8m and 2.2m.



3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

C25 – Adopt design solution to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments. It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic screens to minimise acoustic impacts to neighbouring properties.

An Acoustic Assessment has been prepared by 'The Acoustic Group' which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;

"With the noise control measures specified, we can support the application for a Childcare Centre at 18-19 Ulandi Place, Winston Hills, as the proposed Childcare Centre can be built and operated to satisfy the various acoustic criteria applicable to the development."

C26 – An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

- on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000
- along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007*
- on a major or busy road
- other land that is impacted by substantial external noise

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise.

An Acoustic Assessment has been prepared by 'The Acoustic Group' which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;

"With the noise control measures specified, we can support the application for a Childcare Centre at 18-19



<i>Ulandi Place, Winston Hills, as the proposed Childcare Centre can be built and operated to satisfy the various acoustic criteria applicable to the development."</i>	
C27 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development	Complies.
C28 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.	The subject site is not located near a major road or heavy industrial development- noting the majority of uses opposite the site are light industrial in nature.
3.7 Hours of operation	
C29 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays	The child care facility is to operate between 7am to 6pm Monday to Friday.
C30 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses	Subject site is not located within a mixed-use are. Not applicable.
3.8 Traffic, parking and pedestrian circulation	
C31 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate: Within 400m of a metropolitan train station:	The Development has regard with the car parking requirements under the Parramatta Development Control Plan 2011.
<ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stacked or tandem parking 	



<p>with no more than 2 spaces in each tandem space.</p> <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children 	
<p>C32 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.</p>	<p>Site not located on a commercial or industrial zone. Not applicable.</p>
<p>C33 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network 	<p>Traffic Report has been prepared that demonstrates that development will not result in unacceptable traffic and parking impacts on the amenity of neighbouring properties.</p>
<p>C34 – Alternate vehicular access should be provided where child care facilities are on site fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials <p>The alternate access must have regard to the prevailing traffic conditions:</p> <ul style="list-style-type: none"> • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic 	<p>No applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.</p>
<p>C35 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.</p>	<p>Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.</p> <p>The site facilitates 2 way movement, with separate ingress/egress ramps provided. The traffic report confirms the suitability of the design and configuration of the carpark and access point to Ulandi Place being suitable in terms of sight lines and the like.</p>



C36 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings including within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- pedestrian paths that enable two prams to pass each other
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- vehicles can enter and leave the site in a forward direction

Development provide separate pedestrian and vehicular access.

Vehicles can enter and exit the site in a forward direction.

C38 – Car parking design should:

- include a child safe fence to separate car parking areas from the building entrance to play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking

Car parking area is sufficiently separated from the building entrance and outdoor play area.

Accessible car parking space designed in accordance with Australian Standard is clearly marked and situated near the entry point.

Part 4 Applying the National Regulations to development proposals

4.1 Indoor space requirements

Regulation 107

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

The proposal provides 364m² or 3.25m² of indoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

Design Guidance

Verandas as indoor space

For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted

No veranda is to be included as unencumbered indoor space. Not applicable.



once and therefore cannot be counted as outdoor space as well as indoor space.

Design Guidance

Storage

It is recommended that a child care facility provide:

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space

The proposal provides appropriate internal and external storage areas.

4.2 Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.

On site laundry facilities are provided.

Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Designed to comply.

Child care facilities must also comply with the requirements for laundry facilities that are contained in the *National Construction Code*.

Laundry designed to comply with relevant requirements under the National Construction Code.

Design Guidance

On site laundry

On site laundry facilities should contain:

- a washer or washers capable of dealing with heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as usable unencumbered play space for children

Designed to comply.

4.3 Toilet and hygiene facilities

**Regulation 109****Education and Care Services National Regulations**

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Toilet facilities for both the children and staff are provided.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the *National Construction Code*.

Sanitary facilities designed to comply with relevant requirements under the National Construction Code.

4.4 Ventilation and natural light**Regulation 110****Education and Care Services National Regulations**

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The proposed facility has been designed to achieve cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.

Design Guidance**Natural light**

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

4.5 Administrative space**Regulation 111****Education and Care Services National Regulations**



<p>Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private consultations.</p>	<p>Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.</p>
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4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.

Nappy change facilities are provided for the facility for kids aged between 0-2.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.

Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.

Design Guidance

In circumstances where nappy change facilities must be provided, design considerations could include:

Designed to comply.

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre from the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- A space to store steps positioning to enable supervision of the activity and play areas

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

Centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having

The proposed layout ensure that hidden corners are avoided and that supervision views are maximised throughout the development.



regards to the needs to maintain their right and dignity.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*. Comply.

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

The proposed child care facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

Design Guidance

An emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.



4.9 Outdoor space requirements

Regulations 108

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 7.0m² of unencumbered outdoor space.

The proposal provides 7m² of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Design Guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries designed for landscaping purpose and not for children's play.

Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.

4.10 Natural environment

Regulations 113

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment

Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Design Guidance

Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:

- are known to be poisonous, produce toxins or have toxic leave or berries
- have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches

Noted, refer to attached landscape plan for detail.

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment

The outdoor space has been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.



- Assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitates interaction
- sand pits and water play areas
- furniture made of logs and stepped logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.

4.11 Shade

Regulations 114

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.

4.12 Fencing

Regulations 104

Education and Care Services National Regulations

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the *National Construction Code*.

Designed to comply.

Design Guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.



- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.

Design consideration for side and rear boundary fences could include:

- being made from solid prefinished metal, timber or masonry
- Having a minimum height of 1.8m
- having no rails or elements for climbing higher than 150mm from the ground

Side fencing/barriers has been undertaken in accordance with the Acoustic Assessment.

Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.

Designed to comply.

4.13 Soil assessment

*Regulations 25
Education and Care Services National
Regulations*

Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.

A Geoenvironmental Preliminary Site Investigation has been undertaken by Anderson Environmental. Refer to attached Geoenvironmental Preliminary Site Investigation for more detail.



SYDNEY REGIONAL ENVIRONMENTAL PLAN – SYDNEY HARBOUR CATCHMENT

The development site is subject to the broad planning principles contained within the Sydney Regional Environmental Plan – Sydney Harbour Catchment.

The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment. The relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes;
- Consider cumulative impacts of development within the catchment;
- Improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- Protect and rehabilitate riparian corridors and remnant vegetation.

The proposed development will not detract from the above listed principles given the nature of the development and the environmental safeguards proposed, including the detailed drainage concept and erosion and sediment controls that will be in place throughout the construction phase of the development.

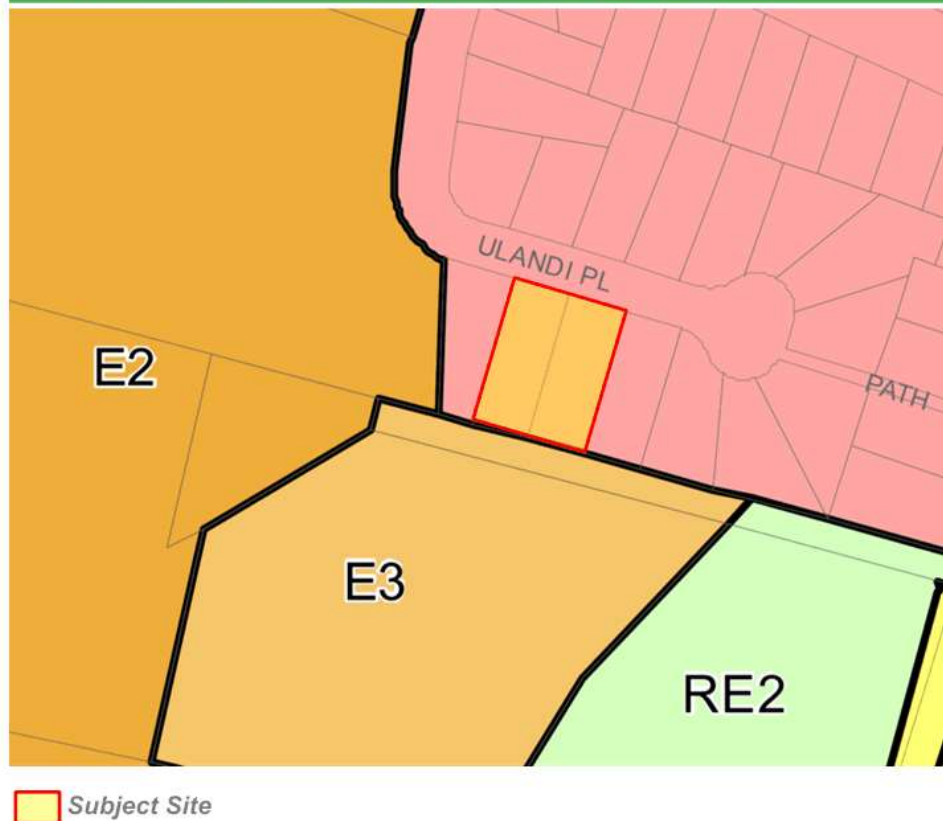


PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

As outlined in the following page, the subject site is zoned R2 Low Residential Density under the provisions of the Parramatta Local Environmental Plan 2011.

It is noted that the current application is made pursuant to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Image 5: Zoning Map Extract (Source: Parramatta LEP – LZN_003)



'Centre-Based Child Care Facilities' are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

centre-based child care facilities means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,



- (iii) Out-of-school-hours care (including vacation care),
- (iv) Preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW), but does not include
 - (c) a building or place used for home-based child care or school-based child care, or
 - (d) an office of a family day care services (within the meaning of the Children (Education and Care Services) National Law (NSW), or
 - (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
 - (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
 - (g) a service that is concerned primarily with providing lesson or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
 - (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The development proposal is also consistent with the prescribed zone objectives which are stipulated as:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.
- To require landscape as a key characteristic in the low density residential environment.

The proposed development provides a centre-based child care facility that will provide valuable child care services and employment opportunities to people who live and work in the local area.

The development proposes a modern single storey building designed to be compatible within an established low density residential estate.

The use as a centre-based child care facility will foster a sense of community given the nature of such community based land uses.



The table in the following page provides details on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Parramatta Local Environmental Plan 2011 – Compliance Table			
Clause	Controls	Comments	Complies
Zoning	R2 – Low Density Residential	'Centre Based Child Care Facilities' are permissible with Council consent in the R2 Zone	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone objectives and land use table	The proposal is consistent with the zone objectives of the R2 Low Density Residential Zone and will provide valuable child care services and employment opportunities to people who live and work in the local area.	Yes
2.6	Subdivision	No subdivision is proposed.	N/A
2.7	Demolition requires consent	Council consent is sought for the demolition of the existing structures on site in accordance with the submitted Demolition Plan.	N/A
Part 4 Principal Development Standards			
4.3	Height of building – 9m	<p>A maximum building height of 9m is identified for the site under Parramatta Local Environmental Plan 2011 Height of Building Map Sheet HOB_003.</p> <p>The development proposes a single storey building with no part of the proposed built form to encroach 9m in height in accordance with the height provisions under the LEP.</p>	Yes
4.4	Floor space ratio: 0.5:1	<p>A maximum floor space ratio of 0.5:1 is identified for the site under Parramatta Local Environmental Plan 2011 Maximum Floor Space Ratio Map Sheet FSR_003.</p> <p>The development proposes an FSR of 0.3:1 and as such is compliant with the maximum permitted FSR. See attached plans for detail. FSR calculations have been undertaken in accordance with Clause 4.5.</p>	Yes



Clause	Controls	Comments	Complies
Part 5 Miscellaneous Provision			
5.10	Heritage conservation	<p>The site is not identified as a heritage item and it is not located within a heritage conservation area, however there are several heritage listed environmental sites (I752, I648, I448 & I649) within the locality.</p> <p>The single storey form of the proposal, the buffer between the subject site and the heritage items by adjoining lots and the nature of the heritage items (being non-residential), the proposal will have no impact on the heritage items during construction and operation of the proposed child care facility.</p> <p>As a result, the subject site will not have any associated heritage restriction and no further heritage investigation is considered necessary.</p>	N/A
Part 6 Additional Local Provisions			
6.1	Acid sulfate soils	The subject site is identified as containing class 5 acid sulfate soils. The development is not likely to lower the water table.	N/A
6.2	Earthworks	<p>This application seeks Council consent for minor excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation work is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site that excavation will lead to the disturbance of relics.</p>	Yes



Clause	Controls	Comments	Complies
6.3	Flood planning	The development site is not identified as being flood prone.	N/A
6.4	Biodiversity protection	The development site is not identified on the Natural Resources Biodiversity Map. Not applicable.	N/A
6.5	Water protection	The site is not identified on the Natural Resources Riparian Land and Waterways Map. Not applicable.	N/A
6.6	Development on landslide risk land	The site is not identified as being subject to landslide risk. Not applicable.	N/A
6.8	Foreshore building line	The proposal is not within close proximity of the foreshore and is not located within the foreshore building line. Not applicable.	N/A



PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The application has been assessed against relevant general provisions of the Parramatta DCP 2011 and the specific provisions of Section 5.2 of the DCP that relates to child care facilities within the Parramatta Local Government Area.

It is also noted that given the development has been designed to comply with specific building envelop controls applying to dwelling houses under the DCP in order to provide a built form consistent and compatible with the immediate locality which has been zoned for low density residential land uses.

The table below provides detail on the development standards relevant to the current proposal.

Parramatta Development Control Plan 2011 – Compliance Table			
Clause	Controls	Comments	Complies
Part 2 Site Planning			
2.1	Design in Context in the Parramatta City	<p>It is noted that development for the purposes of a 'Centre Based Child Care Facility' is permissible within the R2 Low Density Residential Zone under Parramatta Local Environmental Plan 2011 and the proposal is compliant with the objectives and specific controls of this document.</p> <p>The development proposes a modern single storey building designed to be compatible within an established low density residential estate.</p> <p>Appropriate landscaping is to be provided within a low density residential context.</p> <p>The proposal has been designed to minimise adverse environmental or amenity impacts and provides an appropriate outcome on site in an appropriate location.</p> <p>The proposed development will provide a child care facility that will serve the needs of people who live and work in the local area and also provides much needed employment opportunities for local residents.</p> <p>The site is well located and there is opportunity for local residents to walk to the centre given its central location of the site and its proximity to public transport.</p>	Yes



Clause	Controls	Comments	Complies
2.3	Site Analysis	A Site Analysis has been prepared for the proposal and is attached as part of this application.	Yes
2.4.1	Site Considerations – Views and Vistas	The development proposes a single storey building that is fully compliant with the maximum building height control and therefore, will not impact on views to and from significant sites or on existing significant view corridors.	Yes
2.4.2.1	Site Considerations – Water Management Flooding	<ul style="list-style-type: none"> – The site is not identified as being flood prone. – All stormwater is to be appropriately managed. A Stormwater Management Plan has been prepared and is attached as part of this application. Refer to attached Stormwater Plan for detail. 	N/A
2.4.2.2	Site Considerations – Water Management Protection of Waterways	<ul style="list-style-type: none"> – The development proposes a single storey building that is to accommodate a child care facility. It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low. 	N/A
2.4.2.3	Site Considerations – Water Management Protection of Groundwater	<ul style="list-style-type: none"> – The proposed development is for the use of the site as a child care facility. <p>It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low.</p>	Yes
2.4.3.1	Site Considerations – Soil Management Sedimentation	<ul style="list-style-type: none"> – This application seeks Council consent for the excavation of the site as per the attached plans. <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	Yes
2.4.3.2	Site Considerations – Soil Management – Acid sulphate Soils	The site is not identified as being affected by Acid Sulphate Soils.	NA
2.4.3.3	Site Considerations – Soil Management – Salinity	Due to the nature and location of the site, it is not likely to be affected by Saline Soils.	Yes



Clause	Controls	Comments	Complies
2.4.4	Site Considerations – Land Contamination	<p>Residential proposes with no known potential contamination activities being conducted on site.</p> <p>A Preliminary Site Investigation was undertaken by Geotechnical Consultants Australia.</p> <p>See the discussion under SEPP 55 for further information.</p>	Yes
2.4.5	Site Considerations – Air Quality	<p>It is considered that the proposal will not significantly contribute to air pollution, odours or the release of atmospheric pollutants.</p> <p>Appropriate management of the site during the demolition and construction phases will limit the potential for air pollution.</p>	Yes
2.4.6	Site Considerations – Development on Sloping Land	<p>The proposal has been designed to with appropriate cut and minimal fill, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area.</p> <p>It is considered that the proposal results in an appropriate outcome on site that will not adversely affect the environment or the existing residential amenity of adjoining properties.</p>	Yes
2.4.7	Site Considerations – Biodiversity	<p>The proposed development will not impact on any significant flora and fauna.</p> <p>It is noted that the proposal is for the erection of a child care facility within an established residential area.</p> <p>The development proposes appropriate open space and landscaped areas undertaken in accordance with Council controls.</p> <p>See attached landscape plan for detail.</p>	Yes
2.4.8	Site Considerations – Public Domain	<p>The proposal will positively contributes to the public domain and proposes a development that is consistent with the objectives of its zone (R2 Low Density Residential).</p> <p>The proposal will incorporate appropriate finishes, fencing and landscaping within a low density residential context whilst also positively contribute to the public domain.</p>	Yes



Clause	Controls	Comments	Complies
		<p>The child care facility itself has been designed to be compatible with the residential character of the locality by providing a contemporary single storey building which is of a size and scale suitable within a low residential density context.</p> <p>The proposal will not adversely impact on the views to or from the public domain.</p> <p>See attached architectural and Landscape Plans for detail.</p>	
Section 3 – Development Principles			
3.1.2	Preliminary Building Envelope – Height Transition	Not applicable.	N/A
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Height	<p>A maximum building height of 9m is identified for the site under Parramatta Local Environmental Plan 2011 Height of Buildings Map Sheet.</p> <p>The proposal is compliant with this control.</p>	Yes
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Floor Space	<p>A maximum floor space ratio of 0.5:1 is identified for the site under Parramatta Local Environmental Plan 2011 Floor Space Ratio Map Sheet.</p> <p>It is noted that the development proposes an FSR of 0.3:1 over the site and as such is compliant with this control.</p>	Yes
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Minimum Site Frontage: 15m	The site has a frontage width of greater than 15m to Ulandi Place and therefore, is compliant.	Yes
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Front Setback	<p>Under Parramatta Development Control Plan, the front setback for dwelling houses is 5-9m or consistent with the prevailing setback along the street.</p> <p>The development provides a front setback of 6m which is consistent with the emerging setbacks in the street-notably the property to the west that is an example of a recent redevelopment and the front setback aligns with this.</p>	Yes



Clause	Controls	Comments	Complies
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Side Setbacks	Under Parramatta Development Control Plan, the minimum side setback for of 900mm. Child care facilities are subject to specific side setback under Part 5 of the DCP.	Subject to specific controls under Part 5 of the DCP
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Rear Setback	Provided on merit, noting that the primary building is to be setback 12.83m from its rear boundary which is more than sufficient.	Yes
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Deep Soil Zone: 30%	Does not apply to Child Care Facilities.	N/A
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Landscaped Area: 40%	Does not apply to Child Care Facilities.	N/A
3.2.1	Building Elements – Building Form and Massing	The subject proposal is compliant with Councils FSR and height controls. Given this it is, it is considered that the proposal seeks to utilise the land in accordance with the zoning provisions and will result in an appropriate outcome for the site. The proposal does not result in any unreasonable environmental or amenity impacts on site or on adjoining properties. It is considered that the proposal responds well to the individual context of its site. The child care facility itself has been designed to be compatible with the residential character of the locality and with Council controls by providing a contemporary single storey building which is of a size and scale suitable within a low residential density context.	Yes
3.2.2	Building Elements – Building Facades and Articulation	The development proposes a contemporary single storey building appropriate within a low density residential context. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes. The range of materials significantly contributes to the articulation of the building reduces the overall bulk and mass of the building. See attached plans for detail.	Yes



Clause	Controls	Comments	Complies
3.2.3	Building Elements – Roof Design	The proposal incorporates a contemporary, cross hipped roof design, providing articulation in the mass and not dominating the streetscape. See attached plans.	Yes
3.2.4	Building Element – Energy Efficient Design	The proposed development incorporates design elements to increase energy efficiency and reduce the consumption of natural resources. This includes the siting of the building to maximise solar access and natural ventilation.	Yes
3.2.5	Building Elements – Streetscape	<p>The subject area is predominantly residential, noting that the subject site provides essential services that serve the needs of local residents.</p> <p>The development proposes a contemporary single storey building appropriate within a low density residential context.</p> <p>The proposal is of an appropriate height, bulk and scale.</p> <p>The proposal will have minimal adverse environmental or amenity impacts and also minimal impact on the existing streetscape character along Ulandi Place.</p> <p>The proposed development is appropriate and provides measures, built elements and landscaping.</p> <p>Overall, it is considered that the proposal results in an appropriate outcome on site and within the context of the area.</p> <p>No garages are proposed with parking to be provided within a basement level and as such the parking arrangements will not impact upon the streetscape.</p>	Yes
3.2.6	Building Elements – Fences	<p>Proposed side and rear fencing are to be consistent with the character and style of the proposal.</p> <p>The proposed fencing is compliant with Council controls.</p> <p>See attached plans for detail.</p>	Yes
3.3.1	Environmental Amenity – Landscaping	The proposed landscaping is proposed within a low density residential context.	Yes



Clause	Controls	Comments	Complies
		<p>The proposed development incorporates open space and landscaped areas that are consistent with and achieve the objectives of Council controls and will permit stormwater penetration, minimising run off from the site.</p> <p>Landscaping is to be undertaken in accordance with the landscape plan attached as part of this application.</p>	
3.3.2	Environmental Amenity – Private and Communal Open Space	Not relevant to the current application, noting appropriate unencumbered indoor and outdoor play areas are provided in accordance with the Education and Care Service National Regulations.	N/A
3.3.3	Environmental Amenity – Visual and Acoustic Privacy	<p>The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity.</p> <p>This includes the siting/internal layout of play areas towards the rear of the site, as the development adjoins bushland to its southern boundary.</p> <p>The use of setbacks with fencing combined with strategically placed landscaping and a combination of 1.8m & 2.2m high barriers will also contribute towards mitigating privacy impact to neighbouring properties on the ground floor.</p>	Yes
3.3.4	Environmental Amenity – Acoustic Amenity	<p>An Acoustic Assessment has been prepared by 'The Acoustic Group' which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;</p> <p><i>"With the noise control measures specified, we can support the application for a Childcare Centre at 18-19 Ulandi Place, Winston Hills, as the proposed Childcare Centre can be built and operated to satisfy the various acoustic criteria applicable to the development."</i></p>	Yes
3.3.5	Environmental Amenity – Solar Access and Cross Ventilation	<p>It is considered that appropriate solar access is to be provided on site and for neighbouring properties which will receive at least 3 hours of sunlight to the private open space of neighbouring property.</p> <p>Refer to attached Shadow Diagrams for detail.</p>	Yes



Clause	Controls	Comments	Complies
		<p>The proposal incorporates design features to increase energy efficiency and reduce the consumption of natural resources, including window size and location that will permit adequate solar penetration as well as natural ventilation of the proposed single storey building.</p> <p>It is considered that the proposal will provide a high standard of residential amenity for future residents that is designed to increase energy efficiency and that will have minimal adverse environmental impacts.</p>	
3.3.6.1	Environmental Amenity – Water Sensitive Urban Design – Stormwater Drainage	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area. Refer to attached Stormwater Management Plan for detail.</p>	Yes
3.3.6.2	Environmental Amenity – Water Sensitive Urban Design – Water Efficiency	Energy efficient design elements have been incorporated as part of the proposal and this application is accompanied by a complying BASIX Certificate.	Yes
3.3.6.3	Environmental Amenity – Water Sensitive Urban Design – Grey Water	Noted.	Yes
3.3.7	Environmental Amenity – Waste Management	A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. Further, appropriate waste facilities have been provided. Refer to attached Waste Management Plan for detail.	Yes
3.4.1	Social Amenity – Culture and Public Art	Not applicable.	NA



Clause	Controls	Comments	Complies
3.4.2	Social Amenity – Access for People with Disabilities	Appropriate access is provided to, from and within the site for those with disability, noting a lift core will provide access from the basement level.	Yes
3.4.3	Social Amenity – Amenities in Buildings Available to the Public	Not applicable.	Yes
3.4.4	Social Amenity – Safety and Security	<p>The development has been designed to incorporate an active façade that will permit casual surveillance of the common areas within the subject site.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>All materials and finishes are appropriate.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	Yes
3.5.1	Heritage – General	<p>The site is not identified as a heritage item and it is not located within a heritage conservation area, however there are several heritage listed environmental sites (I752, I648, I448 & I649) within the locality.</p> <p>The single storey form of the proposal, the buffer between the subject site and the heritage items by adjoining lots and the nature of the heritage items (being non-residential), the proposal will have no impact on the heritage items during construction and operation of the proposed child care facility.</p> <p>As a result, the subject site will not have any associated heritage restriction and no further heritage investigation is considered necessary.</p>	Yes



Clause	Controls	Comments	Complies
3.6.2	Movement and Circulation – Parking and Vehicular Access	<p>Car parking rates for the child care facility component of the development is provided in accordance with Part 5 of the DCP.</p> <p>Refer to attached Traffic Report for detail.</p> <p>It is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.</p> <p>The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal. Refer to attached traffic report for detail.</p>	Yes
3.6.3	Movement and Circulation – Accessibility and Connectivity	<p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site.</p> <p>Vehicle and pedestrian routes are clearly indicated and is separated.</p>	Yes
3.7.1	Residential Subdivision – General	No subdivision is proposed.	N/A
3.7.2	Residential Subdivision – Site Consolidation and Development on Isolated Sites	The proposal does not result in the isolation of adjoining sites.	Yes
Part 5 Other Provisions: 5.2 Child Care Centres			
5.2.3	Site Selection	<p>The site, which has an area of 1,813.5m² and can best be described as a large rectangular shaped land parcel that is of a sufficient size and width to accommodate the proposed centre-based child care facility.</p> <p>The site is considered appropriate to accommodate a child care facility as its size permit the following criteria's to be achieved:</p> <ul style="list-style-type: none"> - Safe and convenient vehicular access can be provided- noting the findings of the traffic report indicate the traffic impacts in the context of the street network are acceptable. - Safe and convenient pedestrian access can be provided - The size of the site can deliver an efficient building form, generous access and circulation space and extensive play areas 	Yes



Clause	Controls	Comments	Complies
		<ul style="list-style-type: none"> - Is within walking distance to local bus stops - Adjoins bushland to the rear - Is not located adjacent to arterial and main roads <p>The DCP also stipulates that there is no minimum site size prescribed for the establishment of a child care facility, although does require the provision of best practice standards of indoor and outdoor unencumbered space that are required for service approval.</p> <p>As stated previously, the development complies with the minimum unencumbered indoor and outdoor play area per child under the Education and Care Service National Regulations.</p> <p>Building Siting and Design</p> <p>There are no specific building envelope controls associated with a child care facility. Considering that the development site resides within a low density residential area and considering the localities R2 zoning, the child care facility has been designed where appropriate to comply with the building envelope controls for dwelling houses to ensure a compatible built form appropriate within a low residential density context is achieved.</p> <p>The proposed child care facility predominantly complies with the key planning controls and relevant building envelope controls for dwelling as demonstrated below:</p> <p>Dwelling Houses/Dual Occupancies</p> <p>Maximum Building Height Control: 9m Provided: <9m</p> <p>Maximum FSR Control: 0.5:1 Provided: <0.5:1</p> <p>Front Setback: Control: 5m - 9m Provided: 6m</p> <p>Side Setback: Control: 2m Provided: 2m</p>	Minor Variation to rear setback



Clause	Controls	Comments	Complies
		<p>Rear Setback: Control: 30% site depth (48.18x0.3=14.45m) Provided: 14.3m</p> <p>The development is compliant with all the building envelope requirements, with the exception of the rear setback control. A portion of the 2-3 play area (decking and roof) slightly varies the 30% site depth setback requirement. However, the development adjoins bushland to its southern boundary, which given its heritage listing is unlikely to be developed in the near future. Therefore, the development will not result in any amenity impacts neighbouring dwellings to its rear boundary, as per the objective of the control.</p> <p>Minimum Indoor and Outdoor Space and Minimum Number of Child Care Places</p> <p>The proposal complies with the prescribed minimum unencumbered indoor and outdoor play area per child contained within the State Environmental Planning Policy (Educational Establishment and Child Care Facilities) 2017 and the Education and Care Service National Regulations.</p> <p>Furthermore the DCP states that the maximum child care places in a residential zone is 40.</p> <p>Clause 26 of the State Environmental Planning Policy (Educational Establishment and Child Care Facilities) 2017 stipulates that any provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age rations, groupings, number or the like, of children) does not apply to development for the purpose of a centre-based child care facility. As such a minimum ratio requirement under the DCP is not considered a relevant matter.</p> <p>Hours of Operations</p> <p>The hours of operation are 7am to 6pm Monday to Friday</p> <p>Landscaping</p> <p>Neighbouring trees are to be retained and protected.</p>	<p>SEPP Prevails</p> <p>Yes</p> <p>Yes</p>



Clause	Controls	Comments	Complies
		<p>Development is to provide landscaping within a low residential density context. Where appropriate, the development provides 1.5m landscape verges along the site's side and rear boundaries.</p> <p>Refer to attached Landscape Plan for detail.</p>	
Access and Parking			
	<p>Car Parking Rates</p> <p>Per child: 1 per 4 Per accessible parking space: 1 per 10</p> <p>= 112 / 4 for 28 children</p>	<p>The development proposes a 112 place child care facility.</p> <p>As per the DCP, for child care facility 1 space must be provided per 4 child care places, 1 space in every 10 for disabled parking.</p> <p>Taking this into account, the proposal requires 28 car parking spaces.</p> <p>The development proposes the provision of 28 car parking spaces with the following breakdown:</p> <ul style="list-style-type: none"> - 14 staff car parking spaces; and - 14 visitor car parking spaces including an accessible car parking spaces. <p>Refer to attached Traffic and Parking Impact Assessment for detail.</p>	
	Vehicle Circulation, Car Parking Design and Pedestrian Access Design	<p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and existing the site.</p> <p>Vehicle and pedestrian routes are clearly indicated and accessible.</p> <p>Proposal will comply with relevant provisions under the Design for Access and Mobility and the Building Code of Australia.</p> <p>The car parking area provides for the safe drop-off and collection of children.</p> <p>Furthermore, a lift core provides equitable access to the ground floor.</p> <p>The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal.</p> <p>Refer to attached Traffic and Parking Impact Assessment for detail.</p>	Yes



Clause	Controls	Comments	Complies
Acoustic and Visual Privacy			
		<p>Acoustic Privacy</p> <p>An Acoustic Assessment has been prepared by 'The Acoustic Group' which demonstrates the acoustic impact of the development on adjacent properties. The report concludes the following;</p> <p><i>"With the noise control measures specified, we can support the application for a Childcare Centre at 18-19 Ulandi Place, Winston Hills, as the proposed Childcare Centre can be built and operated to satisfy the various acoustic criteria applicable to the development."</i></p> <p>The proposal has also been designed in a 'U' configuration to mitigate and limit acoustic impacts which is appropriate.</p> <p>Visual Privacy</p> <p>The proposal contains design elements which seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity to neighbouring properties.</p> <p>This includes the siting/internal layout of dwellings, location/size of windows, proposed building materials as well as the incorporation of other elements including appropriate the treatment to windows oriented to the site elevation at the ground floor combined with appropriate setbacks and landscaping within a low density residential context.</p> <p>It is considered that the proposed development produces an appropriate outcome on site that will not adversely impact upon residential amenity currently enjoyed by adjoining properties.</p>	<p>Yes</p> <p>Yes</p>
	Indoor Areas	Indoor play areas align with the SEPP (Educational Establishment and Child Care Facilities) and the Education and Care Service National Regulations, in that it provide a total of 364m ² or 3.25m ² of unencumbered indoor play area per child.	Yes
	Outdoor Areas	Outdoor play areas align with the SEPP (Educational Establishment and Child Care Facilities) and the Education and Care Service National Regulations, in that it provide a total of 788m ² or 7m ² of unencumbered outdoor play space per child.	Yes



Clause	Controls	Comments	Complies
	Transition Areas	Appropriate transition areas between indoor and outdoor areas are provided within the ground floor	Yes
	Fencing	<p>Appropriate fencing and gates are provided around outdoor play areas and to the entrance of the child care facility.</p> <p>All fencing is consistent with Council controls, noting the proposed 1.8m and 2.2m barriers have been adopted to mitigate acoustic impacts as detailed in the accompanying Acoustic Assessment.</p>	Yes
	Landscaping	<p>Neighbouring trees are to be retained and protected.</p> <p>The proposed landscaping is considered to be appropriate on site and within the established low density residential context.</p> <p>The proposed landscaping will positively contribute to the cohesiveness and visual appreciation of the area and provides relief from the built form, softening the impact of the development.</p> <p>The proposed development incorporates open space and landscaped areas that are consistent with and achieve the objectives of Council controls and will permit stormwater penetration, minimising run off from the site. Shrub plantings are also strategically located to mitigate privacy impacts to adjoining properties.</p> <p>A Landscape Plan will accompany the Development Application.</p>	Yes
	Waste Management	<p>A detailed Waste Management Plan accompanies the current development application and the proposed waste storage, holding and collection measures are considered acceptable.</p> <p>Notwithstanding, it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>The proposal provides a waste storage area within the basement level that will provide sufficient space for recycling and residual waste bins.</p>	Yes



Clause	Controls	Comments	Complies
Part 5 Other Provisions			
5.4	Preservation of Trees or Vegetation	<p>Neighbouring trees are to be retained and protected..</p> <p>The development is to incorporate a high quality landscape embellishment works that aims to reduce the physical bulk and scale of the development whilst also enhancing privacy levels and amenity within a garden setting in accordance with the landscape plan.</p> <p>Appropriate replacement within a low density context is proposed, refer to attached Landscape Plan for detail.</p>	Yes



EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant Parramatta City Council controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

- licensing and approvals processes, including documentation requirements;
- facilities and equipment requirements;
- staffing requirements;
- child number requirements;
- operational requirements;
- administrative requirements;
- probity check requirements; and
- various miscellaneous requirements.

Those provisions relevant to the current proposal are addressed in the table within the following page.

Clause	Controls	Comment	Complies
Part 3 Facilities and Equipment Requirements			
28 (1)	Space requirements	(a) An administration room is located within the proposed Child Care Facility.	Yes
		(b) A staff room is located within the proposed Child Care Facility.	Yes
		(c) A Cot Room that is used only for children under 2 years of age has been provided within the proposed Child Care Facility.	Yes
28 (2)	Adequate unencumbered indoor play space	The proposed centre-based child care facility provides 3.25m ² of unencumbered indoor play space per child as shown on the submitted plans.	Yes
28 (4)	Adequate unencumbered outdoor play space	The proposed centre-based child care facility provides 7m ² of unencumbered outdoor play space per child.	Yes
28 (6)	Shading	The proposed centre-based child care facility has provided adequate shading. See attached plans for detail.	Yes



29	Laundry	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
30	Craft preparation facilities	Craft preparation areas are provided in the centre-based child care facility.	Yes
31	Food preparation facilities	A kitchen facility is provided by the proposed centre-based child care facility.	Yes
32	Toil and washing facilities	Appropriate toilet and washing facilities are provided.	Yes
33	Nappy change facilities	A nappy changing facility is provided by the proposed centre-based child care facility.	Yes
34	Sleeping facilities	The proposed centre-based child care facility has appropriate sleeping facilities with a separate cot room provided for 0 - 2 year old.	Yes
35	Storage facilities	The proposed centre-based child care facility has provided adequate storage facilities.	Yes
45	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
Part 3 Staffing Requirements			
52	Staff to child ratio	<p>The proposed centre-based child care facility will require the following minimum staff requirements:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 12 children (3 staff) 2-3 Years – 40 children (8 staff) 3-5 Years – 60 children (6 staff)</p> <p>Total: 17 staff. The development provides a total of 17 educators. Complies</p>	Yes



CONCLUSION

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

DEVELOPMENT APPLICATION

ITEM NUMBER	5.4
SUBJECT	OUTSIDE PUBLIC MEETING: 12 James Street, CARLINGFORD (Lot 1 DP 120826)
DESCRIPTION	Section 4.55(1A) modification of DA/80/2019 for the demolition of existing structures, tree removal and the construction of an eighteen (18) storey mixed use development containing 64 apartments and ground floor retail space over 5 levels of basement parking. The modifications include the reconfiguration of the ground floor, increase to FSR and height, inclusion of a garbage chute and garbage room in the basement, and the relocation of the substation to the James Street frontage.
REFERENCE	DA/80/2019/A - D08386535
APPLICANT/S	Moma Architects
OWNERS	Paramount Investments Pty Limited and Carlingford Investments Pty Limited
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	APPROVAL

DATE OF REPORT 15 FEBRUARY 2022**REASON FOR REFERRAL TO LPP**

This application is referred to the Parramatta Local Planning Panel as a variation of greater than 10% is sought to Clause 4.4 – Floor Space Ratio under the Parramatta (former The Hills) Local Environmental Plan 2012.

EXECUTIVE SUMMARY

This is a summary of the full assessment of the application as outlined in Attachment 1, the Section 4.55 Assessment Report.

The Site

The site is known as 12 James Street, Carlingford (Lot 1 DP 120826). The site is an irregular shaped allotment with a total area of 925.7m² and has an 8.7m frontage to Jenkins Road, 19.8m frontage to the existing pathway adjacent to Carlingford Railway Station and a western boundary of 32m. The site currently contains an existing single storey dwelling and a number of trees.

The site is adjoining Carlingford Railway Station and is proximity to nearby shops at Carlingford Village. Adjoining the site to the west is a site currently under construction (10 James Street). To the north-east of the site is an access path to the Carlingford Light Rail. To the east and south of the site is the Carlingford Light Rail line, which is currently under construction.

The subject site is one of the last on its block that is undeveloped. The site is identified as a Key Site (Block 4) within the Hills Development Control Plan 2012 at 2-12 James Street, Carlingford. The location of the subject allotment within this Key Site is identified for an 'iconic bookend tower on Civic Plaza'. Other development

within the locality includes mixed use development, some of which is still under construction.

The site is zoned R1 General Residential pursuant to the Hills Local Environmental Plan (LEP) 2012. Land to the south and south-east is zoned SP2 Railway. Land to the north and east is zoned R1 General Residential.

The Proposal

Consent is sought to modify the approved demolition of existing structures, tree removal and the construction of an eighteen (18) storey mixed use development containing 64 apartments and ground floor retail space over 5 levels of basement parking.

The proposed modifications include:

- Reconfiguration of the ground floor to allow the retail premises to better front and address Carlingford Light Rail Plaza.
- Minor increase to the FSR, mainly due to converting existing approved services areas into retail space which will result in an increase to the overall retail GFA from 111m² to 281m², an increase of 170m².
- Increase in the approved height limit to allow for the mechanical ducts on the roof
- Inclusion of services ducts and risers as required.
- Inclusion of a garbage chute and garbage room in the basement.
- Relocation of the substation to the front of the site in a Padmount configuration, with subsequent reconfiguration of Unit on Level 1 next to the existing internal double height substation space.

The modification application proposes to exceed the 57m maximum building height control by 1m (1.75% variation), resulting in a maximum height of 58m above natural ground level. The non-compliant portion of the building comprises the lift overrun and mechanical services. The application was accompanied by a Clause 4.6 Statement, which is considered well founded.

The approved floor space ratio for the development is 6.01:1. The application proposes to exceed the 5:1 maximum floor space ratio control resulting in a total floor space ratio of 6.2:1 (24% variation). The application was accompanied by a Clause 4.6 Statement, which is considered well founded.

The application was referred to Endeavour Energy. No objections were raised to the proposed modifications.

The application was notified in accordance with Council's notification procedures contained within DCP 2012. In response two submissions were received which are addressed within the Section 4.55 assessment report.

After consideration of the development against Section 4.55 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest.

RECOMMENDATION

- (a) **That** the Parramatta Local Planning Panel exercising the functions of Council as the consent authority pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, modify development consent DA/80/2019 to include modifications to the approved demolition of existing structures, tree removal and the construction of an eighteen (18) storey mixed use development containing 64 apartments and ground floor retail space over 5 levels of basement parking at 12 James Street, Carlingford, as shown on the plans submitted with the modification application, for a period of five (5) years from the date on the **original** Notice of Determination, subject to the following amendments:
1. Amend Condition No. 1 to reflect the updated plans and documents.
 2. All other conditions of DA/80/2019 remain unchanged.
- (b) **That** Parramatta Local Planning Panel approve a variation to the building height control prescribed in Clause 4.3 – Building Height in Parramatta (former The Hills) Local Environmental Plan 2012, as it satisfies the objectives of the control and the R1 General Residential zone, and there are sufficient environmental planning grounds to justify the variation.
- (c) **That** Parramatta Local Planning Panel approve a variation to the building height control prescribed in Clause 4.4 – Floor Space Ratio in Parramatta (former The Hills) Local Environmental Plan 2012, as it satisfies the objectives of the control and the R1 General Residential zone, and there are sufficient environmental planning grounds to justify the variation.
- (d) **Further, that** submitters are advised of the decision.




REASONS FOR APPROVAL:

1. The proposed development is substantially the same as the development which has been approved.
2. The proposed development is permissible within the R1 General Residential zone and results in a development which is suitable within the context of the future desired character of this locality.
3. The proposed development results in reasonable impacts to adjoining properties and the locality and is suitable for the site and is in the public interest.

Sohini Sen
Senior Development Assessment Officer

Sarah Irani
Team Leader Development Support

ATTACHMENTS:

1 	Assessment Report and draft Conditions	72 Pages
2 	Locality Map used during assessment	1 Page
3 	Plans used during assessment	5 Pages
4	Internal plans used during assessment (confidential)	13 Pages



Statement of Environmental Effects used during assessment 55 Pages

REFERENCE MATERIAL



City of Parramatta Council

File No: DA/80/2019/A

ASSESSMENT REPORT – MODIFICATION OF CONSENTS

Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/80/2019/A
Property:	12 James Street, Carlingford (Lot 1 DP 120826)
Proposal:	Section 4.55(1A) modification of DA/80/2019 for the demolition of existing structures, tree removal and the construction of an eighteen (18) storey mixed use development containing 64 apartments and ground floor retail space over 5 levels of basement parking. The modifications include the reconfiguration of the ground floor, increase to FSR and height, inclusion of a garbage chute and garbage room in the basement, and the relocation of the substation to the James Street frontage.
Date of receipt:	21 September 2021
Applicant:	Moma Architects
Owner:	Paramount Investments Pty Limited and Carlingford Investments Pty Limited
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Two submissions
Conciliation Conference Held:	No – N/A
Recommendation:	Approval subject to conditions of consent
Assessment Officer:	Sohini Sen

Legislative requirements

List of relevant provisions under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none"> • SEPP 55 – Remediation of Land • SREP (Sydney Harbour Catchment) 2005 • SEPP (Infrastructure) 2007 • SEPP (Vegetation in Non-Rural Areas) 2017 • SEPP 65 – Design Quality of Residential Apartment Development • Parramatta (former The Hills) Local Environmental Plan 2012 • The Hills Development Control Plan 2012
Zoning	R1 General Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Integrated development	No

Crown Development	No
Designated Development	No
Delegation	Parramatta Local Planning Panel
Trigger	Further variation to a development standard, greater than 10%

SITE AND DEVELOPMENT HISTORY	
DA/561/2010 (The Hills Shire Council)	Deferred commencement development consent was granted by The Hills Shire Council on 15 November 2011 for "Construction of a 16 storey mixed use development consisting of 40 residential apartment units and 25m ² ground floor retail space".
DA/561/2010/A (The Hills Shire Council)	Consent was granted to modify Development Consent DA/561/2010 on 14 May 2013 by the Hills Shire Council for modifications to the internal layout of the proposal and increase the total number of apartments to 44.
DA/1091/2014 (Land and Environment Court)	Deferred commencement development consent was granted by the NSW Land and Environment Court on 3 February 2015 for the construction of an 18 storey mixed use development comprising 49 residential apartments and 25m ² of ground floor retail space. It is noted that an FSR of 5.7:1 was approved under this development consent.
DA/561/2010/B	Consent was granted by the NSW Land and Environment Court on 3 February 2015 to modify Development Consent DA/561/2010 to add an additional part basement level to facilitate additional parking required under DA/1091/2014.
DA/80/2019	Development consent was granted by the Parramatta Local Planning Panel on 18 August 2020 for demolition of existing structures, tree removal and the construction of an eighteen (18) storey mixed use development containing 64 apartments and ground floor retail space over 5 levels of basement parking.
<p><u>Voluntary Planning Agreement (VPA)</u></p> <p>There is a current VPA that applies to 2-12 James Street, Carlingford. The anticipated development for No. 12 James Street as per the agreement is for demolition of existing structures and erection of a 16 storey mixed development comprising 12 x two bedroom units, 28 x three bedroom units, 92m² of retail floor space at the ground level, and four basement parking levels providing 70 car parking spaces.</p> <p>The terms of the VPA include a monetary contribution based on the number of units in lieu of Section 7.11 and 7.12 development contributions. A condition to this effect was included within the original development consent DA/80/2019.</p>	

SITE DESCRIPTION AND CONDITIONS
<p>The site is known as 12 James Street, Carlingford (Lot 1 DP 120826). The site is an irregular shaped allotment with a total area of 925.7m² and has an 8.7m frontage to Jenkins Road, 19.8m frontage to the existing pathway adjacent to Carlingford Railway Station and a western boundary of 32m. The site currently contains an existing single storey dwelling and a number of trees.</p> <p>The site is adjoining Carlingford Railway Station and is in proximity to nearby shops at Carlingford Village. The site is also located within 200m walking distance of a bus stop with routes servicing the area to Parramatta, Epping and Hornsby. Adjoining the site to the west</p>

is a site currently under construction (10 James Street). To the north-east of the site is an access path to the Carlingford Light Rail line. To the east and south of the site is the Carlingford Light Rail line, which is currently under construction.

The subject site is one of the last on its block that is undeveloped. The site is identified as a Key Site (Block 4) within the Hills Development Control Plan 2012 at 2-12 James Street, Carlingford. The location of the subject allotment within this Key Site is identified for an 'iconic bookend tower on Civic Plaza'.

Other development within the locality includes mixed use development, some of which is still under construction.

The site is zoned R1 General Residential pursuant to the Hills Local Environmental Plan (LEP) 2012. Land to the south and south-east is zoned SP2 Railway. Land to the north and east is zoned R1 General Residential.

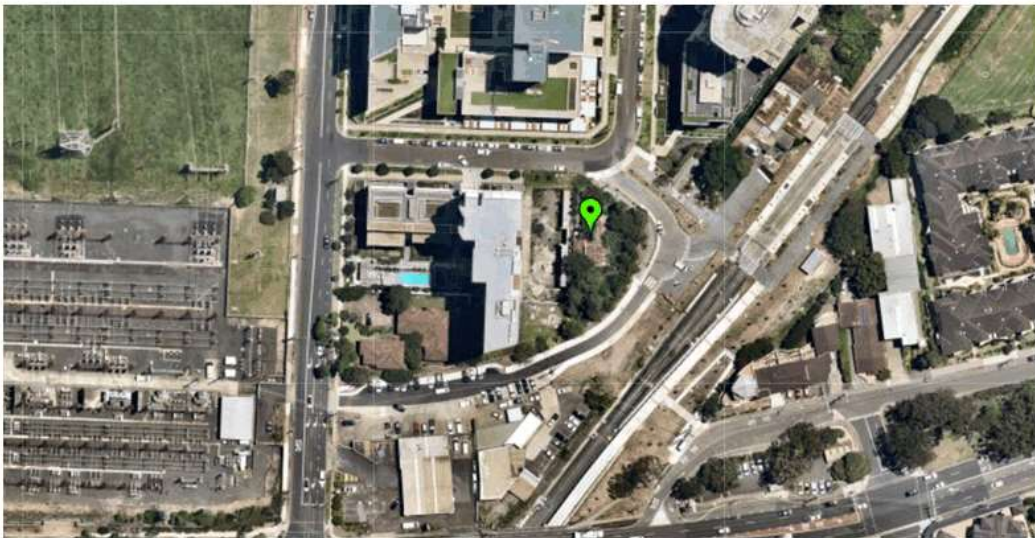


Figure 1. Aerial Photo (NearMap)



Figure 2. Zoning Map (LEP 2012)

THE PROPOSAL

Consent is sought to modify the approved demolition of existing structures, tree removal and the construction of an eighteen (18) storey mixed use development containing 64 apartments and ground floor retail space over 5 levels of basement parking.

The proposed modifications include:

- Reconfiguration of the ground floor to allow the retail premises to better front and address Carlingford Light Rail Plaza.
- Minor increase to the FSR, mainly due to converting existing approved services areas into retail space which will result in an increase to the overall retail GFA from 111m² to 281m², an increase of 170m².
- Increase in the approved height limit to allow for the mechanical ducts on the roof
- Inclusion of services ducts and risers as required.
- Inclusion of a garbage chute and garbage room in the basement.
- Relocation of the substation to the front of the site in a Padmount configuration, with subsequent reconfiguration of Unit on Level 1 next to the existing internal double height substation space.

The works sought for approval under this Section 4.55 modification application have not been completed.

Has the consent lapsed? No, the consent lapses on 27 August 2025.

ASSESSMENT UNDER SECTION 4.55

Section 4.55 – 1A: Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Planners Comment: The proposed modifications are of minimal environmental impact. While the modifications result an increase in the building height and Floor Space Ratio, the increases are minor and result from improved configuration of service area and interface with the retail component with the public domain. No changes are proposed to the residential apartments, building footprint, building setbacks, deep soil, landscaping and car parking provisions.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Planners Comment: The proposed modifications do not alter the approved development as an 18-storey mixed use development with 64 residential apartments.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Planners Comment: The application was notified in accordance with Council's notification procedures.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Planners Comment: The application was notified in accordance with DCP requirements. Two submissions were received during this time and have been considered in the assessment of this application.

Section 4.55 – All Applications for Modifications

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Planners Comment: The matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 are addressed further in this report.

ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(i) & (ii)

WATER MANAGEMENT ACT 2000

The original proposal included five levels of excavation, which constituted integrated development. The NSW Office of Water issued General Terms of Approval for the original development. Further assessment under this Act is not required as no additional excavation is proposed.

STATE ENVIRONMENTAL PLANNING POLICY 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:

- The site is not identified in Council's records as being contaminated.
- The site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated.
- A preliminary site investigation report was submitted with the original application and states that the site can be made suitable following removal of surface asbestos materials, and subject appropriate clearance relating to the proposed demolition works.

Therefore, in accordance with Clause 7 of the State Environmental Planning Policy No 55 - Remediation of Land, the land is suitable for the development and further assessment under this SEPP is not required.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A revised BASIX certificate was not required to be submitted with the modification application.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained with the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 were considered in the assessment of the original development application. Changes to the location of the approved substation are proposed. The application was referred to Endeavour Energy who raised no objections to the proposed relocation.

The original application was subject to clause 85 as the subject site is adjacent to a rail corridor proposed for use by the future Parramatta Light Rail. No objections were raised during the original application by Transport for NSW subject to conditions of consent. The proposed modifications do not necessitate any changes to these conditions and the application does not require further comment from Transport for NSW. The modified development satisfies the provisions of this clause.

The original development application was subject to clause 86 as the development involved excavation works within 25m of a rail corridor. The original application was referred to Transport for NSW, who did not raise any objection subject to recommended conditions of consent. No change is proposed to these conditions and the modified development does not involve additional excavation. As such, further comments from Transport for NSW are not required and the modified development satisfies the provisions of this clause.

The application is subject to clause 87 as the proposal includes development for residential dwellings and is adjacent to a rail corridor. An acoustic report was submitted with the original application, which concluded that the proposal is able to meet the acoustic requirements outlined in this clause. A revised acoustic report is not required as no additional residential units or major reconfiguration of existing units is proposed. The modified development satisfies the provisions of this clause.

The application is not subject to clause 101 of the SEPP as the site does not have a frontage to a classified road.

The application is not subject to clause 102 of the SEPP as the average daily traffic volume of James Street is less than 20,000 vehicles.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The original application was assessed against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. No additional tree removal is proposed under the subject modification application. As such, further assessment under this SEPP is not required.

STATE ENVIRONMENTAL PLANNING POLICY 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

SEPP 65 applies to the development as the building is more than 3 storeys in height and contains a residential component.

An assessment of the design principles is addressed below:

ADG design quality principle	Response
1. Context	<p>The design of the proposed development responds to the qualities and identity of the area with respect to its relationship to adjoining sites, streetscape and neighbourhood. The site has been identified for high density redevelopment in accordance with the provisions for LEP 2012.</p> <p>The bulk and scale of the development is appropriate for the context of the area given the transition of height and floor space along James Street. The proposal is consistent with the objectives and development controls for residential flat buildings outlined in the Hills Development Control Plan 2012.</p>
2. Built form and scale	<p>The height of the proposed development, as modified, is generally consistent with the built form envisaged for the subject site under the LEP 2012 and DCP 2012. The proposed design is also consistent with the requirements of the Apartment Design Guide. The overall built form is compatible with similar developments and the emerging character of the area undergoing redevelopment.</p> <p>Therefore, the proposed development is consistent with this design quality principle.</p>
3. Density	Notwithstanding the variation sought to the Floor Space Ratio control, the proposed density is appropriate for the site and its context in terms of floor space yield and number of units when considering the site as a whole.
4. Sustainability	<p>The proposal achieves a minimum 2 hours sunlight during mid-winter to balconies to both the private open space and the living rooms to all of the proposed units.</p> <p>The on-site stormwater detention system provides opportunities for stormwater to be re-used for irrigation of communal landscape areas.</p> <p>All units within the development are designed with open layouts and private balconies/courtyards.</p>
5. Landscape	A landscape plan was submitted with the original Development Application and no changes are proposed to this plan.
6. Amenity	The proposal is satisfactory with regards to amenity and has been designed to optimise internal amenity through orientation, visual and acoustic privacy, solar access, natural ventilation, apartment layout, storage areas, and service areas.
7. Safety	The proposal satisfactorily addresses safety and provides opportunities for passive surveillance to the street frontage and communal areas of the site

	through the use of balconies addressing the street frontage and glazed openings. The proposed retail spaces address the future pedestrian link adjacent to the site. The car park area has been designed for secure access to ensure that the area remains accessible only to building occupants and their visitors.
8. Housing Diversity and Social Interaction	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different demographics, living needs and budgets. The development provides housing and communal facilities suiting the existing and future social mix and provide for the desired future community.
9. Aesthetics	The proposed built form is appropriate with regard to the composition of building elements, textures, materials and colours, reflecting the use, internal design and structure of the building. The design of the building is compatible with the desired built form and scale for the locality.

a) *The Apartment Design Guide (ADG).*

The ADG is a publication by the State Government which further expands on the design quality principles by providing some detailed practical guidance for the design of residential flat buildings.

Minimal changes are proposed to the residential component of the development. As such, the modified proposal has been assessed against the relevant topic area provisions within Parts 3 & 4 of the ADG as follows:

Clause	Design Criteria	Comments	Complies
3C Public Domain interface	<p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>Balconies overlook onto the street and to the future pedestrian walkway adjacent to the eastern site boundary. The proposed retail space provides a transition between the public and private domain and is also defined through the use of landscaping and finishes.</p> <p>The submitted plans indicate that the proposed landscaping, paving and other finishes will improve the address of the retail tenancies from the public domain and will improve upon the current interface to the public domain.</p>	<p>Yes.</p>
3G Pedestrian access and entries	<p>Building entries and pedestrian access connects to and addressed the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p>	<p>Pedestrian entries are located off James Street.</p> <p>The main building entry is easily identifiable.</p>	<p>Yes.</p> <p>Yes.</p>

3H Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	No change is proposed to the approved vehicular access to the site.	Yes.										
4G - Storage	<div>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided</div> <table><tr><th>Apartment type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4 m²</td></tr><tr><td>1 bedroom</td><td>6 m²</td></tr><tr><td>2 bedroom</td><td>8 m²</td></tr><tr><td>3 bedroom</td><td>10 m²</td></tr></table> <div>At least 50% of the required storage is to be located within the apartment.</div>	Apartment type	Storage size volume	Studio	4 m ²	1 bedroom	6 m ²	2 bedroom	8 m ²	3 bedroom	10 m ²	Adequate storage areas are provided.	Yes.
Apartment type	Storage size volume												
Studio	4 m ²												
1 bedroom	6 m ²												
2 bedroom	8 m ²												
3 bedroom	10 m ²												
4H Acoustic Privacy	Various objectives.	The proposal complies with the various objectives.	Yes.										
4J Noise and Pollution	Various objectives.	The proposal complies with the various objectives.	Yes.										
4L Ground floor apartments	Various objectives.	No apartments are proposed on the ground floor.	N/A.										
4M Facades	Various objectives.	The proposal complies with the various objectives.	Yes.										
4N Roof design	Various objectives.	The proposal complies with the various objectives.	Yes.										
4O Landscape design	Various objectives.	The proposal complies with the various objectives.	Yes.										
4P Planting on structures	Various objectives.	The proposal complies with the various objectives.	Yes.										
4S Mixed Use	Various objectives.	The proposal meets the objectives.	Yes.										
4W Waste Management	Various objectives.	Refer to DCP compliance table.	N/A. No design criteria under SEPP 65										
4X Building Maintenance	Various objectives.	The proposal complies with the various objectives.	Yes.										

PARRAMATTA (FORMER THE HILLS) LOCAL ENVIRONMENTAL PLAN 2012 (LEP 2012)

The relevant matters for consideration under Parramatta (former The Hills) Local Environmental Plan 2012 for the proposed development are outlined below.

Development Standard	Proposal	Compliance
4.3 Height of Buildings Maximum permissible height = 57m Approved height = 57.7m	Proposed height = 58m (1.76% variation)	NO – Refer to discussion at the end of this table.

4.4 Floor Space Ratio Maximum permissible FSR = 5:1 Approved FSR = 6.01:1	Proposed FSR = 6.2:1 (24% variation)	NO – Refer to discussion at the end of this table.
4.6 Exceptions to development standards	Approval is sought to further vary Clause 4.3 and 4.4. Refer to the discussion at the end of this table. A Clause 4.6 statement is not required for modification applications however an assessment against the provisions of this clause is undertaken at the end of this table.	YES.
5.1 and 5.1A Development on land intended to be acquired for public purposes Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?	The site is not identified on this map.	N/A.
5.6 Architectural roof features	An architectural roof feature is not proposed	N/A.
5.10 Heritage Conservation	The subject site is not a heritage item or within a heritage conservation area pursuant to Schedule 5 of LEP 2012.	YES.
5.11 Bushfire Hazard Reduction	The site is not identified on this map.	YES.
7.2 Earthworks	No additional earthworks are proposed.	N/A.
7.3 Flood planning Is the site flood prone?	The site is not identified as being flood prone.	N/A.
7.8 Underground Powerlines at Carlingford	The site is not identified within the 'Key Sites' map.	N/A.

Clause 4.6 Exceptions to Development Standards

The original development was approved with a variation to the maximum building height development standard. The proposed modifications further increased the proposed building height. Applications assessed under Section 4.55 of the EPA Act 1979 do not require a variation to be sought under Clause 4.6 of the Parramatta (former The Hills) LEP 2012. Notwithstanding, a merit assessment of the variation is provided below.

Objectives of Clause 4.6 of Parramatta (former The Hills) LEP 2012

The objectives of this clause are as follows:

- *to provide an appropriate degree of flexibility in applying certain development standards to particular development; and*
- *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

A written request under the provisions of Clause 4.6 of Parramatta (former The Hills) LEP 2012 was lodged as the modified development seeks a variation to the following development standards:

Clause 4.3 – Height of Buildings

Clause 4.4 – Floor Space Ratio

Clause 4.3 – Height of Buildings

The proposal does not comply with the maximum permissible building height of 57m stipulated within Clause 4.3 – Height of Buildings. The modified building height is 58m. The non-compliant portion of the building comprises the lift overrun and mechanical services.

The development proposal exceeds the maximum permissible building height by 1m which is a 1.76% variation to the development standard.

The applicant has submitted the following justification for the variation to the maximum building height permitted:

- *A previous development application at lodgement was compliant with the 57m height. The building was raised as part of design co-ordination between Transport NSW as the design of the adjoining plaza was finalised. The revised design ensures that direct access for all is provided from the future plaza to the retail tenancies. This will ensure that the plaza is activated, and passive surveillance is provided from the retail tenancies.*
- *The overall height of the development presents as a compatible form of development to the anticipated high density residential development that exist in the locality, noting that the emerging character is for 18 plus storey residential developments. The mechanical ducts on the roof are centralised and as such recessed and therefore will not be visual dominance when viewed from the public domain and adjoining residential properties.*
- *The portion of the building that protrudes above the 57m height limit contains no habitable floor space with the approved building to continue to present an 18 storey building form, reinforcing that the breach to the height standard does not result in the development representing an overdevelopment of the site but rather to adhere to service requirement to service the building.*
- *The additional height does not generate any additional amenity impacts given its limited to the mechanical ducts, which are recessed.*
- *Potential visual or acoustic amenity impacts associated with the 700mm encroachment by the approved building has been addressed via DA/80/2019, noting that the encroachment to the height limit by the mechanical ducts will not result in any additional visual or acoustic impacts.*
- *The mechanical ducts are to be recessed to ensure that the encroachment to the height limit will not be discernibly noticeable from street level and that the approved 18 storey building continues to provide a strong and identifiable building line that will pronounce the site's prominent and strategic gateway at the entrance to the Carlingford High Density Residential Precinct from Carlingford Light Rail Plaza.*
- *The approved building has been designed to ensure that privacy impacts are mitigated against and that it does not obstruct existing view corridors.*
- *The additional height supports the service requirements, noting that the mechanical ducts are to be centralised to minimise potential visual impacts to the streetscape.*
- *The encroachment by the mechanical ducts to the height limit will have no impact on the approved building's bulk and scale which will continue to respond to the local topography whilst being consistent with the built form envisioned by the Carlingford Precinct Master Plan.*
- *Given the sites orientation, and the minor height departure associated with the mechanical ducts will not have any additional adverse overshadowing impacts on nearby developments that incorporate residential components.*

- The approved building will continue to be consistent with the intent of the maximum height control and has a bulk and scale that is not discernible from a development that complies with the control.
- The non-compliance to the height control has no unacceptable impact on the setting of any items of environmental heritage or view corridors.
- The approved building will continue to sit comfortably in the streetscape relative to the desired future character of the locality.
- The development clearly represents the bulk, scale and character anticipated by the DCP for the site as part of Block 4 in the Carlingford Precinct notwithstanding the departure to the height control.
- The variation is a result of delivering mechanical ducts on the roof. This variation provides a beneficial planning outcome as it ensures that the building is appropriately serviced.
- The addition increase to the height of the approved development does not generate unacceptable adverse impacts to surrounding properties, in terms of overshadowing or privacy impacts, noting that the mechanical ducts are to be recessed and not highly visible from the public domain. The modification will ensure that the approved development continues to be compatible with the bulk and scale of development envisioned by the Carlingford Precinct Master plan.

Assessment of the exception under Clause 4.6:

In assessing the applicant's request to vary a development standard, the provisions of Clause 4.6 state that:

"(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

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

(b) the concurrence of the Secretary has been obtained".

In assessing an exception to vary a development standard, the following also needs to be considered:

Is the planning control a development standard?

The planning control, Clause 4.3 Height of Buildings is a development standard pursuant to Parramatta (former The Hills) LEP 2012.

What is the underlying object or purpose of the standard?

The underlying purpose of Clause 4.3 is to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape, and to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standard requires a reduction in the overall building height which would adversely impact the ability to provide consistent levels with adjoining Parramatta Light Rail land at the ground level and would reduce the provision of residential housing in a key location near public transport. As such, reduction in the overall building height would be inconsistent with the relevant aims of the LEP 2012 which includes to provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs, and to provide for balanced urban growth through a range of housing options, and a built environment that is compatible with the cultural and natural heritage of the City of Parramatta local government area.

The proposed development responds to the site despite the non-compliance and does so without compromising relationships with adjoining developments. Strict compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act as the site which is identified as a key site and a gateway to the Carlingford Precinct from the future light rail station, will remain under-developed.

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

Compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- A departure to the maximum height for the site in this location will have negligible impacts on residential or streetscape amenity.
- The proposed height is consistent with the approved building heights for development along this side of James Street.
- The departure to the standard does not hinder the development from achieving the objectives of the R1 Zoning of the site as it provides for the housing needs of the community in a high density residential arrangement.
- The development provides appropriate setbacks and landscaped areas to ensure adequate amenity to adjoining properties and future occupants and therefore maintains an appropriate streetscape amenity.
- Enforcing compliance with the development standard will restrict a development that would otherwise be appropriate on the site. The site is capable of being developed without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain general compliance with the majority of controls within The Hills Development Control Plan 2012.
- The non-compliant portion of the proposed development does not result in an increased adverse overshadowing impact or increased adverse amenity impacts to adjoining public spaces and properties more than a compliant development would, with adjoining properties able to achieve adequate solar access.
- The proposed bulk and scale is compatible with the existing and desired future character of the site and the non-compliant portion of the building does not comprise any habitable floor space.

Is the exception well founded?

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The recent findings in case *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 indicate that the consent authority must be satisfied that the applicant's written request adequately demonstrates that the compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention; and that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

The applicant's written request demonstrates that compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds to vary the development standard.

The intent of the development standard is to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape, and to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

In this case, the applicant's written request is well drafted and adequate in addressing the matters required to be demonstrated by Clause 4.6(3) and the proposed development is in the public interest as it is consistent with the objectives of the Height of Buildings Development Standard and the objectives for development within the R1 General Residential zone. It is considered that there are sufficient environmental planning grounds to justify the variation.

Clause 4.4 Floor Space Ratio

The original development was approved with a variation to the maximum floor space ratio development standard. The proposed modifications further increased the floor space ratio. Applications assessed under Section 4.55 of the EPA Act 1979 do not require a variation to be sought under Clause 4.6 of the Parramatta (former The Hills) LEP 2012. Notwithstanding, a merit assessment of the variation is provided below.

The proposal does not comply with the maximum permissible Floor Space Ratio (FSR) of 5:1 stipulated within Clause 4.4 – Floor Space Ratio of Parramatta (former The Hills) LEP 2012.

The site has an approved FSR of 6.01:1 (20.3% variation). The proposed modification further seeks to vary the FSR on the site to 6.2:1. The total variation to the development standard is a 24%.

The applicant has submitted the following justification for the variation to the maximum floor space ratio permitted:

- *The additional FSR supports the provision of additional retail space within the development that will assist with activating and supporting the plaza for the Carlingford Light Rail Plaza.*
- *The proposal does not present an attempt to attain additional development yield on the site given that the number of units is not increased by this modification.*
- *The approved building will continue to deliver bulk and scale that responds to the local topography and is consistent with the built form envisioned by the Carlingford Precinct Master plan, noting that the proposed modification is to be contained within the approved building footprint.*
- *Given the sites orientation, the additional floor space will not have any additional adverse overshadowing impacts on nearby developments that incorporate residential components.*
- *The development proposal is consistent with the intent of the maximum floor space control and has a bulk and scale that is not discernible from a development that complies with the control.*
- *The non-compliance to the floorspace ratio control has no unacceptable impact on the setting of any items of environmental heritage or view corridors.*
- *The approved development will sit comfortably in the streetscape relative to the desired future character of the locality.*
- *The development clearly represents the bulk, scale and character anticipated by the DCP for the site as part of Block 4 in the Carlingford Precinct notwithstanding the additional floor area.*

Assessment of the exception under Clause 4.6:

In assessing the applicant's request to vary a development standard, the provisions of Clause 4.6 state that:

"(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained".*

In assessing an exception to vary a development standard, the following also needs to be considered:

Is the planning control a development standard?

The planning control, Clause 4.4 Floor Space Ratio is a development standard pursuant to Parramatta (former The Hills) LEP 2012.

What is the underlying object or purpose of the standard?

The underlying purpose of Clause 4.4 is to ensure development is compatible with the bulk, scale and character of existing and future surrounding development, and to provide for a built form that is compatible with the role of town and major centres.

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Compliance with the development standard would be inconsistent with LEP 2012 which aims to provide planning controls that will encourage a sustainable development, being development, which satisfies the principles of ecological (environmental, economic and social) sustainability within the City of Parramatta.

Enforcing compliance with the development standard will restrict a development that would otherwise be appropriate on the site. The site is capable of being developed without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain general compliance with the majority of controls within The Hills Development Control Plan 2012.

The non-compliance is considered to be acceptable. The plans show that the variation in the FSR does not in this case hinder compliance with solar access, views to and from the site and bulk and scale requirements of The Hills Development Control Plan 2012 for this key site.

The proposed development responds to the site despite the non-compliance and does so without compromising relationships with adjoining developments. Strict compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act as the site will remain under-developed and would not provide a prominent building in a key location within the Carlingford Precinct.

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

It is considered that it would be unreasonable to impose the maximum FSR given that the proposed development generally complies with the development requirements pertaining to high density mixed use developments. It does so without adversely affecting adjoining properties in regard to solar access, acoustic impact and privacy whilst maintaining consistency with the development objectives of the zone.

Further, a departure from the standard in this case is considered to be acceptable for the following reasons:

- The additional floor space includes the provision of higher amenity retail tenancies on the ground floor that provide streetscape activation for the future pedestrian plaza adjacent to Parramatta Light Rail land.
- A variation to the Floor Space Ratio development standard was approved under the original application (DA/80/2019). The proposed modification provides additional retail floor area to what has previously been approved on the site.

- The building bulk and scale responds to the local topography and is consistent with the anticipated built form for this site under the Carlingford Precinct Master plan.
- The development provides appropriate setbacks, landscaped areas and solar access to ensure adequate amenity to adjoining properties and users of the development.
- The departure to the FSR allows the provision of improved retail facilities for the use of the locality.
- Enforcing compliance with the development standard will restrict a development that would otherwise be appropriate on the site. The site is capable of being developed without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain general compliance with the majority of controls within The Hills Development Control Plan 2012.
- The departure to the standard does not hinder the development from achieving the objectives of the R1 Zoning of the site as it provides for the housing needs of the community in a high density residential arrangement.

Is the exception well founded?

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The recent findings in case *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 indicate that the consent authority must be satisfied that the applicant's written request adequately demonstrates that the compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention; and that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

The applicant's written request demonstrates that compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds to vary the development standard.

The intent of the development standard is to ensure development is compatible with the bulk, scale and character of existing and future surrounding development, and to provide for a built form that is compatible with the role of town and major centres.

In this case, the applicant's written request is well drafted and adequate in addressing the matters required to be demonstrated by Clause 4.6(3) and the proposed development is in the public interest as it is consistent with the objectives of the Floor Space Ratio Development Standard and the objectives for development within the R1 General Residential zone. It is considered that there are sufficient environmental planning grounds to justify the variation.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS (S4.15(1)(a)(ii))

Draft Parramatta Local Environmental Plan 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 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.

LEP	Zoning	Height	FSR
LEP 2012	R1	57m	5:1
Draft LEP 2020	R4	57m	5:1

Whilst the draft LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the Environmental Planning & Assessment Act, the LEP is neither imminent or certain and therefore limited weight has been placed on it.

Notwithstanding, the proposed development is consistent with the objectives of the Draft LEP.

THE HILLS DEVELOPMENT CONTROL PLAN 2012- SECTION 4.15(1)(a)(iii)

The relevant matters to be considered under the DCP 2012 for the proposed modification are outlined below.

Control	Proposal	Complies
PART C SECTION 1 – PARKING		
No changes to the parking provisions are proposed.		N/A.
PART D SECTION 12 – CARLINGFORD PRECINCT		
The site is located within the Carlingford South Precinct.		
2.2 Key Sites		
Block 4: 2 -12 James Street, Carlingford	The subject site is located within Block 4: 2-12 James Street.	YES.
Opportunities and Constraints <ul style="list-style-type: none"> Provide landmark buildings denoting the core of an urban village centred around the train station, open space, pedestrian and cycle connections, and community facilities. Provide street level active uses and human scale in the village centre. Provide a substantial number of residential units in close proximity to the train station. Contribute to the local open space network while ensuring development applies water sensitive urban design principles. 	The modified proposal provides a landmark building adjacent to the future Carlingford Light Rail Station and comprises ground floor retail uses to activate the streetscape. The proposal also provides for a number of residential units in close proximity to the train station.	

<ul style="list-style-type: none"> • Provide open spaces to act as place making elements at a neighbourhood scale and the focus for outdoor activity in the areas of Janell Crescent. • Provide landmark buildings at key gateways to the Precinct on Pennant Hills Road including the Bunnings site and the service station site. 		
2.3 Desired Future Character Statement		
<p><u>Southern Precinct</u></p> <p>The character of the southern end of the Precinct in the vicinity of the train station will be largely determined by the development of landmark buildings on the key sites and their role in creating street oriented village built form and character, open spaces and a civic plaza linked to the station.</p> <p>In key sites affected by electricity easements, developments can contribute to publicly accessible open space with strong connections to the local open space network and civic area.</p> <p>Buildings on key sites and in the southern side of the Precinct generally have been placed to provide transition in building scale and to provide natural ventilation, solar access, outlook from apartments and year round sunlight to communal open spaces.</p> <p>Streetscapes are to be resident and visitor friendly in an urban landscaped setting associated with a street hierarchy that promotes a safe pedestrian and vehicular environment. The landscape works in the public realm help to define the character areas in the Precinct. These characters range from the more urban, civic and train station oriented village to the suburban character further from the train station.</p>	<p>The modified proposal is consistent with the desired future character statement for the Southern Precinct.</p>	<p>YES.</p>
Precinct wide built form controls		
4.1 Floor Space Ratio		
<p>Floor space ratio of a proposed development within the Precinct must not exceed the maximum ratio specified for that development site in the Floor Space Ratio Map of The Hills LEP 2012</p>	<p>FSR 6.2:1</p>	<p>NO. Refer to LEP table.</p>
4.2 Building Height		

<p>(a) The height of proposed development within the Precinct must not exceed the maximum height specified for that development site in the Building Height Map in The Hills LEP 2012.</p> <p>(b) For the purpose of this part of The Hills DCP, building heights as specified in the Building Height Map in The Hills LEP 2012 equal to number of storeys depicted in the following table:</p> <table><tr><th>Building Height</th><th>Equivalent Storeys</th></tr><tr><td>57m</td><td>18 storeys with retail at ground floor and commercial at first floor</td></tr></table>		Building Height	Equivalent Storeys	57m	18 storeys with retail at ground floor and commercial at first floor	<p>The proposed building height is 58m.</p> <p>No change is proposed to the approved number of storeys (18 storeys). The additional building height comprises the lift overrun and mechanical services.</p>	<p>NO – Refer to LEP table.</p> <p>N/A.</p>
Building Height	Equivalent Storeys						
57m	18 storeys with retail at ground floor and commercial at first floor						
4.5 Deep Soil Areas							
<p>A minimum of 25 percent of the unbuilt upon area of a site is to be a deep soil zone; alternatively, 15% of the total site <i>area, whichever is greater.</i></p>		<p>No change to the approved deep soil area is proposed.</p> <p>N/A.</p>					
4.6 Apartment Size							
<p>Single-aspect apartments should be limited in depth to 8 metres from a window.</p> <p>The back of a kitchen should be no more than 8 metres from a window.</p> <p>The width of cross-over or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts. Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation).</p>		<p>The proposal complies with the apartment size requirements of the ADG.</p> <p>Complies with ADG.</p>					
4.20 Building Entry							
<p>Provide as direct a physical and visual connection as possible between the street and the entry.</p> <p>Design entries and associated circulation space to be of an adequate size to allow movement of furniture between public and private spaces.</p>		<p>The building entries are visually prominent and provide sufficient circulation space.</p> <p>YES.</p>					
4.25 Mixed Use Developments							
<p>Choose a mix of uses that complement and reinforce the character, economics and function of the local area, for example, food retail, small-scale commercial and residential.</p> <p>Desired uses at ground floor level of eighteen (18) storey buildings near the station include small supermarkets, post office, chemist, newsagent, bank and other service retail and commercial to meet the day-to-day needs of the local community.</p> <p>Ensure the building positively contributes to the public domain and streetscape by:</p> <ul style="list-style-type: none">- Fronting onto major streets with active uses; and		<p>The proposed uses on the site include high density residential development and neighbourhood shops. This mix is appropriate for the size and location of the site.</p> <p>The proposal includes ground floor retail uses that can be used for small supermarkets or neighbourhood shops that would meet the day to day needs of the local community.</p> <p>The proposal complies.</p> <p>YES.</p>					

- Avoiding the use of blank walls at the ground level.				
4.30 Roof Design				
The proposal incorporates a flat roof which is modulated and has a landscape buffer to provide visual interest and articulation.				YES.
5.2 Block 4: 2-12 James Street				
Development parameter	Development controls	Development parameter	Development controls	Acceptable on merit.
Building height	Refer to LEP Building Height Map – Carlingford Precinct.	Building height	Refer to LEP assessment.	
FSR	Refer to LEP Floor Space Ratio Map – Carlingford Precinct.	FSR	Refer to LEP assessment	
Building site coverage	Maximum 55%	Building site coverage	Site coverage proposed = 55%	
Vehicle access points and circulation	Refer to Figure 13.	Vehicle access points and circulation	Complies.	
Car parking requirements	0.8 spaces per 1 br unit 1 space per 1 br unit 1.3 spaces for 3 br unit 2 visitor spaces per 5 units	Car parking requirements	No change proposed.	
Distribution of uses within the building	Retail and commercial uses limited to ground floor	Distribution of uses within the building	Ground floor retail proposed	
SEPP 65 compliance statement	Required	SEPP 65 compliance statement	Proposed	
Deep soil planting	Minimum 15% of total site area	Deep soil planting	No change proposed.	

PLANNING AGREEMENTS – SECTION 4.15(1)(a)(iiia)

The site is subject to a Voluntary Planning Agreement. The terms of the agreement state that a monetary contribution is applicable based on the number of apartments (64 apartments) proposed in lieu of Section 7.11 and Section 7.12 contributions. A condition requiring the payment of this monetary contribution was included under the original development consent. No change is proposed to the VPA condition as no changes to the number of apartments is proposed.

PROVISIONS OF REGULATIONS – SECTION 4.15(1)(a)(iv)

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, PCA appointment, critical stage inspections and records of inspection have been addressed by appropriate consent conditions within the original consent.

IMPACTS OF THE DEVELOPMENT – SECTION 4.15(1)(b)

Relevant matters have been addressed earlier in this report.

SITE SUITABILITY – SECTION 4.15(1)(c)

The relevant matters pertaining to the suitability of the site for the proposed modifications have been considered in this report. Subject to the conditions provided within the recommendation to this report, the site is suitable for the modified development.

PUBLIC SUBMISSIONS – SECTION 4.15(1)(d)

The application was advertised in accordance with Council's consolidated notification procedures. In response, two submissions were received. The issues raised in these submissions is outlined below.

Issue	Comment
Air pollution impacts.	Conditions of consent were included within the original application relating to air quality mitigation measures. No changes to these conditions are proposed.
Too many apartment buildings in the area.	The modification application does not seek consent for any additional residential flat buildings.
Objection raised to increased building height.	The additional building height comprises the lift overrun and mechanical services. The impact of the additional building height is addressed earlier in this report.
Traffic impacts.	Traffic impacts were considered as part of the assessment of the original application. No changes to the approved car parking provisions are proposed.
3D perspective drawing is not accurate.	The 3D perspective drawing submitted is an indicative illustration of the building only.

Amended Plans: N/A.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

The application received two unique submissions during the formal notification period and as a result, a conciliation conference was not required to be held.

REFERRALS

Internal Referrals	Comment
No internal referrals required.	
External Referrals	Comments
Endeavour Energy	No objections raised

DEVELOPMENT CONTRIBUTIONS

A development contribution is not payable as the site is subject to a VPA.

CONCLUSION

After consideration of the development against Section 4.55 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to modifications listed below.

RECOMMENDATION

Approval

That the Parramatta Local Planning Panel exercising the functions of Council as the consent authority pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, modify development consent DA/80/2019 to include modifications to the approved demolition of existing structures, tree removal and the construction of an eighteen (18) storey mixed use development containing 64 apartments and ground floor retail space over 5 levels of basement parking at 12 James Street, Carlingford, as shown on the plans submitted with the modification application, for a period of five (5) years from the date on the **original** Notice of Determination, subject to the following amendments:

1. Amend Condition No. 1 to reflect the updated plans and documents.
2. All other conditions of DA/80/2019 remain unchanged.

That Parramatta Local Planning Panel approve a variation to the building height control prescribed in Clause 4.3 – Building Height in Parramatta (former The Hills) Local Environmental Plan 2012, as it satisfies the objectives of the control and the R1 General Residential zone, and there are sufficient environmental planning grounds to justify the variation.

That Parramatta Local Planning Panel approve a variation to the building height control prescribed in Clause 4.4 – Floor Space Ratio in Parramatta (former The Hills) Local Environmental Plan 2012, as it satisfies the objectives of the control and the R1 General Residential zone, and there are sufficient environmental planning grounds to justify the variation.

That submitters are advised of the decision.

REASONS FOR APPROVAL

- The proposed development is substantially the same as the development which has been approved.
- The proposed development is permissible within the R1 General Residential zone and results in a development which is suitable within the context of the future desired character of this locality.
- The proposed development results in reasonable impacts to adjoining properties and the locality and is suitable for the site and is in the public interest.

“Appendix 1” to Section 4.55 Assessment Report - DA/80/2019/A**DRAFT CONDITIONS OF CONSENT**

Upon the signature of the applicable delegate, the conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/80/2019/A
Property Address: Lot 1 DP 120826
 12 James Street, CARLINGFORD NSW
 2118

General Matters

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Architectural Drawings prepared by **Alexandar Projects Moma Architects (Project No. A21002)**

Drawing/ Plan No.	Issue	Plan Title	Dated
DA3.00 A0000	E C	Drawing List, Summary Cover	15/06/2020 20/09/2021
DA3.01 A1000	D C	B05 Plan Plan – Basement 05	22/04/2020 20/09/2021
DA3.02 A1001	D C	B04 Plan Plan – Basement 04	22/04/2020 20/09/2021
DA3.03 A1002	D C	B03 Plan Plan – Basement 03	22/04/2020 20/09/2021
DA3.04 A1003	D C	B02 Plan Plan – Basement 02	22/04/2020 20/09/2021
DA3.05 A1004	D C	B01 Plan Plan – Basement 01	22/04/2020 20/09/2021
DA3.06 A1011	D C	L01 Plan Plan – Level 01	06/04/2020 20/09/2021
DA3.07 A1012	C C	L02 Plan Plan – Level 02	06/04/2020 20/09/2021
DA3.08 A1013	B C	L03 Plan Plan – Level 02 (original Level 03)	09/12/2019 20/09/2021

Drawing/ Plan No.	Issue	Plan Title	Dated
DA3.09 A1014	B C	L04-16 Plan Plan – Level 4-16	09/12/2019 20/09/2021
DA3.10 A1015	B C	L17 Plan Plan – Level 17	09/12/2019 20/09/2021
DA3.11 A1016	C C	L18 Plan Plan – Level 18	06/04/2020 20/09/2021
A2000	C	Elevation – North and South	20/09/2021
A2001	C	Elevation – East and West	20/09/2021
A3000	C	Section AA and BB	20/09/2021
A4000	C	Schedule of Finishes	20/09/2021
DA3.12	D	Roof Plan	06/04/2020
DA3.13	F	Section A	15/06/2020
DA3.14	F	North Elevation	15/06/2020
DA3.15	F	South Elevation	15/06/2020
DA3.16	F	West Elevation	15/06/2020
DA3.17	F	East Elevation	15/06/2020
DA3.18	C	GFA Calculations	06/04/2020
DA3.19	D	Proposed Streetscape	15/06/2020
DA3.19	A2	Adaptable Units	June 2018

Civil Drawings/Stormwater Plans prepared by **Engineering Studio**
(Project No. 17955) Xavier Knight (Project No. 210120)

Drawing/ Plan No.	Issue	Plan Title	Dated
C00.01 C1.01	D B	General Notes Cover Sheet	20/12/2019 04/08/2021
C01.01 C2.01	D B	Sediment and Erosion Control Plan	20/12/2019 04/08/2021
C02.01 C3.01	D B	Stormwater Catchment Plan and Calculations	20/12/2019 04/08/2021
C02.02 C4.01	D B	Stormwater Drainage Plan (Roof - L1)	20/12/2019 04/08/2021
C02.03 C4.02	D B	Stormwater Drainage Ground Floor	20/12/2019 04/08/2021
C5.01	B	Stormwater Drainage Details	04/08/2021
C6.01	B	Basement Stormwater Drainage Plan	04/08/2021

Drawing/ Plan No.	Issue	Plan Title	Dated
C03.01	D	Basement 5 Stormwater Drainage Plan	20/12/2019
C04.01	D	Bulk Earthworks Plan	20/12/2019

Landscape Drawings prepared by Melissa Wilson Landscape Architects
(Project No. 0903)

Drawing/ Plan No.	Issue	Plan Title	Dated
LS01-DA LS01	L B	Landscape Plans Cover Page, Legend and Construction Notes	06/04/2020 02/08/2021
LS02	B	Ground Floor – Materials and Levels	02/08/2021
LS03	B	Ground Floor – Planting Plan	02/08/2021
LS04	B	Level 17 – Materials and Levels/Planting Plan	02/08/2021

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	-	-	Think Planners	01/02/2019
Waste Management Plan	-	-	Lu Projects Pty Ltd	undated
BASIX Certificate No. 504978M_07			Gradwell Consulting	14/07/2020
Waste Classification Report	-	-	Coffey Corporate Services	07/03/2014
Geotechnical Report	1236		D Katauskas	16/12/2018
Finite Element Analysis	GEOTLCOV 24996AA-AD	0	Coffey Corporate Services	15/08/2014
Preliminary Site Investigation Report	P31870.1_R01		Geotest Services	24/08/2018
Aboricultural Impact Assessment and Tree Management	4697		Redgum Horticultural	18/12/2018

Plan				
Acoustic Report	TK706-01F02	R1	Renzo Tonin and Associates	25/01/2019
Traffic Impact Statement	11.113r02v01		Traffix traffic and transport planners	05/07/2018
Traffic Impact Statement Supplementary Letter	11.113r03v01		Traffix traffic and transport planners	05/05/2020

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

(As amended under DA/80/2019/A).

2. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:
 - a) Work Health and Safety Act 2011;
 - b) NSW Protection Of the Environment Operations Act 1997 (NSW); and
 - c) NSW Environment Protection Authority (EPA) Waste Classification Guidelines.

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

3. Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

A site audit statement shall be issued at the completion of the investigation by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

Reason: To ensure that the land is suitable for its proposed sensitive use and poses no risk to the environment and human health.

4. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

Reason: To ensure imported fill is of an acceptable standard.

5. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

Reason: To provide contact details for council inspectors and for the public to report any incidents.

6. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

7. Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To ensure that contaminated groundwater does not impact upon waterways.

8. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.
Reason: To comply with the statutory requirements of State Environmental Planning Policy 55.
9. The recommendations outlined in the acoustic report prepared by Renzo Tonin & Associates; titled: 12 James street Carlingford - Acoustic Assessment for Development Application; Doc reference: TK706-01F02 Acoustic Assessment for DA (r1) and dated 25.01.2019 shall be incorporated into the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.
Reason: To ensure a suitable level of residential amenity
10. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
Reason: To ensure that building materials are not washed into stormwater drains.
11. Any temporary or permanent electrical infrastructure relocations, installations or adjustments must be coordinated with and approved by TfNSW and Endeavour Energy prior to installation.
Reason: To comply with TfNSW requirements.
12. A site plan showing the location of proposed external utility connections, or any adjustment to existing utilities services is required to be submitted and approved by TfNSW.
Reason: To comply with TfNSW requirements.
13. Any temporary or proposed external utilities services connections, relocation or adjustments must be coordinated with and approved by TfNSW prior to installation.
Reason: To comply with TfNSW requirements.
14. The storm water design must not impact on PLR operations and needs to be coordinated with the PLR drainage design.
Reason: To comply with TfNSW requirements.
15. WaterNSW General Terms of Approval
 - a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works. and/or water use.
 - b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment

of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan.

- c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
- d) WaterNSW prefers "tanking" (i.e. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (e.g. a drainage blanket behind the water-proof membrane).
- e) If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

Reason: To comply with WaterNSW requirements.

- 16. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

- 17. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

18. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.
Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.
19. Demolition work must be carried out in accordance with Australian Standard 2601-2001 - Demolition of Structures and the requirements of the NSW WorkCover Authority.
Reason: To ensure appropriate demolition practices occur.
20. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-
- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.
Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
 - (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.

- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (i) Demolition is to be completed within 5 days of commencement.
- (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (l) Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.
- (m) Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.

- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
- (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

Prior to the issue of a Construction Certificate

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

21. The following must be provided with an application for a Construction Certificate:

- a. Construction details showing substrate depth, drainage and waterproofing for all plantings on structures, including plantings over on-site detention tanks, raised planters and rooftop gardens, are to be provided by a suitably qualified structural engineer.
- b. Specifications for the soil volume, soil depth and soil area that must meet the prescribed standards in the *"Apartment Design Guide – tools for improving the design of residential apartment development"* (NSW Department of Planning and Environment, 2015) shall be provided by a suitably qualified Landscape Architect or Soil Scientist. Tree planting densities shall not exceed the prescribed soil volume and area requirements in the abovementioned document.
- c. Specifications for soil type and a maintenance schedule must be provided by a suitably qualified Landscape Architect or Soil Scientist to ensure sufficient nutrient and water availability is achieved.

Reason: To ensure the creation of functional gardens.

22. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

23. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

24. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website

<http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

25. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To ensure Council's assets are not damaged.

26. The basement stormwater pump-out system, must be designed and constructed to include the following:

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- (b) **A two pump system (on an alternate basis)** capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the **entrance** to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

27. The proposed basements shall be designed as **Tanked (waterproof) construction** to leave the groundwater in the ground. Inherent in providing tanked construction is the need to convey groundwater from the upstream side of a building basement to the downstream side of the building basement, thereby maintaining the natural groundwater balance and preventing the damming effect mentioned above. This is typically achieved with piping and/or porous media around and beneath the building basement. The basement shoring walls and base slab must be waterproof and able to withstand the considerable pressure of the water behind the wall and slab (hydrostatic loading).

Reason: To ensure satisfactory groundwater protection.

28. All washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

29. Prior to the issue of a Construction Certificate, Stormwater plans prepared by Engineering Studio project number 17955, Drawing number C1.01, C02.01 to C02.3, C03.01 and C04.01, issue E, received by Council in April 2020 shall be revised. Design of the proposed water quality treatment system shall be revised and submitted for the approval to the PCA prior to the release of the Construction Certificate. The revised design shall include the followings:

- (a) A rainwater tank with a minimum capacity of 9000L to be provided to collect runoff from at least 200 m² of roof area. Overflow from the rainwater tank to be connected to the OSD system.
- (b) All inlet pipes shall be connected directly to the Stormwater Filter Chamber (SFC) and to include the requirements defined by the manufacturer design guideline. The Invert Level (IL) of all inlet pipes to be above the false floor of the SFC.
- (c) An energy dissipater shall be included in the SFC to protect the filter units from damage due to high flows and to be shown on the amended stormwater plans.
- (d) Detailed design of the SFC is to be in accordance with the cartridge manufacturer design guideline.
- (e) A letter from the manufacturer shall be submitted to the PCA to demonstrate that the final design of the SFC and the MUSIC model setup is consistent with the manufacturer design guideline.
- (f) The size of the SFC to be minimised.

- (g) The volume provided in the SFC cannot be used as a credit for the required site storage. The required storage shall be provided within the OSD main storage tank.
- (h) The Discharge Control Pit (DCP) to be located downstream of the SFC and overflow from the filtration system to be discharged into the DCP via the SFC weir.
- (i) The SFC weir shall be designed to convey flow from a 1% AEP storm event and to be designed in accordance with the manufacturer design guideline.
- (j) The outflow (bottom outlet) from the SFC to be directed into the OSD system. If the bottom outlet from the SFC bypasses the OSD system and directed into the overflow pit past OSD, then equivalent flow to be reduced from the PSD in the OSD calculation.
- (k) The OSD calculations to be revised to include all above-mentioned changes and the final storage and orifice size to be adjusted accordingly.

Reason: To minimise the quantity of stormwater run-off from the site, surcharge from the existing drainage system and to manage downstream flooding and to ensure water quality targets are met

30. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to the release of the Construction Certificate for any work on the site.
 - (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code; and
 - i. Revised Stormwater plans submitted to the PCA prior to the issue of a Construction Certificate.
 - (b) A Site Storage Requirement of 470 m³/ha and a Permissible Site Discharge of 80 L/s/ha to be used (when using 3rd edition of UPRCT's handbook).
 - (c) Total catchment area for OSD calculations to cater for wind-driven rain.
 - (d) Adequate grate(s) to be provided in accordance with the Upper Parramatta River Catchment Trust On-Site Detention Handbook (Ed 3) so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
 - (e) Maximum area bypassing the OSD system to be 15% (when designed with UPRCT 3rd edition).
 - (f) Tank openings to be minimum 900mm x 900 mm and to be grated. No solid covers to be used.
 - (g) The pipes running within the OSD tank including main storage, DCP and overflow pit shall be secured to the ground or wall every 1m.

- (h) A grated access point is to be provided adjacent to the DCP over the non-return pipe.
- (i) A minimum 100 mm and 200 mm freeboard from the design Natural Ground Level (NGL) to be provided for non-habitable and habitable floors respectively. A sufficient grade (minimum 1%) to be provided around the buildings to ensure surface flows can be directed around the building.
- (j) The proposed OSD tank shall be separated from the dwelling walls. The building walls shall not be incorporated as part of the OSD tank walls. The dwelling wall and the OSD tank wall shall be separated with a cavity in between, to be independent walls.
- (k) The piped drainage system, including roof gutters and downpipes to be designed with capacity for all storms up to and including the 1% AEP storm event.
- (l) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure shall accompany the revised plans submitted to the PCA.
- (m) All surface collecting pits and grated drains shall be designed to ensure any surcharge from the OSD system will overflow to the street and will not surcharge back to the pits. This generally achieves when Surface Level (SL) of surface collecting pits is set higher than the Top Water Level (TWL) of the OSD tank.

Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding and to ensure water quality targets are met

31. Based on the Stormwater plans prepared by Engineering Studio project number 17955, Drawing number C1.01, C02.01 to C02.3, C03.01 and C04.01, issue E, received by Council in April 2020 and the BASIX requirements:
- (a) Two Ocean guard pit basket and Four 310PSorb Stormwater filter and one 9KL rainwater tank must be installed to manage surface runoff water to satisfy Water Quality requirements.
 - (b) The number and type of proposed water quality devices and Stormfilter cartridges are not to be reduced, nor replaced with an alternate manufacturer's product without the written approval from Council.
 - (c) Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of the manufacturer design guidelines and the modifications requested in the "Stormwater Quality Treatment System" condition. Details are to be included with the plans and specifications accompanying any Construction Certificate.
 - (d) A Maintenance Schedule must be provided for the stormwater treatment measures, including the rainwater tank, in accordance with the requirements of the manufacturer. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.
 - (e) Details of the proposed devices and Maintenance Schedule must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure appropriate water quality treatment measures are in place.

32. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

33. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

34. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 - 'The use of ventilation and air conditioning in buildings' - 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

Reason: To preserve community health and ensure compliance with acceptable standards.

35. The total number of accessible car-parking spaces must be in accordance with the latest Traffic Report submitted to the PCA for the issue of the Construction Certificate as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

36. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure visitor carparking is accessible.

37. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

38. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

39. The proposed kerb inlet pit must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.

Reason: To ensure appropriate drainage.

40. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

Reason: To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

41. The PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS 2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

42. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 73 parking spaces is to be provided and be allocated as follows:

- (a) 58 spaces for the residential units including seven (7) spaces as accessible parking;
- (b) Seven (7) visitor parking including one (1) space as accessible parking;
- (c) Six (6) spaces for the retail areas including two (2) spaces as car stakers in accordance with the specifications of WOHR Parklift 411-170-20 Car Stacker (model DS-411-20-E-250), as nominated in the response letter to Council's request for traffic information by Traffix dated 5 May 2020;
- (d) Two (2) car share spaces.

Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To comply with Council's parking requirements and Australian Standards.

43. Prior to the issue of a Construction Certificate, the applicant is required to submit a revised Traffic Report in consultation with the Sydney Coordination Office (SCO) and Parramatta Light Rail (PLR) within Transport for NSW (TfNSW) to address the following issues:

The report is to be submitted to TfNSW and include a preliminary CTMP to describe construction management issues adjacent to the rail corridor and proposed construction program. A copy of this report is to be submitted to Council.

Reason: To comply with TfNSW requirements.

44. A monetary contribution comprising **\$357,073.98** is payable to the City of Parramatta Council in accordance with the terms set in the Planning Agreement which applies to this land. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of a Construction Certificate.

At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician (Australian Bureau of Statistics, ABS – www.abs.gov.au)

Reason: To satisfy the obligations of the Planning Agreement which applies to the site.

45. Public Domain Construction Drawings

Prior to the issue of the Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager.

- (a) The drawings shall address, but not limited to, the following areas:
 - All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback;
 - Any publicly accessible areas;
 - Any works in carriageway, and
 - Onsite landscape work.
- (b) Grading of the pedestrian footway:
 - Detailed design spot levels and designed contour lines are required.
 - Localised flattening of public footpath levels at building doorways is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line.
 - Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.
- (c) The Public Domain Construction Drawings and specifications shall be prepared in accordance with:
 - The latest City of Parramatta Public Domain Guidelines (PDG);
 - The confirmed TfNSW public domain levels and layout for the PLR project adjacent to the development (applicant to liaise the TfNSW to secure this information) and
 - The approved plans under this development consent; and
 - All the conditions listed in this consent.

The Public Domain Construction Drawings must be prepared to reflect the following changes:

- Latest levels and design of the PLR public domain and the relevant interface (current drawing show superseded ideas)

- Coordinated levels of the internal publically accessible areas
- Café sitout and paved areas – design and levels
- Final internal design enabling seamless and equitable access to the ground floor retail from the PLR public domain

Reason: To ensure the public domain is constructed in accordance with Council standards.

46. Prior to the issue of a Construction Certificate, The applicant is to liaise with Transport for NSW to confirm public domain levels proposed for the PLR project which interface directly with the development. The applicant is required to prepare detailed, comprehensive design layouts showing levels and interface resolution for the publically accessible area between the site boundary and the new building façade and entries on all frontages. Design levels are to match in with PLR public domain design levels and achieve a refined and compliant solution for equitable access between the public domain and all new building entries. The drawings are to be submitted to Council's DTSU Manager for approval prior to the issue of a Construction Certificate and prior to any ground floor slab pour.

Reason: To ensure appropriate access between the future Parramatta light rail public domain and shop entries within the current application.

47. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence

that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

48. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

49. Prior to the issue of a Construction certificate, the Certifying Authority must be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

Note: Architectural plans identifying the location of all plant and equipment must be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improve visual appearance and amenity for locality.

50. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

51. External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

Reason: To have a minimal impact on the neighbouring property.

52. Access and services for people with disabilities shall be provided to the 'affected part' of the building in accordance with the requirements of the Access to Premises Standard 2010 and the National Construction Code 2013. Detailed plans, documentation and specification must accompany the application for a Construction Certification to the satisfaction of the Certifying Authority.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

53. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason: To comply with the requirements of SEPP 65.

54. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

55. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

56. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

Reason: To prevent loss of amenity to the area.

57. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/80/2019;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Nature Strip and Roadway: <i>Applies to all developments with a cost greater than \$25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$25,750.00

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

58. The development must incorporate four adaptable dwellings. Plans submitted with the Construction Certificate must illustrate that the required

adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason: To ensure the required adaptable dwellings are appropriately designed.

59. Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of the Principal Certifying Authority with the following changes:

- The proposed chair lift is to be revised to an alternate passenger lift type.
- Provision of a door to the accessible WC.

Reason: To comply with BCA requirements.

60. The applicant is to liaise with Transport for NSW and prepare a detailed set of internal landscape (including that at the shop frontages) and public domain drawings which incorporate levels endorsed by TfNSW, which enable a fully compliant equal access to the shops and the building. These drawings are to be submitted for the approval of Council's Urban Design (Public Domain) Unit prior to the issue of a Construction Certificate.

Reason: To ensure that the internal publically accessible landscape areas and the public domain is constructed in accordance with the future Parramatta Light Rail public domain levels.

Prior to Work Commencing

61. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
- (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,

- (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (c) Traffic Control Plan(s) for the site:
- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,

- (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- (iii) Minimising construction related traffic movements during school peak periods.

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

62. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

Reason: To protect Council's assets throughout the development process.

63. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council at council@cityofparramatta.nsw.gov.au) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

64. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for

vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason: To ensure the ongoing safety and protection of property.

65. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

66. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - (d) the site is to be maintained clear of weeds; and
 - (e) all grassed areas are to be mowed on a monthly basis.
- Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.

67. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.
- Note:** If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.
- Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

68. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:
- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
 - (b) Storage of building materials and building waste containers (skips) on Council's property.

- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

Reason: Proper management of public land.

69. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

70. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material

is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by Safework NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

71. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the Safework NSW hotline or their website www.safework.nsw.gov.au.

Reason: To comply with the requirements of Safework NSW.

72. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

73. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition,

excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

74. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

75. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the Safework NSW hotline or their website www.safework.nsw.gov.au.

Reason: To comply with the requirements of Safework NSW.

76. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

77. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

Reason: To ensure public safety.

78. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
 - (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

79. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
 - (b) Below; or
 - (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

80. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development

relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

81. Critical stage inspections must be carried out by the principal contractor at the following stages during construction to ensure works are carried out as per the final approved construction drawings:
- Prior to construction (pouring of concrete) of the footings or first completed floor slab;
 - Prior to the commencement of any internal landscape and public domain works; and
 - Upon completion of the building and landscaping works, prior to issuing an Occupation Certificate.

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the Principal Certifying Authority for the development.

Reason: To ensure the applicant's public domain and internal landscape work is constructed in accordance with the future Parramatta Light Rail public domain levels thus providing a seamless and equitable access to the ground floor retail entries from the PLR public domain.

During Work

82. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.

Reason: Protection of existing environmental infrastructure and community assets.

83. The *Biosecurity Act* 2015 requires the following weeds to be removed in accordance with the General Biosecurity Duty prescribed by the Act:

- *Ligustrum lucidum* (broad-leaved privet)

Reason: To ensure the compliance with the *Biosecurity Act* 2015.

84. Approval is granted for the removal of trees numbered 2 to 15 as per the Arboricultural Impact Assessment prepared by Redgum Horticultural dated 18 December 2018.

Reason: To facilitate development.

85. All trees/shrubs planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support.

Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

Reason: To ensure the trees/shrubs planted within the site are able to reach their required potential.

86. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

Reason: To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

87. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the driveway, immediately before the garage door, to collect all surface water flowing down the driveway. An opportunity must be provided to allow emergency overflows to be diverted away from the garage. The drainage line from the grated drain shall be connected to the stormwater drainage system.

Reason: Stormwater control.

88. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

89. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason: To protect public safety.

90. A footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.

Reason: To provide pedestrian passage.

91. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

Reason: To ensure appropriate car parking.

92. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

93. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

Reason: To ensure Council's assets are appropriately constructed.

94. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

95. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal), prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

96. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

97. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

98. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

99. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition

or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

100. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

101. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

102. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

103. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

104. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

105. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011;
- (b) NSW Protection of the Environment Operations Act 1997 (NSW); and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines.

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

106. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

107. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality. Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways.

108. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

109. The driveway access to James St from the Sydney Trains land must not be impeded or obstructed during the development works.

Reason: To comply with TfNSW requirements.

110. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

111. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

112. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

113. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the following hours:

- Monday to Friday inclusive: 7.00am and 5.00pm; and
- Saturday: 8.00am to 5.00pm.
- No work is to be carried out on Sunday or Public Holidays.

Demolition works are restricted to:

- Monday to Friday: 7.00am to 5.00pm; and
- No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

Note: Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

Reason: To protect the amenity of the area.

114. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;
 - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
 - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

115. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: To protect the amenity of the area and limit potential vibration impacts.

116. Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

117. A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

Reason: To ensure the development is being built as per the approved plans.

Prior to the issue of an Occupation Certificate

118. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

119. Proof of completion of footpath construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To provide pedestrian passage.

120. Work-as-Executed Plan for the OSD System

The following is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the 88E Application when lodged with Council.

Works-As-Executed stormwater plans are to address the following:

- a) The Work-As-Executed plans are prepared on the copies of the **latest** approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- c) The WAE survey shall show the "as-built" of the complete on-site detention system including (but not limited to) discharge point into Council system, storage tank (including all critical elements), all pipes and pits connected to the OSD system, and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.
- d) The Work-As-Executed plans shall provide enough levels around the buildings to enable assessment of the area bypassing the OSD tanks and the provided freeboard for habitable and non-habitable floors.
- e) The Work-As-Executed plans shall include RLs for all surface collecting pits and As-built Finish Floor Level for all habitable and non-habitable floors
- f) The as-built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth versus volume table
- g) (OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- h) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash

screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.

- i) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, walls and cover slab from a qualified structural engineer.

Reason: To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

121. Work-as-Executed Plan for Pump-out System

The following is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the 88E Application when lodged with Council.

Works-As-Executed stormwater plans are to address the following:

- a) The as-built pump well storage volumes are to be presented in a tabular form (depth versus volume table)
- b) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer for the constructed pumping system shall be provided to certify proper hydraulic function of the system.
- c) Certificate of Structural compliance of the pump well including the walls and cover slab from a qualified structural engineer shall be provided.

Reason: To ensure works comply with approved plans and adequate information is available for Council to assess the proper function of the system.

122. Work-as-Executed Plan for WSUD System

The following is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the 88E Application when lodged with Council.

Works-As-Executed stormwater plans are to address the following:

- a) Certificate of Hydraulic Compliance from a Hydraulic Engineer to be provided confirming that the Water Sensitive Urban Design Elements have been installed in accordance with the approved Construction Drawings and manufacturer design guidelines.
- b) A certificate from the water quality devices manufacturer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively.
- c) Written evidence is to be provided that the owner/developer has entered into and prepaid a minimum three (3) year maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Oceanguard pit and Stormfilters.

Reason: To ensure works comply with approved plans and adequate information is available for Council to assess the proper function of the system.

123. Positive Covenant/Restriction for OSD System

Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the Restriction on the Use of the Land. These photos shall include such elements as the orifice plate, trash screen, step irons, weir, sump and bench on the floor of the DCP, return pipe and flap valve, wide-angle view of the storage area or multiple photos, grates closed from above, grates open showing the edges to the opening and under frame packing with mortar or concrete, all pipe entries to the DCP and confined space warning signs at each entry point. Photos of the Swale and provided space under the fence, retaining walls, final discharge points and constructed spreaders shall be also provided. The photos must be well labelled and must differentiate between multiple tanks.

Additional photos may be requested if required.

Reason: To ensure maintenance of on-site detention

124. Positive Covenant/Restriction for WSUD

Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the WSUD Stormwater facilities.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

Restrictions and positive covenants must be registered with LPI over the Stormwater Quality Control devices (Bio-retention, Stormfilter devices, Oceanprotect devices, enviropods and rainwater tanks) and outlet works.

Reason: To ensure the maintenance of stormwater quality facilities

125. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

126. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

127. The subdivision certificate will not be issued until a final Occupation Certificate has been submitted to Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

128. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing,

grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: Pedestrian and Vehicle safety.

129. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

130. Prior to the issue of an occupation certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:

Renzo Tonin & Associates; titled: 12 James street Carlingford - Acoustic Assessment for Development Application; Doc reference: TK706-01F02 Acoustic Assessment for DA (r1) and dated 25.01.2019

Reason: To demonstrate compliance with submitted reports.

131. Washing of vehicles shall be conducted in a vehicle wash bay, which is roofed and bunded to exclude rainwater. The vehicle wash bay shall be installed in accordance with Sydney Water's requirements. A trade wastewater agreement shall be obtained from Sydney Water before operation of the wash-bay commences and a copy of the permit submitted to Council's Environmental Health Unit prior to the issuing of the occupation certificate. The vehicle wash bay shall be regularly cleaned and maintained.

Reason: To ensure proper disposal of waste water.

132. Prior to the Occupation Certificate being released, a member of Council's Waste Services Team will be required to inspect the waste facilities to

ensure compliance with the final approved drawings and to order the required new bin set.

Reason: To ensure that adequate waste facilities have been provided.

133. Prior to the issue of an Occupation Certificate, evidence must be submitted to the satisfaction of Council demonstrating that the development has been constructed in accordance with the approved detailed Public Domain and publically accessible internal landscape drawings submitted to Council during the Construction Certificate stage.

Reason: To ensure that the public domain is constructed in accordance with Council requirements.

134. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

Reason: To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

135. Prior to the issue of an Occupation Certificate the developer must provide Council with a schedule of individual unit/street numbers as displayed within the development for identification purposes. The numbering sequence must be in accordance with the street numbering approval letter issued by Council.

Reason: To ensure developments are appropriately numbered.

136. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 504978M_07, will be complied with prior to occupation

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

137. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

138. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason: To comply with the requirements of SEPP 65.

139. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

Reason: To ensure the requirements of DCP 2011 have been met.

140. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report and a copy of this report forwarded to Council electronically at council@cityofparramatta.nsw.gov.au.

Reason: To establish any damage caused as a result of the building works.

The Use of the Site

141. If a roller shutter door is to be provided at the driveway entry and exit James Street it is to be operated via remote control. If an intercom is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark and located in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

Reason: To comply with Australian Standards.

142. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

143. A strata appointed caretaker or cleaner is to present the bins kerbside on James Street on the agreed collection day each week.

Reason: To ensure that bins are accessible for collection.

144. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

145. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

146. No advertisement/signage shall be erected on or in conjunction with the development without prior consent.

Reason: To comply with legislative controls.

147. All loading and unloading must:

- (a) take place within the designated loading areas on the subject property, or
- (b) take place within the approved loading dock to minimise disruption of public spaces, and
- (c) is to be carried out wholly within the site

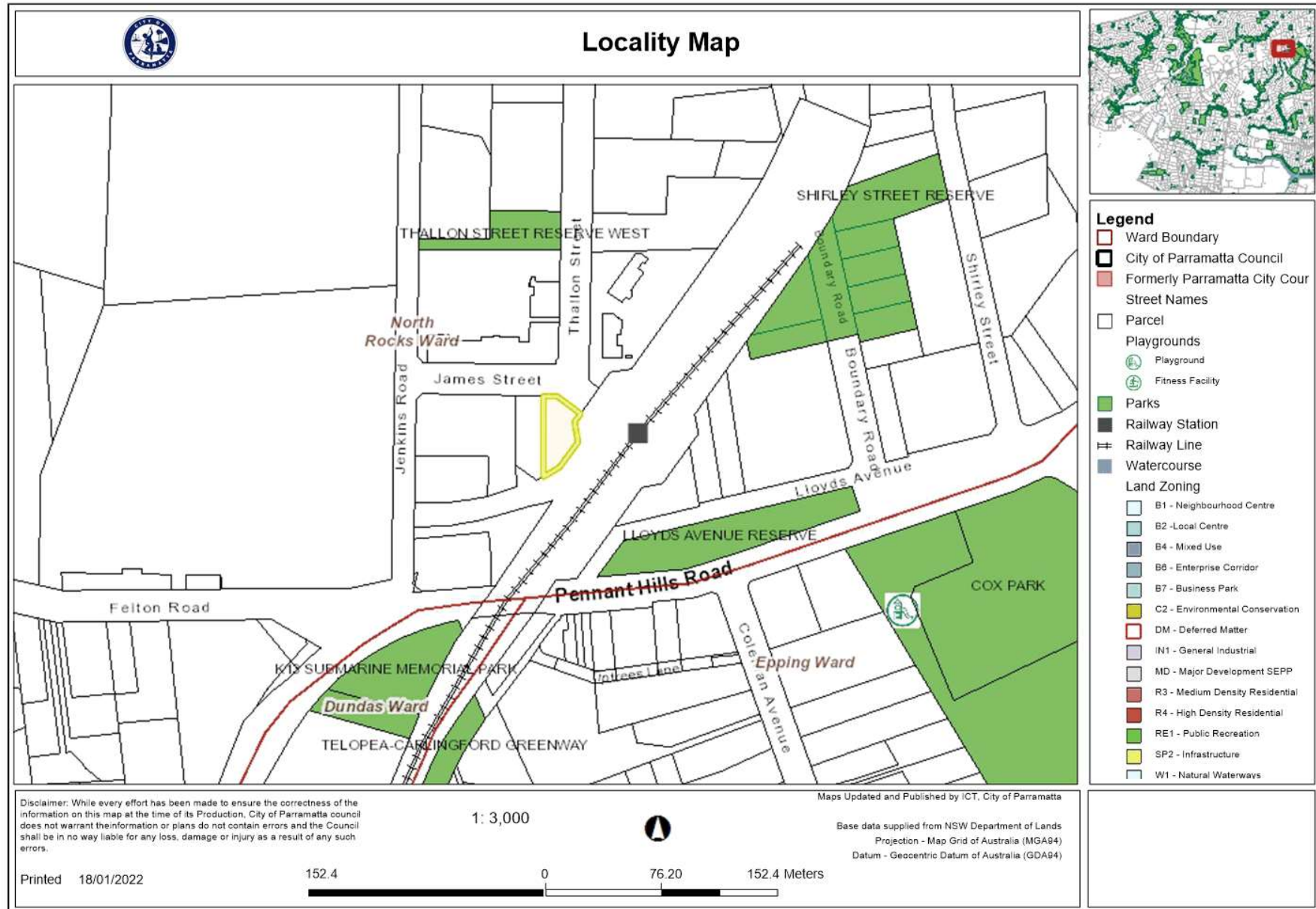
Reason: To protect the amenity of the neighbourhood.

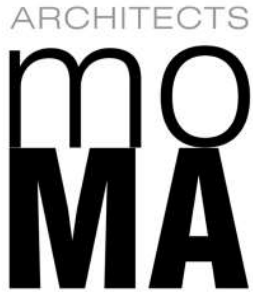
148. The days and hours of operation of the ground floor retail tenancies are restricted to:

Day	Time
Monday	7:00am until 10:00pm
Tuesday	7:00am until 10:00pm
Wednesday	7:00am until 10:00pm
Thursday	7:00am until 10:00pm
Friday	7:00am until 10:00pm
Saturday	7:00am until 10:00pm
Sunday	7:00am until 10:00pm
Public Holidays	7:00am until 10:00pm

Reason: To minimise the impact on the amenity of the area.

Date: 28 September 2021
Responsible Officer: Sohini Sen





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w: www.themoma.com.au
e: info@themoma.com.au
a: Suite 8D/277 Lane Cove Road, Macquarie Park, 2113

CONSTRUCTION CERTIFICATE

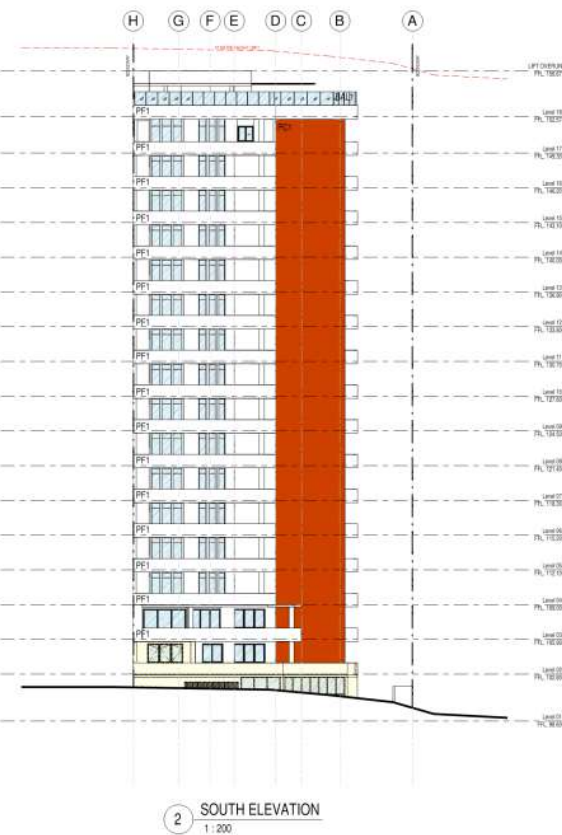
MIXED-USE DEVELOPMENT
12 JAMES STREET, CARLINGFORD
PROJECT NO. A21002
ISSUE C




COMPLIANCE TABLE				
SITE AREA 825.7 m ²				
REQUIREMENTS	CONTROL	APPROVED MODIFICATION	PROPOSED APPLICATION	COMPLIANCE
ZONING	R1: GENERAL RESIDENTIAL	R1: GENERAL RESIDENTIAL	R1: GENERAL RESIDENTIAL	✓
FSR	0.1 (4,625 sqm)	0.1 (5,380m ²)	0.21 (5,740m ²)	
HEIGHT OF BUILDING	MAX 55m	58m (LIFT OVERLAP)	58m (LIFT OVERLAP & MECHANICAL SERVICES)	APPROVED
CAR PARKING	RMS PARKING RATE 0.6 SPACES PER 1 BEDROOM 0.9 SPACES PER 2 BEDROOM 1.4 SPACES PER 3 BEDROOM VISITOR SPACES + 0.2 PER DWELLING RETAIL 1 SPACE PER 40 SQM	RMS PARKING RATE 0.6 SPACES PER 1 BEDROOM 0.9 SPACES PER 2 BEDROOM 1.4 SPACES PER 3 BEDROOM 2 x 1.4 = 2.8 SPACES VISITOR SPACES + 0.2 PER DWELLING 13 SPACES (BASED ON 64 UNITS) 2 CAR SPACES PROVIDED IN LIFT OF 6 RETAIL 1 SPACE PER 10 SQM (BASED ON 115 SQM) 6 SPACES 74 SPACES (75 REQUIRED)	RMS PARKING RATE 0.6 SPACES PER 1 BEDROOM 0.9 SPACES PER 2 BEDROOM 1.4 SPACES PER 3 BEDROOM 2 x 1.4 = 2.8 SPACES VISITOR SPACES + 0.2 PER DWELLING 13 SPACES (BASED ON 64 UNITS) 2 CAR SPACES PROVIDED IN LIFT OF 6 RETAIL 1 SPACE PER 40 SQM (BASED ON 115 SQM) 6 SPACES 75 SPACES (75 REQUIRED)	✓
STORAGE	STORAGE IN BASEMENT 1 BED + 3m ³ 5 x 2 = 10m ³ 2 BED + 4m ³ 8.7 x 4 = 228m ³ 3 BED + 5m ³ 15m ³	STORAGE IN BASEMENT 253m ³ REQUIRED 518m ³ PROVIDED	STORAGE IN BASEMENT 253m ³ REQUIRED 487m ³ PROVIDED	✓

DRAWING LIST

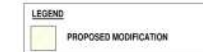
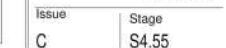
NO.	DRAWING NAME
A0000	COVER
A1000	PLAN - BASEMENT 5
A1001	PLAN - BASEMENT 4
A1002	PLAN - BASEMENT 3
A1003	PLAN - BASEMENT 2
A1004	PLAN - BASEMENT 1
A1011	PLAN - LEVEL 01
A1012	PLAN - LEVEL 02
A1013	PLAN - LEVEL 02 (ORIGINAL LEVEL 03)
A1014	PLAN - LEVEL 04 - 16
A1015	PLAN - LEVEL 17
A1016	PLAN - LEVEL 18
A2000	ELEVATION - NORTH & SOUTH
A2001	ELEVATION - EAST & WEST
A3000	SECTION AA & BB
A4000	SCHEDULE OF FINISHES
A8000	SHADOW DIAGRAM



LEGEND

 PROPOSED MODIFICATION

 Springer





PC1 - COLOURED SCORED PRECAST CONCRETE



PF1 - PAINT FINISH (COLOUR: WHITE)



BAL1 - GLASS BALUSTRADE



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Nominated Architects			
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Eric Kiew NSW 8185			
ISSUE	DESCRIPTION	DATE	BY / FOR
A	FOR COORDINATION	16/03/2021	AC / EX
B	FOR INFORMATION	16/03/2021	BF / TS
C	FOR INFORMATION	20/03/2021	BF / EX

Client Name		ABC CONSULTANTS	
Project Name		12 James St Carlingford	
Drawing Title		SCHEDULE OF FINISHES	
Scale		@A1	
Job No.		A21002	
Drawing No.		A4000	
Issue		Stage	
C		S4.55	

FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

Client Name
Lu Projects Pty Ltd

Project Name
12 James St Carlingford

Drawing Title
SCHEDULE OF FINISHES

Scale
@A1

Job No.
A21002

Drawing No.
A4000

Issue
C

Stage
S4.55





Statement of Environmental Effects for Section 4.55(1A) Modification – DA/80/2019

12 JAMES STREET,
CARLINGFORD





QUALITY ASSURANCE

PROJECT: Section 4.55 (1a) to an approved Mixed Use Development

ADDRESS: Lot 1 in DP120826: 12 James Street, Carlingford

COUNCIL: The City of Parramatta

AUTHOR: Think Planners Pty Ltd

Document Management

Prepared by:	Purpose of Issue:	Date:
SK	Draft Issue	28 June 2021
Reviewed by:	Purpose of Issue:	Date:
SK/ BD	Lodgment Issue	4 August 2021

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mine Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	Yes

Concurrence

SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No



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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Section 4.55(1a) modification for amendments to approved plans associated with DA/80/2019.

The parent development application DA/80/2019 was approved by the Parramatta Local Planning Panel on 18 August 2020 and approved the following:

Demolition of existing structures, tree removal and the construction of an eighteen storey mixed use development containing 64 apartments and ground floor retail space over 5 levels of basement parking. The proposal is Integrated Development under the Water Management Act 2000.

The 4.55(1a) modification is seeking to consolidate the utilities and back of house components in-order to deliver a more efficient retail layout in terms of usability, that will be better suited to the future occupation of the site and promote better interaction with Carlingford Light Rail Plaza and ultimately contribute to providing a more active and vibrant development that what was approved under DA/80/2019.

The reconfiguration to the size and arrangements of the retail tenancies will result in a slight increase to the overall FSR approved under DA/80/2019, however the proposed changes will not only improve how the retail tenancies addresses and interact with Carlingford Light Rail Plaza but will also be better suited for future occupation.

The key changes proposed under this current 4.55(1a) modification is listed below:

- *Amendment to consent condition – namely condition 1 consent to reflect the amended plans.*
- *Reconfiguration of the ground floor to allow the retail premises to better front and address Carlingford Light Rail Plaza*
- *Minor increase to the FSR, mainly due to converting existing approved services areas into retail space which will result in an increase to the overall retail GFA from 111m² to 281m², an increase of 170m²*
- *Increase in the approved height limit to allow for the mechanical ducts on the roof*
- *Inclusion of services ducts and risers as required*
- *Inclusion of a garbage chute and garbage room in the basement*
- *Relocation of the substation to the front of the site in a Padmount configuration, with subsequent reconfiguration of Unit on Level 1 next to the existing internal double height substation space.*



For full detail on the changes see the attached plans prepared by Momo Architecture that have amendments clouded in red.

The site is zoned R1 – General Residential under Parramatta (former The Hills) Local Environmental Plan 2012. 'Residential Flat Buildings' and 'Neighbourhood Shops' continue to be permissible land uses within the R1 Zone

DA/80/2019 approved a 18 storey mixed use building with a maximum height of 57.7m, noting that the approved built form encroached upon the prescribed height limit by 700mm. The current proposal will result in a slight increase to the height of the building approved under the previous DA; limited to the inclusion of mechanical ducts and plants on the roof. The encroachment by the mechanical ducts will not have any adverse impacts on adjoining development as they are to be centralised to the built form. Technically a Clause 4.6 variation is not required under the Act for S.4.55 modification as a different test is applied, being that of consistency, however in-order to demonstrate that the minor increase to the approved building height will continue to meet the underlying intent of the maximum height control whilst ensuring that it would not result in unreasonable environmental and amenity impacts. A detailed 4.6 discussion is provided within Annexure 1 at the end of this statement.

The approved development also exceeded the prescribed FSR control. The increase in the size and arrangement of the retail tenancies will result in a slight increase to the approved GFA to 5,740m², an increase of 172m². The retail tenancy arrangement could be unaltered to ensure compliance with the FSR approved under DA/80/2019, however this will result in the development providing an inferior retail interface/presentation to Carlingford Light Rail Plaza. Furthermore, the revision to the retail tenancies will deliver better dimension and depth that will achieve in a better outcome without result in an overdeveloped of the site, noting that all changes are to be contained within the approved building footprint with no change to the car parking space or overall unit yield approved under the previous DA. Technically a Clause 4.6 variation is not required under the Act for S.4.55 modification as a different test is applied, being that of consistency, however has been undertaken to demonstrate that the minor increase to the approved FSR by 172m² resulting from converting service areas to retail areas is considered to be of a minor nature and does not represent overdevelopment of the approved development, noting no that the proposal will continue to meet the underlying intent of the maximum FSR control whilst ensuring that it would not result in unreasonable environmental and amenity impacts. A detailed 4.6 discussion is provided within Annexure 2 at the end of this statement.

The modified development will continue to be substantially the same as the original consent, with the proposal continuing to be a 18 storey mixed use building, noting that the proposed amendments will have limited amenity impacts with potential impacts having been addressed via the previous DA.



Furthermore, considering that the majority of the changes are to be contained within the approved building envelope, noting that the slight increase to the overall approved height associated with the mechanical ducts will be negligible and with no changes to the vehicle access and parking arrangements, deep soil and landscaping scheme, solar access and natural ventilation rates and the overall unit yield or unit mix approved under DA/80/2019 to remain the same, the modification will not impact on the evolving higher density built form character within the locality.

The reconfiguration of the retail premises on the ground floor will deliver retail tenancies that are better suited to the future occupation of the site and how it address and interacts with the future Carlingford Light Rail Plaza.

The modified application also includes refinements of the design since approval and further feasibility reviews of the project to allow it to proceed to the construction phase.

After a review of the amended plans and consideration of the relevant planning controls it is recommended that Council grant consent to the modification application with appropriate amendments to consent conditions – namely condition 1 of consent to reflect the amended plans.



SITE HISTORY

The site has been the subject of a number of development approvals and consents as outlined below:

- Development Application 561/2010 that was approved on 15 November 2011 by The Hills Council granted a deferred development consent to Development Application No. 561/2010 for the Construction of a 16 storey mixed use development consisting of 40 residential apartment units and 25m² ground floor retail space."
- Modification DA/561/2010/A was approved on 14 May 2013 by The Hills Council and granted approval for modifications to the internal layout of the proposal and increased the number of apartments to 44.
- Development Application 1091/2014 that was approved by the Land and Environment court on 3 February 2015 and granted a deferred commencement approval for the construction of an 18-storey mixed use development consisting of 49 residential apartment units and a 25m² ground floor retail space. The appeal DA was essentially the original approval with two additional residential floors added to provide 5 additional residential units. (The deferred commencement conditions were required to be satisfied by February 2016 and this does not appear to have occurred)
- Modification DA/561/2010/B that was approved by the Land and Environment court on 3 February 2015 granted approved for an additional part basement level to facilitate additional parking for DA 1091/2014. As this DA does not appear to have physically commenced, it is currently considered that this development application has also lapsed.
- DA/80/2019 was approved by the Parramatta Local Planning Panel on 18 August 2020 for the demolition of existing structures, tree removal and the construction of an eighteen storey mixed use development containing 65 apartments and 1 neighbourhood shop over 5 levels of basement parking. The proposal is Integrated Development under the Water Management Act 2000.

Key details of the approved development:

Shop

- 2 x retail tenancies with a total floor area of 111m²:
 - Retail Tenancy 01: 55m²
 - Retail Tenancy 02: 56m²

The retail premises are to operate from 7am till 10pm, 7 days.



Residential Units

- Total of 64 residential units:
 - 5 x 1 bedroom unit
 - 58 x 2 bedroom unit
 - 1 x 3 bedroom unit

Parking

- Total of 81 car parking spaces:
 - 66 x residential parking space
 - 13 visitor parking spaces
 - 2 x retail parking spaces



SITE AND LOCALITY DESCRIPTION

LEGAL DESCRIPTION

The subject site is legally described as Lot 1 in DP120826, though is commonly known as 12 James Street, Carlingford.

SUBJECT SITE

The subject site is located approximately 85m east of the intersection of Jenkins Road and James Street and adjoins the Carlingford Train Station and is in proximity to the Carlingford Village Shopping Strip.

The development site can be best described as an irregular shaped land parcel with a frontage of 8.7m frontage to Jenkins Road, a 19.8m frontage to a pathway to Carlingford Railway Station (James Street Road, Reserve), a western side boundary of 32m and has a total area of 925.7m².

The site continues to accommodate dilapidated single storey dwelling within an unkempt and untidy landscape setting as illustrated by Photograph 1 below.

Photograph 1: Shows 12 James St as viewed from James St looking southwards





Located on the southern side of James Street, the development site is adjoined to the west by a construction site at 10 James Street and an access pathway to the Carlingford Railway line to the Northeast. The eastern and southern portions of the site adjoin the Carlingford Railway line that is to be converted to light rail.

The aerial photo on the following page shows the subject site and its relationship to adjoining properties.

Figure 1: Aerial Map Extract of Subject Site (Six Maps)



 Subject Site

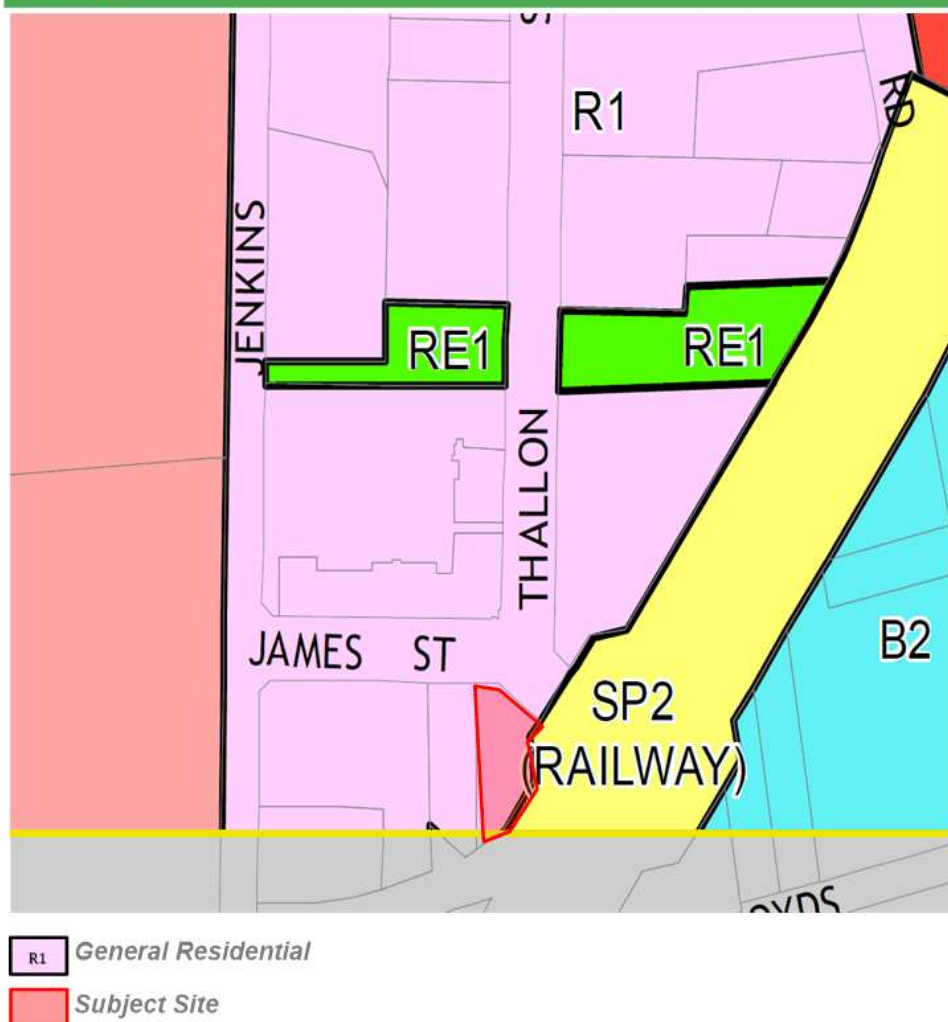
ZONING CONTROL

As illustrated by Council's zoning map extract overleaf, the site remains zoned R1 – General Residential under Parramatta (former The Hills) Local Environmental Plan 2012.

'Residential Flat Building' and 'Neighbourhood Shops' continue to be permissible land uses within the R1 Zone.



Figure 2: Zoning Map Sheet LZN_004 Extract (Source: Parramatta (former The Hills) LEP 2012)



The approved built form will continue to present an attractive interface that addresses the site's frontage to James Street whilst positively contributing to the evolving high density built form character within the immediate locality.



DESCRIPTION OF MODIFICATION

DA/80/2019 approved the following:

Demolition of existing structures, tree removal and the construction of an eighteen storey mixed use development containing 64 apartments and ground floor retail space over 5 levels of basement parking. The proposal is Integrated Development under the Water Management Act 2000.

The 4.55(1a) modification is seeking to consolidate the services component of the development in-order to deliver a more efficient retail layout in terms of usability, that will be better suited to the future occupation of the site and promote better interaction with Carlingford Light Rail Plaza and ultimately contribute to providing a more active and vibrant development that what was approved under DA/80/2019.

The reconfiguration to the size and arrangements of the retail tenancies will result in a slight increase to the overall FSR approved under DA/80/2019, however the proposed changes will not only improve how the retail tenancies addresses and interact with Carlingford Light Rail Plaza but will also be better suited for future occupation.

The key changes proposed under this current 4.55(1A) modification is listed below:

- *Amendment to consent condition – namely condition 1 consent to reflect the amended plans.*
- *Reconfiguration of the ground floor to allow the retail premises to better front and address Carlingford Light Rail Plaza*
- *Minor increase to the FSR, mainly due to converting existing approved services areas into retail space which will result in an increase to the overall retail GFA from 111m² to 281m², an increase of 170m²*
- *Increase in the approved height limit to allow for the mechanical ducts on the roof.*
- *Inclusion of services ducts and risers as required*
- *Inclusion of a garbage chute and garbage room in the basement*
- *Relocation of the substation to the front of the site in a Padmount configuration, with subsequent reconfiguration of Unit on Level 1 next to the existing internal double height substation space.*

For full detail on the changes see the attached plans prepared by Momo Architecture that have amendments clouded in red.



Building Height

The introduction of mechanical ducts on the roof will result in the height of the building to increase however the maximum height should remain the same although the mechanical service ducts and plant encroach up the 58m mark, the lift overrun already encroaches up to 58m.

Technically a Clause 4.6 variation is not required under the Act for S.4.55 modification as a different test is applied, being that of consistency. However in-order to demonstrate that the minor increase to the height of the building as a result of the inclusion of the mechanical ducts will continue to meet the underlying intent of the maximum height control whilst ensuring that it would not result in unreasonable environmental and amenity impacts, this application has provided a detailed 4.6 discussion. Refer to Annexure 1 at the end of the report for detail.

Retail Arrangements and FSR

The revision of the ground floor layout including the consolidation of the service rooms in-order to improve the size and arrangements of the retail tenancies that will result in a slight increase to the overall FSR from 6.1:1 to 6.2:1, a slight increase of 172sqm, however the proposed changes will deliver retail space which would be better suited to the future occupation of the site and how it addresses and interacts with Carlingford Light Rail Plaza.

Setback

No change.

Landscaping & Deep Soil Zones

No change.

Parking & Vehicle Access Arrangement

No change.

Waste Management

The only change to the waste management scheme approved under DA/80/2019 is the inclusion of a garbage chute and garbage room in the basement which will permit better management and collection of waste on-site.

The proposal complies with key planning requirements as discussed further within this statement.



PLANNING CONTROLS

S.4.55(1A) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Pursuant to S.4.55 of the Act, Council may consider an application to amend a development consent provided that it is of minor environmental impact and is substantially the same development.

The application is substantially the same as the approved development, noting that the proposed modification is limited predominantly in the revision of the ground floor scheme in-order to permit the retail premise to better front Carlingford Light Rail Plaza whilst also improving pedestrian access arrangements.

Furthermore, with the majority of the changes to be contained within the approved building envelope, the modification will not result in any changes to the bulk and scale of the building nor any changes to the approved vehicle access, parking, landscaping, deep soil zone and overall unit yield and unit mix approved under DA/80/2019. As such the overall development will still continue to be of comparable form and scale of the existing 18 storey mixed use building.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- a. it is satisfied that the proposed modification is of minimal environmental impact, and
- b. it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- c. it has notified the application in accordance with:
 - i. the regulations, if the regulations so require, or
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- d. it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.



Subsections (1), (2) and (5) do not apply to such a modification.

The application is substantially the same as the existing development, with the development concept continuing to incorporate a comparable form and scale of the mixed use development within Unit 12 James Street, Carlingford.

Therefore, the proposal meets the 'minor environmental impact' test and is suitably defined as a Section 4.55(1a) modification. Having regard to the limited nature of the minor amendments proposed in this application, it is noted that the proposal remains materially and essentially the same development. Therefore, the proposal is substantially the same development as that originally approved.

The reasons for the approval of the parent development application are outlined in minutes of the Local Planning Panel of 18 August 2020 as::

- 1. The Panel supports the findings in the assessment report and endorses the reasons for approval contained in that report.*
- 2. The development is permissible in the R1 zone and satisfies the requirements of all of the applicable planning controls.*
- 3. The variation to minimum lot size area prescribed in Clause 4.1A – Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings in Parramatta (Former The Hills) Local Environmental Plan 2012, under the provisions of Clause 4.1A(3) – Variations to Development Standards satisfies the objectives of the control and the R1 General Residential zone, and there are sufficient environmental planning grounds to justify the variation.*
- 4. The variation to building height control prescribed in Clause 4.3 – Floor Space Ratio in Parramatta (Former The Hills) Local Environmental Plan 2012, under the provisions of Clause 4.6 – Variations to Development Standards satisfies the objectives of the control and the R1 General Residential zone, and there are sufficient environmental planning grounds to justify the variation.*
- 5. The variation to floor space ratio control prescribed in Clause 4.4 – Floor Space Ratio in Parramatta (Former The Hills) Local Environmental Plan 2012, under the provisions of Clause 4.6 – Variations to Development Standards satisfies the objectives of the control and the R1 General Residential zone, and there are sufficient environmental planning grounds to justify the variation.*
- 6. The development will be compatible with the emerging and planned future character of the area.*



The proposed modifications do not undermine the reasons for the approval and the modified development is considered to be consistent with them.

A discussion against the relevant planning controls are provided further within this statement.

STATE ENVIRONMENTAL PLANNING POLICY BASIX

No change. BASIX Certificate provided as part of DA/80/2019 continues to comply.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Has been addressed via DA/80/2019 including the preparation of an Acoustic and Vibration Report, however it is noted that the current application is of a minor nature – limited predominantly to reconfiguring the approved ground floor scheme to permit the retail tenancy to better address and interact with Carlingford Light Rail Plaza and improving the pedestrian access arrangements, noting no change to the approved vehicle access arrangements to and from the site.

STATE ENVIRONMENTAL PLANNING POLICY NO.55 - REMEDIATION OF LAND

No further earthworks is proposed than that approved under DA/80/2019.

Potential contamination has been addressed via previous DAS, noting that a Preliminary Site Investigation Report was prepared by Geotest Services as part of DA/80/2019 which found the following:

Geotest concluded that; based on the desktop investigation, site inspections and the observations made that the site can be made suitable for the future residential development following removal of surface asbestos materials, and subject appropriate clearance relating to the proposed demolition works.

Further investigation and reporting under SEPP 55 is not considered necessary and Council can be satisfied that the provisions of Clause 7 of the SEPP are satisfied.

STATE ENVIRONMENTAL PLANNING POLICY – (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017.

This SEPP 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 appropriate preservation of trees and other vegetation.



No changes to the approved landscaping scheme approved under DA/80/2019, noting that this modification does not seek approval for any additional vegetation removal.

STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS

It is noted that the proposal is technically captured by the ADG as it applies to modification applications.

A discussion against the ADG matters is not considered relevant as the proposed changes is predominantly limited to reconfiguring the approved ground floor scheme with the residential component of the approve mixed use development predominantly unaffected by the proposed modification to the design scheme approved under DA/80/2019.

It is noted that the current modification will have no impact on the approved building in terms building separation, with residential dwellings to remain unchanged in terms of unit mix, unit size, provision of both private and communal open space, solar access and natural ventilation and residential car parking spaces.

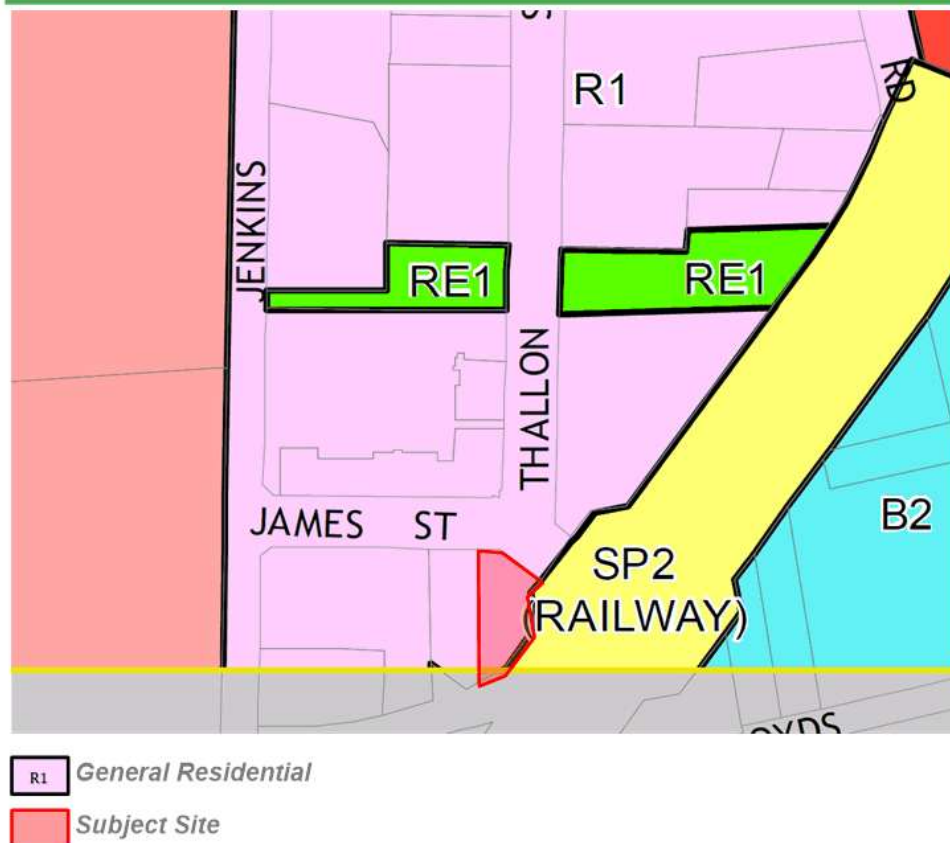
Furthermore the modification will have no impact on the deep soil zone and landscaping scheme approved under DA/80/2019.

PARRAMATTA (FORMER THE HILLS) LOCAL ENVIRONMENTAL PLAN 2012

As illustrated by Council's zoning map extract provided on the following page, the development site is zoned R1 – General Residential under the provisions of the Parramatta (former The Hills) LEP 2012, and *residential flat buildings* and *neighborhood shop* continue to be permissible land use with consent within the G1 Zone.



Figure 3: Zoning Map Sheet LZN_004 Extract (Source: Parramatta (former The Hills) LEP 2012)



The development proposal continues to be consistent with the prescribed zone objectives which are stipulated as:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.

With the changes being predominantly internal in nature and that the overall mixed use development's yield to remain the same as per DA/80/2019, the approved development will continue to exhibit its approved design concept and ensure that the approved development to continue to present as a large contemporary 18 storey building in accordance with DA/80/2019.



The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Parramatta (former the Hills) Local Environmental Plan 2012 - Compliance Table			
Clause	Control	Comment	Complies
Zoning	R1 General Residential	Mixed Use development comprising of a residential flat building and neighbourhood shop continues to be permissible land use within the R1 Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal remains consistent with the zone objectives of the R1 General Residential Zone.	Yes
2.7	Demolition Requires Consent	No additional demolition works is proposed as part of this 4.55(1a) modification.	N/A
Part 4 Principal Development Standards			
4.1A	Minimum Lot Size for RFB – 4000m ²	Has been addressed via DA/80/2019.	N/A
4.3	Height of Buildings 57m	<p>Parramatta (former The Hills) Local Environmental Plan 2012 Maximum Building Height Map Sheet HOB_004 identifies that the site is subject to a maximum building height of 57m.</p> <p>DA/80/2019 approved an 18 storey mixed use building, noting that the approved built form encroached upon the prescribed height limit by 700mm or a 1.2% height departure.</p> <p>The proposal will result in a slight increase to the height of the building approved under the previous DA; limited to the inclusion of mechanical ducts on the roof. The encroachment by the mechanical ducts will not have any adverse impacts on adjoining development as they are to be centralised to the built form.</p> <p>Technically a Clause 4.6 variation is not required under the Act for S.4.55 modification as a different test is applied, being that of consistency, however in-order to demonstrate that the minor increase to the approved building height will continue to meet the underlying intent of the maximum height control whilst ensuring that it would not result in unreasonable environmental and amenity impacts.</p>	Clause 4.6 Variation



		A detailed 4.6 discussion is provided within Annexure 1 at the end of this statement.	
4.4	Floor Space Ratio - 5:1	<p>Parramatta (former The Hills) Local Environmental Plan 2012 Maximum Floor Space Ratio Map Sheet FSR_004 identifies that the site is subject to a maximum FSR of 5:1.</p> <p>The approved development exceeds the prescribed FSR control. The increase in the size and arrangement of the retail tenancies will result in a slight increase to the approved GFA from 6.1:1 to 6.2:1.</p> <p>The retail tenancy arrangement could be unaltered to ensure compliance with the FSR approved under DA/80/2019, however this will result in the development providing an inferior retail interface/presentation to Carlingford Light Rail Plaza. Furthermore, the revision to the retail tenancies will deliver better dimension and depth that will result in a better outcome within result in overdeveloped of the site, noting that neither the car parking space or overall unit yield approved under the previous DA is to be increased.</p> <p>Technically a Clause 4.6 variation is not required under the Act for S.4.55 modification as a different test is applied, being that of consistency, however has been undertaken to demonstrate that the minor encroachment to the approved FSR by 172m² is considered to be of a minor nature and does not represent overdevelopment of the approved development, noting no that the proposal will continue to meet the underlying intent of the maximum FSR control whilst ensuring that it would not result in unreasonable environmental and amenity impacts. A detailed 4.6 discussion is provided within Annexure 2 at the end of this statement.</p>	Clause 4.6 Variation
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	<p>The site is not heritage listed or located within a heritage conservation area. The impact of the development on heritage items in the vicinity of the site was considered as part of the original DA and found to be satisfactory.</p> <p>This modification does not unacceptably increase the impact on the curtilage of heritage items in the vicinity of the site.</p>	N/A



Part 7 Additional Local Provisions			
7.2	Earthworks	This application does not seek approval for any additional earthworks other than that approved under the previous DA.	N/A
7.3	Flood planning	Has been addressed via previous DAs, noting that the site is not identified as being flood prone. Not applicable.	N/A
7.8	Underground Power Lines at Carlingford	The development site is not identified as being located within "Area A" on the Key Sites Map. Not applicable.	N/A

DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2020

The Draft Parramatta Local Environmental Plan 2020 was exhibited until 12 October 2020 and seeks to provide a single planning framework for the future planning of the City of Parramatta. The changes proposed seek to harmonise and repeal the five existing LEPs currently applicable to the City of Parramatta local government area, those being:

- Holroyd Local Environmental Plan 2013,
- Parramatta Local Environmental Plan 2011;
- Parramatta (former The Hills) Local Environmental Plan 2012;
- Hornsby Local Environmental Plan 2013, and
- Auburn Local Environmental Plan 2010.

The relevant planning controls for the subject site, as contained within the Parramatta (former The Hills) Local Environment Plan 2012 are not proposed to change under the Draft PLEP. Accordingly no further assessment of the DLEP controls is warranted.



THE HILLS DEVELOPMENT CONTROL PLAN 2012: PART B – SECTION 5 – RESIDENTIAL FLAT BUILDING

All relevant Council controls have been considered in the following compliance table.

The Hills Development Control Plan 2012 – Compliance Table			
Clause	Controls	Comment	Complies
2. Site Planning			
3.1	Site Requirement	Has been addressed via previous DAs, noting that the current application is limited to undertaking minor modification to the design scheme approved under DA/80/2019.	N/A
2.3	Site Analysis	Has been provided via previous DAs.	N/A
3.3	Setbacks – Building Zones	No change to the setback arrangements approved under DA/80/2019.	N/A
3.4	Building Height	DA/80/2019 approved an 18 storey mixed use building, noting that the approved built form encroached upon the prescribed height limit by 700mm or a 1.2% height departure. The current proposal will result in a slight increase to the height of the building approved under the previous DA. Refer to Clause 4.6 discussion within Annexure 1 at the end of this statement for detail.	Clause 4.6 Discussion
3.5	Building Separation and Treatment	Considering that the majority of the works are to be contained within the approved building footprint, no change to the building separation arrangements approved under DA/80/2019.	N/A
3.6	Landscape Area	No change to the approved landscape scheme approved under DA/80/2019.	N/A
3.7	Building Length	No change to the building length approved under DA/82/2019.	N/A

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3.8	Building Design and Streetscape	Considering the minor nature of the proposal and that it will predominantly be contained within the approved building footprint, the modification will continue to present as a contemporary 18 storey building as approved under DA/80/2019.	No change
		Walls and Rooflines The approved development will continue to provide facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies, framed elements and a feature blade element. No change to the approved roof scheme.	Yes
		Entrances The building entry continues to be well defined and visible from the public domain.	Yes
		Views and Siting The approved building continues to be of a size and scale that is consistent with Council controls. Furthermore, the development will continue to incorporate an active façade that will permit casual surveillance of its frontages, as well as the driveway areas and open space within the site.	Yes
3.9	Urban Design Guidelines	Addressed under DA/80/2019 noting that the proposed modifications are predominantly limited to reconfiguring the approved ground floor scheme with the residential component of the approved mixed use development predominantly unaffected by the proposed modification.	N/A
3.10	Density	Has been addressed via previous DA, noting that the current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit yield approved under DA/80/2019.	N/A



3.11Q	Unit Layout and Design	No change. The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit yield, noting that the residential component of the approve mixed use development predominantly unaffected by the proposed modification.	N/A
3.12	Building Materials	No change. The approved mixed use building will continue to incorporate physical articulation of the built form and a mixed palette of building materials and finishes as per DA/80/2019.	N/A
3.13	Open Space: Private	No change to the private open space arrangements. The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit yield, noting that the residential component of the approve mixed use development is predominantly unaffected by the proposed modification.	N/A
3.13	Open Space: Communal	No change to the communal open space arrangements. The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit yield, noting that the residential component of the approve mixed use development is predominantly unaffected by the proposed modification.	N/A
3.14	Solar Access	No change to the solar access arrangements approved under DA/80/2019. The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit yield, noting that the residential component of the approve mixed use development is predominantly unaffected by the proposed modification.	N/A
3.15	Ventilation	No change to the ventilation arrangements approved under DA/80/2019. The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit	N/A



		yield, noting that the residential component of the approve mixed use development is predominantly unaffected by the proposed modification.	
3.16	Lighting	Appropriate lighting will continue to be provided within the lobby and communal area.	Yes
3.17	Stormwater Management	No change to the stormwater management approved under DA/80/2019.	N/A
3.18	Vehicular Access	No change to the vehicular access arrangement approved under DA/80/2019.	N/A
3.19	Car Parking	No change to the car parking arrangement approved under DA/80/2019.	N/A
3.20	Storage	No change.	N/A
3.21	Access and Adaptability	No change, has been addressed via previous DA. The entry arrangement is to be revised however will still continue to be accessible in accordance with the relevant requirements.	N/A
3.23	Privacy – Visual and Acoustic	No change. The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit yield, noting that the residential component of the approve mixed use development is predominantly unaffected by the proposed modification.	N/A
3.24	Services	Has been addressed via previous DAs.	N/A
3.25 & 3.26	Waste Management – Storage and Facilities	The only change to the waste management scheme approved under DA/80/2019 is the inclusion of a garbage chute and garbage room in the basement which will permit better management and collection of waste on-site.	Yes
3.27	Fencing	No change.	N/A

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THE HILLS DEVELOPMENT CONTROL PLAN 2012: PART D – SECTION 12 – CARLINGFORD PRECINCT

All relevant Council controls have been considered in the following compliance table.

The Hills Development Control Plan 2012: Part D Section 12 – Carlingford Precinct - Compliance Table			
Clause	Controls	Comment	Complies
Part 2 Urban Context			
2.2	Key Sites	Has been addressed via previous DA.	N/A
Part 3 Structure Plan and Masterplan			
3.3	Desired Future Character Statements	<p><u>3.3.2 Southern Precinct</u></p> <p>Has been addressed via previous DA noting that the proposal will continue to deliver an attractive 18 storey mixed use building as per DA/80/2019.</p> <p>The development will continue to provide appropriate casual surveillance along the site's frontage and to Carlingford Light Rail Plaza, with no change to the landscaping scheme approved under DA/80/2019.</p>	Yes
3.5	Structure Plan – Open Space Strategy	No change to the deep soil area, communal open space and landscaping arrangements approved via DA/80/2019.	N/A
3.6	Structure Plan – Public Domain	No change to the landscaping, deep soil area and landscaping scheme.	N/A
Part 4 Precinct – Wide Built Form Controls			
4.1.1	Floorspace Ratio: 5:1	<p>The increase in the size and arrangement of the retail tenancies will result in a slight increase to the approved GFA from 6.1:1 to 6.2:1.</p> <p>The retail tenancy arrangement could be unaltered to ensure compliance with the FSR approved under DA/80/2019, however this will result in the development providing an inferior retail interface/presentation to Carlingford Light Rail Plaza.</p>	N/A



Furthermore, the revision to the retail tenancies will deliver better dimension and depth that will result in a better outcome within result in overdeveloped of the site, noting that neither the car parking space or overall unit yield approved under the previous DA is to be increased.

Technically a Clause 4.6 variation is not required under the Act for S.4.55 modification as a different test is applied, being that of consistency, however has been undertaken to demonstrate that the minor encroachment to the approved FSR by 172m² is considered to be of a minor nature and does not represent overdevelopment of the approved development, noting no that the proposal will continue to meet the underlying intent of the maximum FSR control whilst ensuring that it would not result in unreasonable environmental and amenity impacts. A detailed 4.6 discussion is provided within Annexure 2 at the end of this statement.

4.2.2	Building Height: 57m or 18 storeys	<p>The introduction of mechanical ducts on the roof will result in the height of the building to increase from RL 56.665 as approved under DA/80/2019 to RL 74.40.</p> <p>Technically a Clause 4.6 variation is not required under the Act for S.4.55 modification as a different test is applied, being that of consistency. However in-order to demonstrate that the minor increase to the height of the building as a result of the inclusion of the mechanical ducts will continue to meet the underlying intent of the maximum height control whilst ensuring that it would not result in unreasonable environmental and amenity impacts, this application has provided a detailed 4.6 discussion. Refer to Annexure 1 at the end of the report for detail.</p> <p>Under the DCP, for development subject to a maximum building height of 57m, the maximum number of storeys permitted is 18.</p>	Clause 4.6 Discussion
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		The development will continue to provide an 18 storey building.	
4.3.2	Site Coverage: 35%	Has been addressed via previous DA, noting that the current proposal is contained within the approved building footprint with the changes limited predominantly with amending the ground floor scheme.	N/A
4.3.3	Site Requirements	Has been addressed via previous DA.	N/A
4.5	Deep Soil Zones	No change to the deep soil arrangements approved under DA/80/2019.	
4.6	Residential Flat Building – Apartment Size		
	Depth of single aspect apartment – 8m	No change.	N/A
	Back of the kitchen not more than 8m from a window	The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit yield, noting that the residential component of the approve mixed use development is predominantly unaffected by the proposed modification	
	Apartment Size: 1 bed: 65sqm 2 bed: 90sqm 3 bed: 110sqm		
4.7	Setbacks	No change to the setback arrangements approved under DA/80/2019.	N/A
4.8	Building Separation and Treatment	No change to the building separation arrangement approved under DA/80/2019.	N/A
4.9	Building Depth	No change.	N/A
4.10	Landscaping	No change to the landscaping arrangements approved under DA/80/2019.	N/A
4.11	Open Space	No change. Has been addressed via previous DAs.	N/A
4.12	Balconies	No change.	N/A



4.13	Solar Access	No change to the solar access arrangements approved under DA/80/2019. The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit yield, noting that the residential component of the approve mixed use development is predominantly unaffected by the proposed modification.	N/A
4.14	Parking	No change to the parking arrangements approved under DA/80/2019.	N/A
4.15	Vehicle Access	No change to the vehicle access arrangements approved under DA/80/2019.	N/A
4.16	Fences and Walls	No change.	N/A
4.17	Orientation	No change. Has been addressed via previous DAs.	N/A
4.18	Planting on Structures	No change to the landscaping scheme approved under DA/80/2019.	N/A
4.19	Stormwater Management	No change to the stormwater management approved under DA/80/2019.	N/A
4.20	Building Entry	The building entry continues to be well defined and visible from the public domain.	N/A
4.21	Ceiling Height	No change to the ceiling heights approved under DA/80/2019.	N/A
4.22	Flexibility	Not applicable to the current proposal.	N/A
4.23	Ground Floor Apartment	No ground floor apartment has been approved under DA/80/2019 nor is any additional apartments proposed under the current modification.	N/A
4.24	Internal Circulation	No change.	N/A
4.26	Storage	No change to the storage arrangement approved under DA/80/2019.	N/A



4.27	Natural Ventilation	No change to the natural ventilation arrangements approved under DA/80/2019. The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit yield, noting that the residential component of the approved mixed use development is predominantly unaffected by the proposed modification.	N/A
4.29	Facades	Has been addressed via previous DA noting that the proposal will continue to deliver an attractive 18 storey mixed use building as per DA/80/2019. Considering that the proposed changes are of a minor nature and predominantly contained within the approved building footprint with negligible impact on the façade presentation, the approved development will continue to provide facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies, framed elements and a feature blade element.	N/A
4.30	Roof Design	No change to the roof scheme approved under DA/80/2019.	N/A
4.31	Adaptable Housing	No change.	N/A
4.32	Site Facilities	No change.	N/A
4.33	ESD	Has been addressed via previous DAs.	N/A
4.34	BASIX	No change. BASIX Certificate provided as part of DA/80/2019 continues to comply.	N/A
4.35	Safety and Security	Has been addressed via the previous DA, however it is noted that the development will continue to provide appropriate casual surveillance along the site's frontage and to Carlingford Light Rail Plaza, with no change to the landscaping scheme approved under DA/80/2019.	Yes



4.36	Visual and Acoustic Privacy	No change. The current modification is predominantly limited to undertaking revision of the ground floor layout with no change to the unit layout and overall unit yield, noting that the residential component of the approve mixed use development is predominantly unaffected by the proposed modification.	N/A
4.37	Geotechnical	Has been addressed via the previous DAs.	N/A
4.40	Development near Rail Corridors	Has been addressed via DA/80/2019 including the preparation of an Acoustic and Vibration Report.	N/ A
5.3 Block 4 2-12 James Street, Carlingford			
	Building Height	Has been addressed comprehensively within this report. Refer to discussion against the height control provided previously within this report, noting that an 4.6 variation discussion is also provided within Annexure 1.	N/A
		Development continues to comply with the storey requirements under the DCP.	Yes
	Car Parking	No change to the parking arrangements approved under DA/80/2019.	N/A
	Distribution of uses within the building		
	Retail and commercial uses limited to the ground floor	Development continues to comply with this requirement. Complies.	Yes
	Deep soil planting	No change to the landscaping and deep soil area arrangements approved under DA/80/2019.	N/A

THE HILLS DEVELOPMENT CONTROL PLAN 2012: PART C – SECTION 1 – PARKING

No change to the parking arrangements approved under DA/80/2019.



THE HILLS DEVELOPMENT CONTROL PLAN 2012: PART C – SECTION 3 – LANDSCAPING

No change to the landscaping arrangements approved under DA/80/2019.

THE HILLS DEVELOPMENT CONTROL PLAN 2012: PART C – SECTION 4 – HERITAGE

The site is not heritage listed or located within a heritage conservation area.

The impact of the development on heritage items in the vicinity of the site was considered as part of the original DA and found to be satisfactory. This modification does not unacceptably increase the impact on the curtilage of heritage items in the vicinity of the site.

CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed modification application is an appropriate outcome on site and remains consistent with the design intent of the original proposal.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the modification including the amendment of relevant conditions identified previously in this statement.

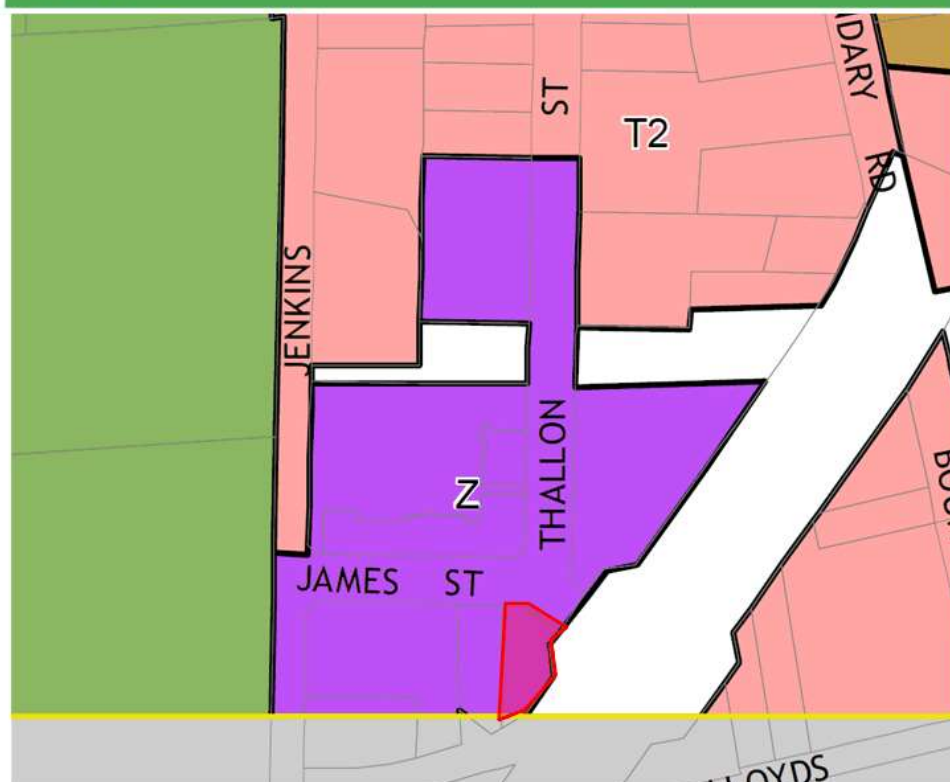


ANNEXURE A – CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS: BUILDING HEIGHT

Background

Clause 4.3 of the Parramatta (former The Hills) Local Environmental Plan 2012 prescribes a maximum building height of 57m as demonstrated by Council's height map extract below.

Figure 4: Height Map Sheet LZN_004 Extract (Source: Parramatta (former The Hills) LEP 2012)



Z 57m

Subject Site

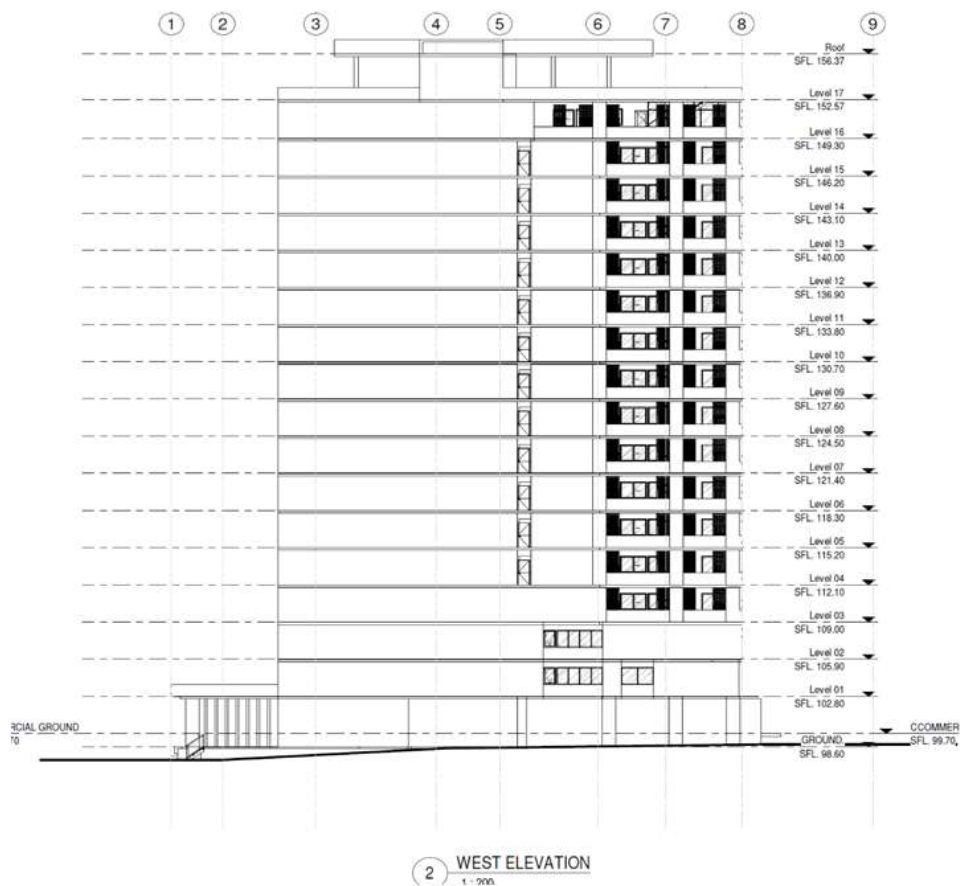
DA/80/2019 approved a 18 storey mixed use building with a maximum height of 57.7m, noting that the approved built form encroached upon the prescribed height limit by 700mm.



The current proposal will result in a slight increase to the height of the building approved under the previous DA; limited to the inclusion of mechanical ducts on the roof, noting that the mechanical service ducts and plants encroach up the 58m mark that the lift overrun already encroaches upon.

A section drawing is provided below to demonstrate the nature of the departure and the portion of the building height control that is exceeded.

Figure 5: Elevation Extract



Given that the 57m height control is a development standard a clause 4.6 departure is required to seek to vary this standard.



Clause 4.6 of the Parramatta (former The Hills) LEP 2012 provides that development consent may be granted for development even though the development would contravene a development standard. This is, provided that the relevant provisions of the clause are addressed.

The applicant asks that the Consent Authority consider this request, and grant development consent to the proposal, despite the departure from the control, for the reasons stated below.

RELEVANT CASE LAW

There are a number of recent Land and Environmental case including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*, as well as *Zhang v Council of the City of Ryde*.

In addition, a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2008) NSWLEC 118* confirmed that it is not necessary of a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore, this must be considered when evaluating the merit of the building height departure.

Future a decision in *AL Maha Pty Ltd v Huajun Investment Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter which requires that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grounds to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

The key test or requirements arising from the above judgement is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, and



- The proposal is required to be in 'the public interest'.

It is important to note that the Chief Judge of the Land and Environment Court in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) has further clarified the correct approach to the consideration of clause 4.6 requests including that the clause does not require that a development that contravenes a development standard must have a *neutral or better* environmental planning outcome than one that does not.

An extract of this judgment is provided below:

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum building height control and on that basis that compliance is unreasonable or unnecessary.
- Demonstrating consistency with the R1 zoning.
- Demonstrating there are sufficient environmental planning grounds to vary the standard; and
- Satisfying the relevant provision of Clause 4.6.

These matters are addressed below, noting that the approved development will continue to present an appropriate bulk and scale that is consistent with the emerging built form within the immediate locality.

CLAUSE 4.6 – EXCEPTIONS TO DEVELOPMENT STANDARDS OF LEP 2012

DA/80/2019 approved a 18 storey mixed use building that has encroached the prescribed maximum building height control. The extent of variation is 700mm and equates to 1.2% of the control. The addition of the mechanical ducts on the roof will result in the approved building to encroach up the 58m mark, however it is noted that the lift overrun already encroach up to 58m.

Technically a Clause 4.6 variation is not required under the Act for S.4.55 modification as a different test is applied, being that of consistency, however in-order to demonstrate that the minor increase to the height of the building will continue to meet the underlying intent of the maximum height control whilst ensuring that it would not result in unreasonable environmental and amenity impacts, this application has provided a detailed 4.6 discussion below:

Clause 4.6 of the Parramatta (former The Hills) Local Environmental Plan 2012 provides that development consent may be granted for development even though the development would contravene a development standard.



It is submitted that cl.4.3(2) of LEP 2012 is consistent with the definition of "development standard" contained in s.1.4(1) of the Environmental Planning and Assessment Act 1979 (the Act), being:

..... provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

.....

(c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,

Clause 4.6(3) to (5) of LEP 2012 follows:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Consequently, by this request, the applicant seeks to justify the contravention of the Standard by demonstrating (as clause 4.6(3) requires):



*"(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard."*

Further, the Consent authority must be satisfied (as clause 4.6(4) requires) that:

*"(i) (this request) has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
(b) the concurrence of the Secretary has been obtained."*

RELEVANT MATTERS TO BE DEMONSTRATED IN CLAUSE 4.6

As Clause 4.6 provides, to enable development consent to be granted, the applicant must satisfy the consent authority that:

1. *this request has adequately addressed the matters required to be demonstrated by subclause (3),¹ namely that:*
 - a. *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,² and*
 - b. *there are sufficient environmental planning grounds to justify contravening the development standard³;*
2. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
3. *the concurrence of the Secretary has been obtained.⁴*

The request deals with each relevant aspect of clause 4.6 on the following pages.

Each of these provisions are addressed individually below and within the following pages.

¹ Clause 4.6(4)(a)(i)

² Clause 4.6(3)(a)

³ Clause 4.6(3)(b)

⁴ Clause 4.6(4)(b)

**Clause 4.6(3)(a) – Compliance Unreasonable and Unnecessary**

In accordance with the provisions of this clause it is considered that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case as:

- The underlying objectives of the control are satisfied, known as the first way in the decision of *Wehbe v Pittwater Council (2007) 156 LGERA 446*:

Underlying Objectives are Satisfied

The objectives of the 'Height of Buildings' development standard are stated as:

(1) The objectives of this clause are as follows:

- a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
- b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

The current development proposal remains consistent with the objectives of the clause and is a more appropriate outcome on the site because of the following:

- A previous development application at lodgement was compliant with the 57m height. The building was raised as part of design co-ordination between Transport NSW as the design of the adjoining plaza was finalised. The revised design ensures that direct access for all is provided from the future plaza to the retail tenancies. This will ensure that the plaza is activated and passive surveillance is provided from the retail tenancies;
- The overall height of the development presents as a compatible form of development to the anticipated high density residential development that exist in the locality, noting that the emerging character is for 18 plus storey residential developments. The mechanical ducts on the roof is centralised and as such recessed and therefore will not be visual dominance when viewed from the public domain and adjoining residential properties;
- The portion of the building that protrudes above the 57m height limit contains no habitable floor space with the approved building to continue to present a 18 storey building form, reinforcing that the breach to the height standard does not result in the development representing an overdevelopment of the site but rather to adhere to service requirement to service the building;
- The additional height does not generate any additional amenity impacts given its limited to the mechanical ducts – which are recessed;



- Potential visual or acoustic amenity impacts associated with the 700mm encroachment by the approved building has been addressed via DA/80/2019, noting that the encroachment to the height limit by the mechanical ducts will not result in any additional visual or acoustic impacts.
- The mechanical ducts are to be recessed to ensure that the encroachment to the height limit will not be discernably noticeable from street level and that the approved 18 storey building continues to provide a strong and identifiable building line that will pronounce the site's prominent and strategic gateway at the entrance to the Carlingford High Density Residential Precinct from Carlingford Light Rail Plaza;
- The approved building has been designed to ensure that privacy impacts are mitigated against and that it does not obstruct existing view corridors;
- The additional height supports the service requirements, noting that the mechanical ducts are to be centralised to minimise potential visual impacts to the streetscape.
- The encroachment by the mechanical ducts to the height limit will have no impact on the approved building's bulk and scale which will continue to respond to the local topography whilst being consistent with the built form envisioned by the Carlingford Precinct Master Plan;
- Given the sites orientation, and the minor height departure associated with the mechanical ducts will not have any additional adverse overshadowing impacts on nearby developments that incorporate residential components;
- The approved building will continue to be consistent with the intent of the maximum height control and has a bulk and scale that is not discernible from a development that complies with the control;
- The non-compliance to the height control has no unacceptable impact on the setting of any items of environmental heritage or view corridors;
- The approved building will continue to sit comfortably in the streetscape relative to the desired future character of the locality; and
- The development clearly represents the bulk, scale and character anticipated by the DCP for the site as part of Block 4 in the Carlingford Precinct notwithstanding the departure to the height control.



As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

Clause 4.6(3)(b) – Sufficient Environmental Planning Grounds

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the height development standard because:

- The variation is a result of delivering mechanical ducts on the roof. This variation provides a beneficial planning outcome as it ensures that the building is appropriately serviced.
- The addition increase to the height of the approved development does not generate unacceptable adverse impacts to surrounding properties, in terms of overshadowing or privacy impacts, noting that the mechanical ducts are to be recessed and not highly visible from the public domain. The modification will ensure that the approved development continues to be compatible with the bulk and scale of development envisioned by the Carlingford Precinct Master plan.

The approved development and in particular the variation to the Height of Building Standard would further the following objectives of the Act specified in S.1.3:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources*

Comment:

As stated above, the delivery of mechanical ducts on the roof has result in increasing the height of the approved 18 storey mixed use building.

- (c) to promote the orderly and economic use and development of land,*

Comment:

The delivery of the 18 storey mixed use building including revised ground floor scheme including more efficient retail premises layout will promotion of the orderly and economic use and development of the subject property.



(d) to promote the deliver and maintenance of affordable housing,

Comment:

The approved development, whilst not providing 'affordable housing' as defined by the *State Environmental Planning Policy (Affordable Rental Housing) 2008* does increase the housing variety in the locality and offer a range of apartment sizes to accommodate a different household types.

(g) to promote good design and amenity of the built environment,

Comment:

The approved development has been designed having regard to *State Environmental Planning Policy No 65 – the Apartment Design Guide*, as part of the previous application, noting that despite a minor increase to the height of the building it will continue to deliver a high-quality development that will make a positive contribution to the evolving skyline within the Carlingford Precinct.

Clause 4.6(4) – Zone Objectives & The Public Interest

In accordance with the provisions of Clause 4.6(4)(a)(i) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) for the reasons set out previously.

In relation to the provisions of Clause 4.5(4)(a)(ii) the consent authority can be satisfied that the development, including the numerical building height departure, is in the public interest given that the proposed development is consistent with the objectives of the building height control (see above), and is consistent with objectives of the R1 zone:

The relevant objectives of the R1 zone – General Residential Zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.*

The approved 18 storey building will continue to deliver a high-quality development that will make a positive contribution to the evolving skyline within the Carlingford Precinct.

The modification which is to revise the ground floor layout will consolidate the service component in-order to will deliver a more efficient retail layout in terms of usability, that will be better suited to the future occupation of the site and promote better interaction



with Carlingford Light Rail Plaza and ultimately contribute to providing a more active and vibrant development that what was approved under DA/80/2019.

On the basis of the above points, the development is in the public interest because it is consistent with the objectives of the building height standards, and the objectives of the R1 Zone and the numerical departure from the building height control will continue to deliver a built form consistent with both ADG and service requirements associated with the mechanical ducts.

Clause 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- (a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- (b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality and the nature and height of approved development in the locality.

Conclusion

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The approved development will continue to meet the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The development will continue to promote the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and considering the absence of adverse environmental, social, or economic impacts, it is requested that Council support the development proposal.

Furthermore, the strict compliance with the prescriptive building height control is unreasonable and unnecessary in the context of the proposal and its circumstances.



The approved development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality and is consistent with the future character envisioned within the Carlingford Precinct.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the proposed variation.

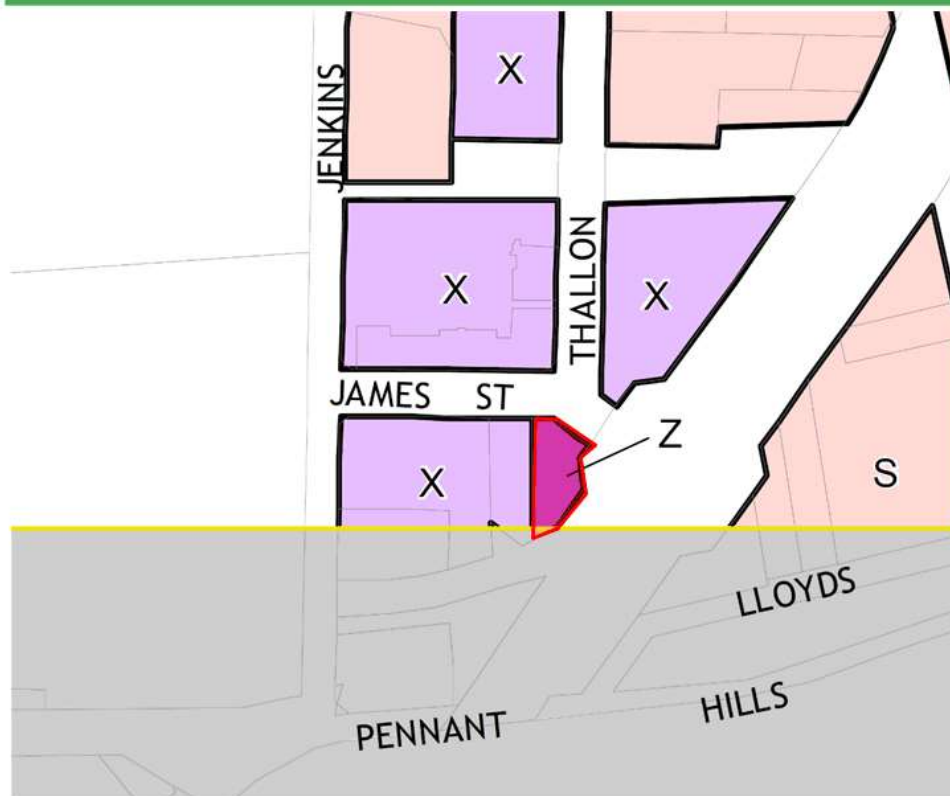


APPENDIX B: CLAUSE 4.6 DEPARTURE FLOOR SPACE RATIO

BACKGROUND

Clause 4.4 of the Parramatta (former The Hills) Local Environmental Plan 2012 prescribes a maximum FSR of 5:1 as demonstrated by Council's maximum Floor Space Ratio map extract below.

Figure 6: Height Map Sheet LZN_004 Extract (Source: Parramatta (former The Hills) LEP 2012)



Z 5:1

Subject Site

DA/80/2019 approved a 18 storey mixed use building with a maximum FSR of 6.01:1, noting that a previous development approved FSR of 5.69:1 with the approved development utilised the approved footprint of the development approved under DA 1091/2014.



The increase to the FSR approved under the previous DA is a result of the ground floor layout scheme to be revised, including the service component been consolidated in-order to deliver a more efficient retail layout that will better suited to the future occupation of the site and promote better interaction with Carlingford Light Rail Plaza and ultimately contribute to providing a more active and vibrant development that what was approved under DA/80/2019.

The retail tenancy arrangement could be unaltered to ensure compliance with the FSR approved under DA/80/2019, however this will result in the development providing an inferior retail interface/presentation to Carlingford Light Rail Plaza.

The increase to the FSR in comparison to the approved development is 172m². Given the development will continue to resides within the approved building envelope, the bulk and scale of the development is consistent as to what has previously been approved on the site. Irrespective of the previous consent, the proposal is a recognised key site, and the form of development is appropriate for its location.

Clause 4.6 of the Parramatta (former The Hills) LEP 2012 provides that development consent may be granted for development even though the development would contravene a development standard. This is, provided that the relevant provisions of the clause are addressed.

The applicant asks that the Consent Authority consider this request, and grant development consent to the proposal, despite the departure from the control, for the reasons stated below.

RELEVANT CASE LAW

There are a number of recent Land and Environmental case including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*, as well as *Zhang v Council of the City of Ryde*.

In addition, a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2008) NSWLEC 118* confirmed that it is not necessary of a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore, this must be considered when evaluating the merit of the building height departure.

Future a decision in *AL Maha Pty Ltd v Huajun Investment Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter which requires that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and



- The consent authority must consider that there are planning grounds to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

The key test or requirements arising from the above judgement is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate *that there are sufficient environmental planning grounds to justify contravening the development standard*, and
- The proposal is required to be in ‘the public interest’.

It is important to note that the Chief Judge of the Land and Environment Court in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) has further clarified the correct approach to the consideration of clause 4.6 requests including that the clause does not require that a development that contravenes a development standard must have a *neutral or better* environmental planning outcome than one that does not.

An extract of this judgment is provided below:

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum FSR control and on that basis that compliance is unreasonable or unnecessary.
- Demonstrating consistency with the R1 zoning.
- Demonstrating there are sufficient environmental planning grounds to vary the standard; and
- Satisfying the relevant provision of Clause 4.6.

These matters are addressed below, noting that the approved development will continue to present an appropriate bulk and scale that is consistent with the emerging built form within the immediate locality.



CLAUSE 4.6 – EXCEPTIONS TO DEVELOPMENT STANDARDS OF LEP 2012

DA/80/2019 approved a 18 storey mixed use building that exceeds the maximum FSR prescribed under the LEP of 5:1 to 6.01:1. The revision to the ground floor scheme to improve the retail tenancies will result in the development increasing an additional GFA of 172m².

Technically a Clause 4.6 variation is not required under the Act for S.4.55 modification as a different test is applied, being that of consistency, however in-order to demonstrate that the minor non-compliance to the FSR control will continue to meet the underlying intent of the maximum FSR control whilst ensuring that it would not result in unreasonable environmental and amenity impacts, this application has provided a detailed 4.6 discussion below:

Clause 4.6 of the Parramatta (former The Hills) Local Environmental Plan 2012 provides that development consent may be granted for development even though the development would contravene a development standard.

It is submitted that cl.4.3(2) of LEP 2012 is consistent with the definition of "development standard" contained in s.1.4(1) of the Environmental Planning and Assessment Act 1979 (**the Act**), being:

..... provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

.....
*(c) the character, location, siting, bulk, scale, shape, size, **height**, density, design or external appearance of a building or work,*

Clause 4.6(3) to (5) of LEP 2012 follows:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*



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

- (5) In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Consequently, by this request, the applicant seeks to justify the contravention of the Standard by demonstrating (as clause 4.6(3) requires):

- "(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard."*

Further, the Consent authority must be satisfied (as clause 4.6(4) requires) that:

- "(i) (this request) has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained."*

RELEVANT MATTERS TO BE DEMONSTRATED IN CLAUSE 4.6

As Clause 4.6 provides, to enable development consent to be granted, the applicant must satisfy the consent authority that:

- 4. this request has adequately addressed the matters required to be demonstrated by subclause (3),⁵ namely that:*
 - a. compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,⁶ and*

⁵ Clause 4.6(4)(a)(i)

⁶ Clause 4.6(3)(a)



- b. there are sufficient environmental planning grounds to justify contravening the development standard⁷;*
- 5. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- 6. the concurrence of the Secretary has been obtained.⁸*

The request deals with each relevant aspect of clause 4.6 on the following pages.

Each of these provisions are addressed individually below and within the following pages.

Clause 4.6(3)(a) – Compliance Unreasonable and Unnecessary

In accordance with the provisions of this clause it is considered that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case as:

- The underlying objectives of the control are satisfied, known as the first way in the decision of *Wehbe v Pittwater Council (2007) 156 LGERA 446*:

Underlying Objectives are Satisfied

The objectives of the 'FSR development standard are stated as:

- (1) The objectives of this clause are as follows:

- a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development.*
- b) to provide for a built form that is compatible with the role of town and major centres.*

The current development proposal remains consistent with the objectives of the clause and is a more appropriate outcome on the site because of the following:

- The additional FSR supports the provision of additional retail space within the development that will assist with activating and supporting the plaza for the Carlingford Light Rail Plaza.
- The proposal does not present an attempt to attain additional development yield on the site given that the number of units is not increased by this modification;

⁷ Clause 4.6(3)(b)

⁸ Clause 4.6(4)(b)



- The approved building will continue to deliver bulk and scale that responds to the local topography and is consistent with the built form envisioned by the Carlingford Precinct Master plan, noting that the proposed modification is to be contained within the approved building footprint;
- Given the sites orientation, the additional floor space will not have any additional adverse overshadowing impacts on nearby developments that incorporate residential components;
- The development proposal is consistent with the intent of the maximum floor space control and has a bulk and scale that is not discernible from a development that complies with the control;
- The non-compliance to the floorspace ratio control has no unacceptable impact on the setting of any items of environmental heritage or view corridors;
- The approved development will sit comfortably in the streetscape relative to the desired future character of the locality; and
- The development clearly represents the bulk, scale and character anticipated by the DCP for the site as part of Block 4 in the Carlingford Precinct notwithstanding the additional floor area.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

Clause 4.6(3)(b) – Sufficient Environmental Planning Grounds

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the height development standard because:

- The variation is a result of delivering mechanical ducts on the roof. This variation provides a beneficial planning outcome as it ensures that the building is appropriately serviced.
- The addition increase to the height of the approved development does not generate unacceptable adverse impacts to surrounding properties, in terms of overshadowing or privacy impacts, noting that the mechanical ducts are to be



recessed and not highly visible from the public domain. The modification will ensure that the approved development continues to be compatible with the bulk and scale of development envisioned by the Carlingford Precinct Master plan.

The approved development and in particular the variation to the FSR Standard would further the following objectives of the Act specified in S.1.3:

(b) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources

Comment:

As stated above, the reconfiguration of the ground floor layout will result in a better outcome in terms of offering more attractive and useable retail space, more efficient internal pedestrian movement and how the development addressed/interacts with the Carlingford Light Rail Plaza.

(e) to promote the orderly and economic use and development of land,

Comment:

(f) The delivery of the 18 storey mixed use building including revised ground floor scheme including more efficient retail premises layout will continue to promotion of the orderly and economic use and development of the subject property.

(g) to promote the deliver and maintenance of affordable housing,

Comment:

The approved development, whilst not providing 'affordable housing' as defined by the *State Environmental Planning Policy (Affordable Rental Housing) 2008* does increase the housing variety in the locality and offer a range of apartment sizes to accommodate a different household types.

(h) to promote good design and amenity of the built environment,

Comment:

The approved development has been designed having regard to *State Environmental Planning Policy No 65 – the Apartment Design Guide*, relevant planning controls as part of the previous application, noting that despite a minor increase to the overall FSR, it will continue to deliver a high-quality development that will make a positive contribution to the evolving skyline within the Carlingford Precinct.

**Clause 4.6(4) – Zone Objectives & The Public Interest**

In accordance with the provisions of Clause 4.6(4)(a)(i) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) for the reasons set out previously.

In relation to the provisions of Clause 4.5(4)(a)(ii) the consent authority can be satisfied that the development, including the numerical building height departure, is in the public interest given that the proposed development is consistent with the objectives of the building height control (see above), and is consistent with objectives of the R1 zone:

The relevant objectives of the R1 zone – General Residential Zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.*

The approved 18 storey building will continue to deliver a high-quality development that will make a positive contribution to the evolving skyline within the Carlingford Precinct.

The modification which is to revise the ground floor layout will consolidate the service component in-order to deliver a more efficient retail layout in terms of usability, that will be better suited to the future occupation of the site and promote better interaction with Carlingford Light Rail Plaza and ultimately contribute to providing a more active and vibrant development that what was approved under DA/80/2019.

On the basis of the above points, the development is in the public interest because it is consistent with the objectives of the FSR standards, and the objectives of the R1 Zone and the numerical departure from the building height control will continue to deliver a built form consistent with both ADG and service requirements associated with the mechanical ducts.

Clause 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- (c) The contravention of the FSR control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and



- (d) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the FSR control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality and the nature and height of approved development in the locality.

Conclusion

Strict compliance with the prescriptive FSR requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The approved development will continue to meet the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The development will continue to promote the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and considering the absence of adverse environmental, social, or economic impacts, it is requested that Council support the development proposal.

Furthermore, the strict compliance with the prescriptive FSR control is unreasonable and unnecessary in the context of the proposal and its circumstances. The approved development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality and is consistent with the future character envisioned within the Carlingford Precinct.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the proposed variation.

DEVELOPMENT APPLICATION

ITEM NUMBER	5.5
SUBJECT	OUTSIDE PUBLIC MEETING: Civic Place PARRAMATTA (known as 5 Parramatta Square) (Lot 14 DP 1255419)
DESCRIPTION	Installation of building identification and wayfinding signage at basement and ground level of approved community facility extension.
REFERENCE	DA/1074/2021 - D08393271
APPLICANT/S	Urbis
OWNERS	City of Parramatta
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	APPROVAL

DATE OF REPORT 24 JANUARY 2022**REASON FOR REFERRAL TO LPP**

The property is owned by City of Parramatta Council.

EXECUTIVE SUMMARYSubject Site

The site is known as 5 and 7 Parramatta Square (5PS & 7PS). The site covers part of Lot 14 DP 1255419 which is owned by the City of Parramatta Council. The site comprises a roughly rectangular shaped parcel of land comprising a total site area of approximately 4,310m². The site accommodates the old Parramatta Town Hall and the new town hall extension currently under construction.

The site forms part of the three-hectare Parramatta Square urban renewal precinct located at the core of the Parramatta CBD. Parramatta Square is undergoing a transition into a central hub with a substantial new civic space and up to 360,000sqm of mixed-use floor space, supporting social, cultural and economic activity and aligning with strategic aspirations for the Parramatta CBD.

The existing Parramatta Town Hall (7PS) is located on the western edge of the Parramatta Square Precinct with frontage to Church Street Mall. 5PS is located to the east of the Town Hall and immediately to the north of the future Parramatta Square public domain. It adjoins Leigh Place (Civic Link) to the east and 3PS further to the east. It is to the south of existing commercial buildings fronting Macquarie Place and immediately to the south of the future northern laneway which separates the site from these buildings. It is also to the north of 6&8PS and to the north west of 4PS.

The Proposal

The proposed development involves the erection of 5 signs, 4 building identification signs at the primary entry points of the building and 1 directional blade sign to indicate the location of public toilets on the northern facade.

The proposed building identification signs would be internally illuminated (from 7am to midnight) and consist of:

- One ground floor under-awning box sign on the western elevation;
- One ground floor under-awning box sign on the northern elevation;
- One ground floor under-awning box sign on the southern elevation; and
- One basement level top-hamper sign on the southern side of the basement (to be viewed from shared car park).

While the drawings use the placeholder text 'Entry' in the building identification signs, they will ultimately show the name of the building (yet to be determined).

The proposed works are wholly contained within the B4 zoning.

RECOMMENDATION

That pursuant to section 4.16 of the *Environmental Planning and Assessment Act, 1979*, Council grant development consent to DA/1074/2021 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent.

REASONS FOR APPROVAL:

1. To facilitate the orderly implementation of the objectives of the *Environmental Planning and Assessment Act 1979* and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* are maintained.






Atef Kazi

Development Assessment Officer

Sarah Irani

Team Leader Development Support

ATTACHMENTS:

1 	Assessment Report and Draft Conditions	20 Pages
2 	Locality Map	1 Page
3 	Plans used during assessment	10 Pages
4 	Statement of Environmental Effects used during assessment	33 Pages
5 	Probity Review Assessment	2 Pages

REFERENCE MATERIAL



City of Parramatta

File No: DA/1074/2021

S4.15 ASSESSMENT REPORT – COMMERCIAL Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/1074/2021
Property:	Lot 14 DP 1255419 Civic Place PARRAMATTA NSW 2150 (known as 5 Parramatta Square)
Proposal:	Installation of building identification and wayfinding signage at basement and ground level of approved community facility extension.
Date of receipt:	24 November 2021
Applicant:	Urbis
Owner:	City of Parramatta Council
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil
Recommendation:	Approval
Assessment Officer:	Atef Kazi (with independent probity review by Planning Ingenuity)

LEGISLATIVE REQUIREMENTS

Environmental Instruments	Planning	<ul style="list-style-type: none"> State Environmental Planning Policy (SEPP) 64 – Advertising and Signage Parramatta Local Environmental Plan (LEP) 2011 Parramatta Development Control Plan (DCP) 2011 Draft Parramatta LEP (Consolidation) 2021 Draft Parramatta LEP (CBD) 2021
Zoning		B4 Mixed Use
Bushfire Prone Land		No
Heritage		Yes (Old Parramatta Town Hall)
Heritage Conservation Area		No
Integrated development		No
Clause 4.6 variation		No
Delegation		Parramatta Local Planning Panel

Site History:

Reference	Description / Decision
DA/476/2019	6 storey community facility extension to rear of Parramatta Town Hall; partial demolition and alterations to rear of Parramatta Town Hall local heritage item; 2 storey basement with connection to adjoining basement; demolition of existing external amenities block; tree removal; public domain and landscape works. The application was determined by the Sydney Central City Planning Panel. Approved 4 December 2019
DA/476/2019/A	Section 4.55(1A) modification to approved 6 storey community facility extension, specifically revised timing of condition fulfilment. Approved 16 April 2020
DA/476/2019/B	Section 4.55(1) modification to approved 6 storey community facility extension, specifically revision to several conditions to clarify scope of approved works. Withdrawn 1 June 2020
DA/476/2019/C	Section 4.55(1) modification to approved 6 storey community facility extension, specifically revision to several conditions to clarify scope of approved works. Approved 2 July 2020
DA/476/2019/D	Section 4.55(1A) modification to approved 6 storey community facility extension, specifically minor internal alterations and landscape design changes resulting from design development. Approved 25 March 2021
DA/476/2019/E	Section 4.55(1A) modification to approved 6 storey community facility extension, specifically minor external facade alterations. Approved 23 September 2021
DA/476/2019/F	Section 4.55(1A) modification to approved 6 storey community facility extension, specifically intensification of uses in basement. Under Assessment
DA/476/2019/G	Section 4.55(1A) modification to approved 6 storey community facility extension, specifically increase in site area to accommodate basement storage area. Approved 28 September 2021
DA/476/2019/H	Section 4.55(1A) modification to DA/476/2019 seeking amendments to the external lighting strategy (northern, southern and eastern facades) of the approved community facility and subsequent amendments to Condition 1 and satisfaction of Condition 35. Approved 23 December 2021

SITE DESCRIPTION AND CONDITIONS

The site is known as 5 and 7 Parramatta Square (5PS & 7PS). The site covers part of Lot 14 DP 1255419 which is owned by the City of Parramatta Council. The site comprises a roughly rectangular shaped parcel of land comprising a total site area of approximately 4,310m². The site accommodates the old Parramatta Town Hall and the new town hall extension currently under construction.

The site forms part of the three-hectare Parramatta Square urban renewal precinct located at the core of the Parramatta CBD. Parramatta Square is undergoing a transition into a central hub with a substantial new civic space and up to 360,000sqm of mixed-use floor space, supporting social, cultural and economic activity and aligning with strategic aspirations for the Parramatta CBD.



Figure 1: Site location highlighted in blue. (Source: nearmap)

The masterplan for the precinct involves the development of land parcels for a range of commercial, retail, education and community purposes, the construction of a new central civic space oriented along an east west axis, and the servicing of all buildings by an underground 'super basement' providing integrated vehicle access to the buildings via Darcy Street and Macquarie Street.

The existing Parramatta Town Hall (7PS) is located on the western edge of the Parramatta Square Precinct with frontage to Church Street Mall. 5PS is located to the east of the Town Hall and immediately to the north of the future Parramatta Square public domain. It adjoins Leigh Place (Civic Link) to the east and 3PS further to the east. It is to the south of existing commercial buildings fronting Macquarie Place and immediately to the south of the future northern laneway which separates the site from these buildings. It is also to the north of 6&8PS and to the north west of 4PS.

THE PROPOSAL

The proposed development involves the erection of 5 signs, 4 building identification signs at the primary entry points of the building and 1 directional blade sign to indicate the location of public toilets on the northern facade.

The proposed building identification signs would be internally illuminated (from 7am to midnight) and consist of:

- One ground floor under-awning box sign on the western elevation;
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- One ground floor under-awning box sign on the southern elevation; and
- One basement level top-hamper sign on the southern side of the basement (to be viewed from shared car park).

While the drawings use the placeholder text 'Entry' in the building identification signs, they will ultimately show the name of the building (yet to be determined).

The proposed works are wholly contained within the B4 zoning.



Figure 1: Site Plan

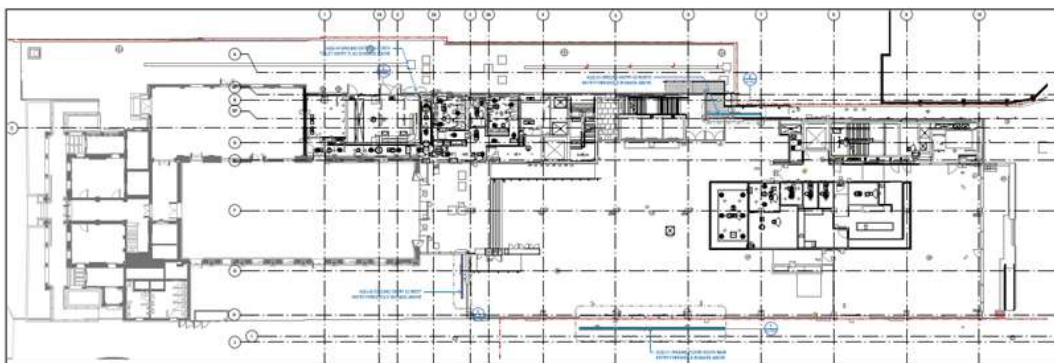


Figure 2: Ground floor plan with proposed sign locations in blue.



Figure 3: Lot zone plan source. GIS Online 14 December 2021

SECTION 4.15 PLANNING ASSESSMENT

Environmental Planning Instruments, Plans and Agreements

STATE ENVIRONMENTAL PLANNING POLICY No. 64 ADVERTISING & SIGNAGE

SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising and signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.

Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Aims and Objectives

Assessment Criteria

The following table outlines the manner in which the proposed signage satisfies the assessment criteria of SEPP 64.

Consideration	Compliance
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes – The proposed signage would be consistent with the existing commercial and civic character of the Parramatta Square Precinct.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	N/A - The proposed signs are for building identification only and would not constitute advertising.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No – The signage would not detract from the amenity or visual quality of the Parramatta Square Precinct nor the nearby heritage items to the site as they are adequately separated from the heritage item and located on the new building fabric.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No – The proposed signs would not obscure or compromise sightlines to and from Parramatta Square as they are adequately contained within the envelope of the approved building.

Does the proposal dominate the skyline and reduce the quality of vistas?	No – The proposed signage would not dominate the skyline as they would be entirely on the ground and basement floor levels. The quality of vistas would not be impacted.
Does the proposal respect the viewing rights of other advertisers?	Yes – The proposal would not adversely impact on any rights of other advertisers in the precinct.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes – The signs would be of an appropriate size relative to the large scale of the Square.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes – The proposal would contribute to visual interest of the Square and would assist in navigation to entry points and toilet facilities in the subject building.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal does not impact on any advertising signage and would be for building identification and directional identification of entries and toilets only. The signs are simplified to be easily legible.
Does the proposal screen unsightliness?	N/A - There is nothing unsightly to screen.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No – The signs are on ground and basement floors only.
Does the proposal require ongoing vegetation management?	No – There is no vegetation impacted by the proposal.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes – The signs are of suitable scale and proportion relative to the size of the building.
Does the proposal respect important features of the site or building, or both?	Yes – The proposal does not adversely impact on the important features of the site and surrounding area.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No – The proposal is not overly innovative or imaginative however it is suitably located at entry and toilets.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No
7 Illumination	
Would illumination result in unacceptable glare?	No – The internal illumination will be adjustable. Conditions are included requiring compliance with relevant standards.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No – The signage is not readily visible from any public roads. The signs are at ground level and as such would not affect aircraft. The signs would not be so bright as to be a danger to pedestrians.
Would illumination detract from the amenity of any residence or other form of accommodation?	No - No residential receivers are in the vicinity of the proposed signs.
Can the intensity of the illumination be adjusted, if necessary?	Yes – A condition is included to this effect.

Is the illumination subject to a curfew?	Yes – A condition is included to this effect.
8 Safety	
Would the proposal reduce the safety for any public road?	No – There are no public roads in the near vicinity of the signs which would be adversely impacted on.
Would the proposal reduce the safety for pedestrians or bicyclists?	No – The signs are sufficiently above head height.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No – Sightlines would not be obscured by the proposed development and would not reduce safety.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

Development standard	Compliance
Zoning B4 – Mixed Use	The proposal seeks approval for building identification signage and wayfinding signage (an undefined land use ancillary to the primary use of the site as a community facility) which are permissible in the zone and would be consistent with the objectives of the zone as they would assist in the public identifying a community facility.
Cl. 5.10 - Heritage Conservation	There would be no adverse impacts to heritage items in the near vicinity of the subject site as the signs are small, adequately separated from, and mostly face away from the heritage items on site and in the vicinity.

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

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

Development Control	Compliance
Part 4.3 – Strategic Precincts – Parramatta City Centre	
<i>Pedestrian Access and Mobility</i> <i>C.1 Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.</i>	The building identification signage would assist with wayfinding of primary building entry points.
Part 5.5 – Signage	
<i>General Requirements</i> <i>Not adversely impact on the amenity of the streetscape and the surrounding locality, not dominate/obscure other signs or result in visual clutter.</i>	The proposed signs will be consistent with the style of the building and as such will not adversely impact the locality. The proposed building identification signs are limited to one per elevation and as such will not result in clutter. No other signs will be obscured.
<i>Be compatible with the design, scale and architectural character of the building/site.</i>	The proposal would be compatible with the existing design, scale and architectural character of the building and site.

	The signs would be powder coated in a finish to match the façade/roof of the building. Notwithstanding, a condition is included to this effect.
<i>Structure supporting signs should be of a high aesthetic appearance and not impact on the visual amenity of the locality.</i>	The signs required minimal structure and as such are the structure is not considered likely to have an adverse visual impact.
<i>Materials should be durable, fade proof and of a high aesthetic quality.</i>	The sign material will be required to match that of the building, which is subject to design excellence review requirements.
<i>Advertisements and structures should not protrude above the skyline.</i>	The signs would not protrude above the skyline.
<i>Advertisements and structures should complement natural features and not result in the trimming and lopping of significant trees.</i>	The proposal does not impact any trees.
<i>Not be a type of sign, as nominated, considered to reduce the visual quality of the city.</i>	The signs are not of a type listed as being discouraged in the DCP.
<i>General advertising signs that do not relate to a use, business or activity carried out on the site or building on which the sign is to be placed are discouraged in order to protect visual amenity and reduce visual clutter.</i>	Not applicable as there is no advertising signage proposed.
<i>Sign content is to relate directly to a use, business or activity carried out on or associated with the building or site.</i>	The signs are for directional and facility identification purpose only, directly related to the approved use on site.
<i>Sponsorship acknowledgement not to exceed 5% of the area of the sign.</i>	Not applicable as there is no sponsorship acknowledgement involved with the proposal.
<i>The language of signs is to be accessible to the wider population.</i>	The proposed signs will be in English.
<i>All signs in a foreign language must contain the English equivalent.</i>	No foreign language signs are proposed.
<i>Signs and their supporting structures should be structurally sound and not be hazardous to passers-by and for traffic safety; obscure a driver/pedestrian's views; cause discomfort from illumination or be mistaken as an official traffic sign.</i>	The signs are not readily visible from any roads. Notwithstanding, they would not be hazardous.
<i>Comply with the requirements of the Building Code of Australia.</i>	Compliance with the requirements of the Building Code of Australia is administered via a recommended condition of consent.
<i>Illuminated signs not to detract from the architecture of the supporting building during daylight.</i>	The primary architecture expression of the buildings occurs above ground level. As such the signs, and their illumination, are not likely to impact the visual quality of the building.
<i>Illuminated signs are to be energy efficient.</i>	The signs will use energy efficient LED lighting.
<i>The consent authority must have regard to the number of existing signs on the site or the number of signs on a new building and in its vicinity and whether cumulative impact gives rise to visual clutter.</i>	There are no existing signs on the approved building. It is notable that <i>business</i> identification signs are common within Parramatta Square. The signs would be limited to one per elevation for each primary publicly accessible entry. Thereby the proposal would not give rise to visual clutter in the precinct.
<i>A curfew may be imposed on the operation of illuminated signs where continuous illumination may impact adversely on the amenity of residential buildings, serviced apartments or other visitor accommodation, or have adverse environmental effects.</i>	Sign illumination would be limited to 7am to midnight, 7 days a week, via condition.

<i>External lighting of signs is to be downward pointing and focused directly on the sign to prevent or minimise the escape of light beyond the sign.</i>	Not applicable as no external lighting of signs is proposed.
Business Zone Requirements	
<i>Signs should permit adequate identification and business advertising while avoiding visual clutter.</i>	The proposal would improve the identification of the building from the public domain which surrounds the site on all 4 sides. The signs avoid visual clutter by only being present where necessary.
<i>Signs are to reflect the character of the mixed-use locality in which they are located and are to be incorporated into the development at the design stage.</i>	The signs are consistent with the character of Parramatta Square and are appropriately integrated into the design.
<i>To protect the amenity of adjoining residential uses.</i>	There are no directly adjoining residential uses to the subject site. Notwithstanding, the signs would not have any adverse impacts to any residential uses.
<p><i>Under awning signs, illuminated and non-illuminated, are to:</i></p> <ul style="list-style-type: none"> - have maximum dimensions 2500mm in length and 500mm in height - be erected horizontal to the ground and at no point be less than 2600mm from the ground - not project beyond the edge of the awning <p><i>include a separation distance of 3m from other under awning signs.</i></p>	<p>The proposed under-awning internally illuminated signs are the following dimensions:</p> <ul style="list-style-type: none"> • North: 6.2m W x 300mm D x 300mm H • West: 4.9m W x 300mm x 300mm H • South: 16.8m W x 300mm D x 300mm H <p>While the signs are significantly longer than recommended, they are considered to be acceptable for the following reasons:</p> <ul style="list-style-type: none"> • Under awning-signs are normally placed perpendicular to facades, in this case they are parallel to the facades. • The building is a significant community facility. • The signs, particularly the southern and western signs, will need to be visible from greater distances than regular under-awning signs. <p>The north and south signs are more than 2.6m above ground level. While the west sign is 2.55m above ground level, this is considered to be a minor non-compliance and thus acceptable.</p> <p>The signs do not project beyond the awnings and are more than 3m from other signs.</p>
<p>Top hamper signs are to be:</p> <ul style="list-style-type: none"> - proportionate to the size of the top hamper fascia, but, shall not exceed 600mm in height and 4000mm in length - set back 600mm from side boundaries to satisfy fire regulations, where illuminated - be restricted to one per premises. 	<p>The proposed top-hamper sign in the basement has the following dimensions: 6.2m W x 1.55m H. While the sign is larger than recommended, it is considered to be acceptable for the following reasons:</p> <ul style="list-style-type: none"> • It will only be visible from the Parramatta Square shared super-basement. • The building is a significant community facility.

	The sign would be setback 600mm from boundaries. There is one top-hamper sign proposed.
<i>Signs on multi-storey office and multi tenancy retail buildings, usually referred to as naming rights, will be limited to a corporate or head tenant identification only.</i>	The proposed signs are for a community facility use and thereby this control does not apply.
<i>Signs for individual non-residential land uses are restricted to 1 top-hamper sign, 1 underawning sign and 1 wall sign.</i>	The proposal includes 1 top-hamper sign. While the proposal provides 3 under awning signs, this is considered to be appropriate given the multiple frontages and public nature of the building.

DRAFT PARRAMATTA LEP (CBD) 2021

This site is subject to the Parramatta CBD Planning Proposal. As the planning proposal has received a Gateway determination and has been publicly exhibited, it is a formal matter for consideration for the purposes of section 4.15 of the Act. The primary focus of the Planning Proposal is to strengthen the economic function of the Parramatta CBD and increase its capacity for new housing, employment, business, recreation and cultural opportunities. The amended planning controls will allow for the delivery of an extra 50,000 jobs and 14,000 homes in the CBD over the next 40 years.

The proposed modification is consistent with the draft controls.

DRAFT PARRAMATTA LEP (CONSOLIDATION) 2021

The site is subject to a Planning Proposal to create a consolidated City of Parramatta Local Environmental Plan. It is noted that the Planning Proposal has received a Gateway determination and has been publicly exhibited, and therefore is a formal matter for consideration for the purposes of section 4.15 of the Act. The primary focus of the Planning Proposal is harmonisation (or consolidation) of the existing planning controls that apply across the City of Parramatta. It does not propose major changes to zoning or increases to density controls. However, in order to create a single LEP, some changes are proposed to the planning controls applying to certain parts of the LGA.

This draft LEP does not propose any changes to the controls for this site and as such, further consideration of this document is not necessary.

VOLUNTARY PLANNING AGREEMENTS

No Voluntary Planning Agreements apply to the subject site.

Likely Impacts of Development

The likely impacts of the development are considered to be acceptable, subject to conditions of consent, as outlined in the preceding section.

Suitability of Site

The site is considered to be suitable for the proposed signs based on the commercial zoning and character of the area.

Submissions

The application was notified in accordance with Council's notification policy. The application was notified from the period of 2 December 2021 and 16 December 2021. In response no submissions were received.

Public Interest

The proposal is considered to be in the public interest as it will assist with identification and wayfinding for a public community facility.

REFERRALS

Internal Referrals

None Required.

External Referrals

None Required.

External Consultant Review

Due to the potential for a perceived conflict of interest (Council owned site) an external consultant, Planning Ingenuity, has been engaged to conduct a probity review of this draft assessment report and recommended conditions related to the development application. The independent planner endorsed the report and its recommendations, as outlined in the attached letter at Appendix 1.

OTHER MATTERS

DEVELOPMENT CONTRIBUTIONS

City Centre

As the cost of works is less than \$250,000 a development contribution is not required to be paid as per the terms of Parramatta CBD Contributions Plan (Amendment No.5).

BONDS

In accordance with Council's 2021/2022 Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

EP&A REGULATION 2000

Applicable Regulation considerations including fire safety, fire upgrades, compliance with the Building Code of Australia, PCA appointment, notice of commencement of worksetc, have been addressed by appropriate consent conditions.

CONCLUSION

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

RECOMMENDATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979

A APPROVAL SUBJECT TO CONDITIONS

That Council grant development consent to DA/1074/2021 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the draft conditions at Appendix 2.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the *Environmental Planning and Assessment Act 1979* and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* are maintained.

APPENDIX 1 – PROBITY REVIEW

“Appendix 2” to Section 4.15 Assessment Report - DA/1074/2021**DRAFT CONDITIONS OF CONSENT**

Upon the signature of the applicable delegate, the conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/1074/2021

Property Address: Lot 14 DP 1255419

Civic Place PARRAMATTA NSW 2150
(known as 5 Parramatta Square)

PART A – GENERAL CONDITIONS**Approved plans and supporting documentation**

2. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Drawings (Project P19-035 by Manuelle Gautrand Architecture, Design Inc and Lacoste + Stevenson)

Drawing/Plan No.	Issue	Plan Title	Dated
DA-5000	A	Cover Sheet Signage DA	22/09/21
DA-5100	A	Location Plan – Basement 1	22/09/21
DA-5110	A	Location Plan – Ground Floor	22/09/21
DA-5300	A	South Elevation	22/09/21
DA-5301	A	North Elevation	22/09/21
DA-5302	A	East and West Elevations	22/09/21
DA-5500	A	Detail – Basement Signage	22/09/21
DA-5501	A	Detail – Ground Floor South Signage	22/09/21
DA-5502	A	Detail – Ground Floor North Signage	22/09/21
DA-5503	A	Detail – Ground Floor West Signage	22/09/21

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	P8433	-	Urbis	8/11/21

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

Scope of Approved Works

3. For clarity the scope of this consent is as follows:
- (a) Three building identification signs on the ground floor and one on the basement level
 - (b) One wayfinding identification sign on the ground floor of the existing building.
- No approval is granted under this consent for any other signage.

Reason: To ensure the scope of works is appropriately defined.

Design Clarification 1

4. The 4 x building identification signs are to have the same primary background finish (type, colour and texture) as any one of the approved finishes on the northern façade and roof of the building on which they are located. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of a Construction Certificate.

Reason: To ensure consistency in appearance with primary façade/roof.

Design Clarification 2

5. Notwithstanding the drawings hereby approved, the approved 4 x building identification signs can be installed with the name of the building.

Reason: To allow for appropriate building identification.

Construction Certificate

6. Prior to commencement of any construction works associated with the approved development, it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

LSL Payment Const

7. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of either 0.35% of the value of buildings and construction work where the cost of building is \$25,000 or more (inclusive of GST) or as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

Note: The Long Service Levy is to be paid directly to the **Long Service Corporation** at www.longservice.nsw.gov.au. For more information, please contact the Levy support team on 13 14 41.

Reason: To ensure that the long service levy is paid.

Payment of Security Deposits

8. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Bond Type	Amount
-----------	--------

Hoarding: \$2,652-\$10,609 per street frontage in current financial year.	\$0
Street Furniture: \$2,060 per item in current financial year.	\$0
Nature Strip and Roadway: Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.	\$5,150.00
Street Trees: \$2,060 per street tree in current financial year.	\$0

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

Note: The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- Have no expiry date;
- Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/1074/2021;
- Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

Environmental Enforcement Service Charge

9. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

Infrastructure & Restoration Admin fee

10. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

Obtrusive Illumination Standard

11. Prior to the issue of any construction certificate, the Principal Certifying Authority must confirm the signage is able to comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting.

Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Certifying Authority.

Reason: To ensure the illuminated signage will not cause nuisance to nearby receivers.

Light Control

12. Prior to the issue of any construction certificate, the Principal Certifying Authority must confirm that the plans demonstrate mechanisms to dim and control by timer the illumination of all the approved signs.

Reason: To ensure the illumination of the signs can be dimmed if necessary as required by SEPP 64 – Advertising and Signage.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

Appointment of PCA

13. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and

- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

Copy of Development Consent

14. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

Hours of Work and Noise

15. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- **7am to 5pm on Monday to Friday**
- **8am to 5pm on Saturday**

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval. Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

Reason: To protect the amenity of the surrounding area

Construction Noise

16. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood

Building Work Compliance BCA

17. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

Complaints

18. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the principal certifying authority upon request.

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

Damage to Council Assets

19. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason: To protect public safety.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

Occupation Certificate

20. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

Reason: To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

Outdoor Lighting Certification

21. Prior to the issue of any occupation certificate, the Principal Certifying Authority must ensure that all signage complies with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.

Reason: To ensure the illuminated signage will not cause nuisance.

PART F – OCCUPATION AND ONGOING USE

Release of Securities/Bonds

22. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held.

Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

Note: A written application to Council's Civil Assets Team is required for the release of a bond and must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

Automatic Illumination Timing Device

23. Illuminated signs must be fitted with an automatic timing device to turn the illumination off between the hours of midnight and 7am Monday to Sunday.

Reason: To maintain amenity for adjoining properties.

No Flashing Illumination

24. The signage and/or lighting associated with this consent are not permitted to be flashing and/or moving.

Reason: To maintain amenity for adjoining properties.

No Further Advertisement/Signage

25. No further advertisement/signage shall be erected behind or in front of any window or door in conjunction with the development without prior consent.

Reason: To comply with legislative controls.

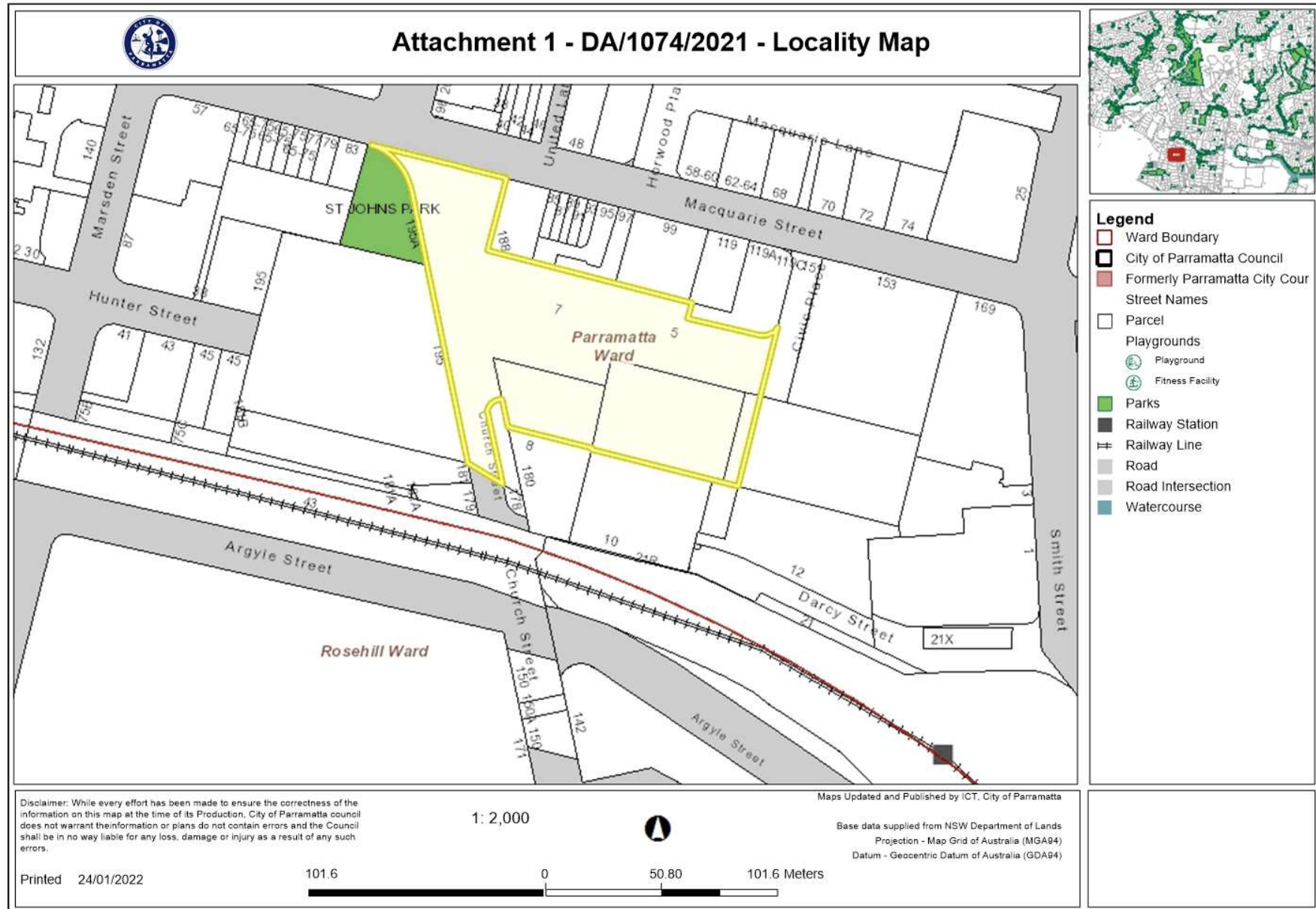
Graffiti Management

26. The owner/manager of the site is responsible for the removal of all graffiti from the signage within 48 hours of its application.

Reason: To ensure the removal of graffiti.

Date: 22 December 2021

Responsible Officer: Atef Kazi



5PS & 7PS
5-7 PARRAMATTA SQUARE
REV A (ISSUED FOR SIGNAGE DA)
22/09/21

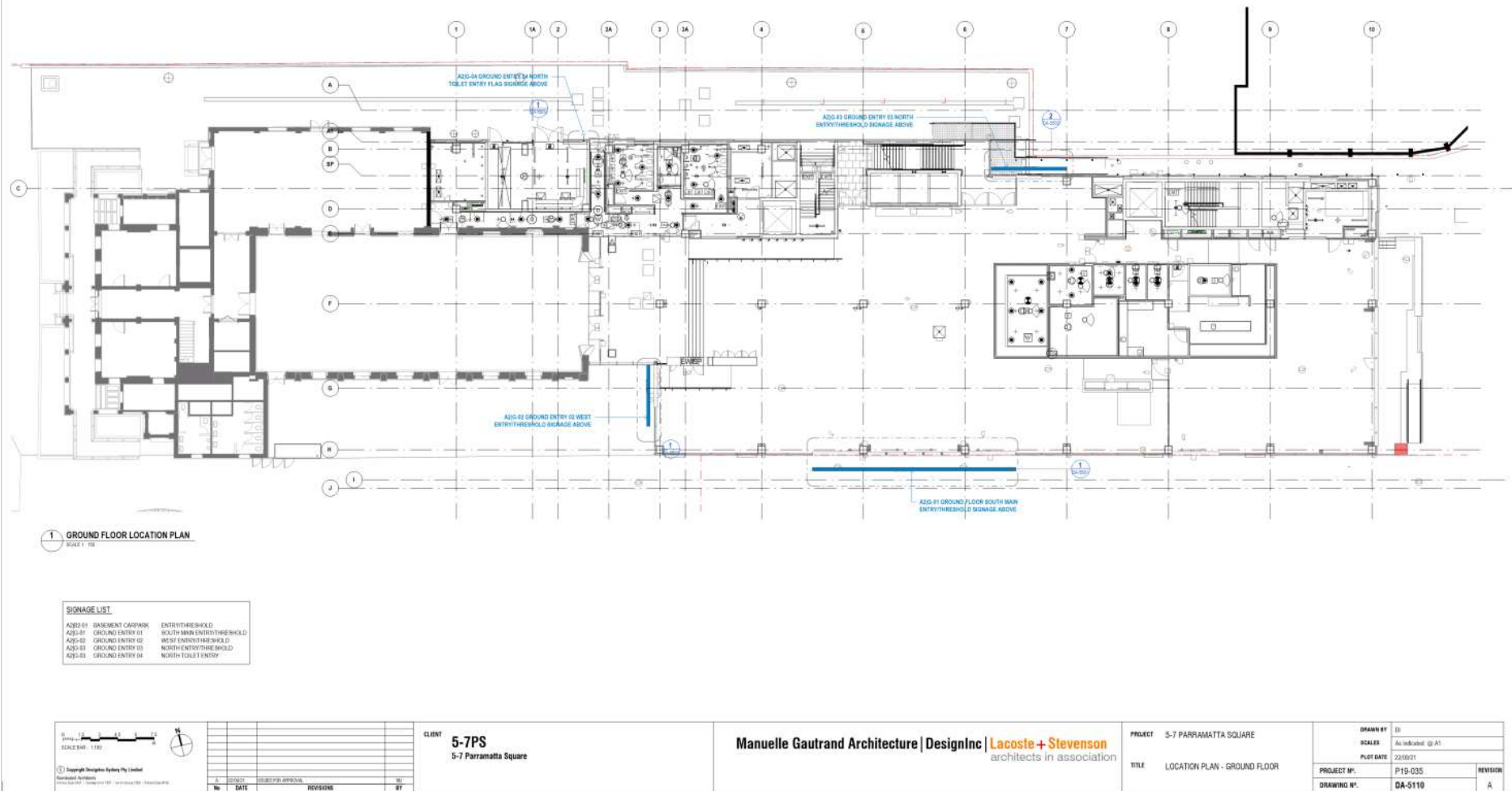
SPS - SIGNAGE MODIFICATIONS LIST	
BASEMENT	
SIGNAGE BOX ABOVE ENTRY	
NORTH ELEVATION	
BUILDING ENTRY SIGNAGE AT ENTRY SUSPENDED ABOVE AUTO DOOR	
FLAG SIGNAGE AT TOILET ENTRY	
SOUTH ELEVATION	
BUILDING ENTRY SIGNAGE SUSPENDED AT MAIN ENTRY SUSPENDED ABOVE AUTO DOOR	
WEST ELEVATION	
BUILDING ENTRY SIGNAGE AT ENTRY SUSPENDED ABOVE AUTO DOOR	

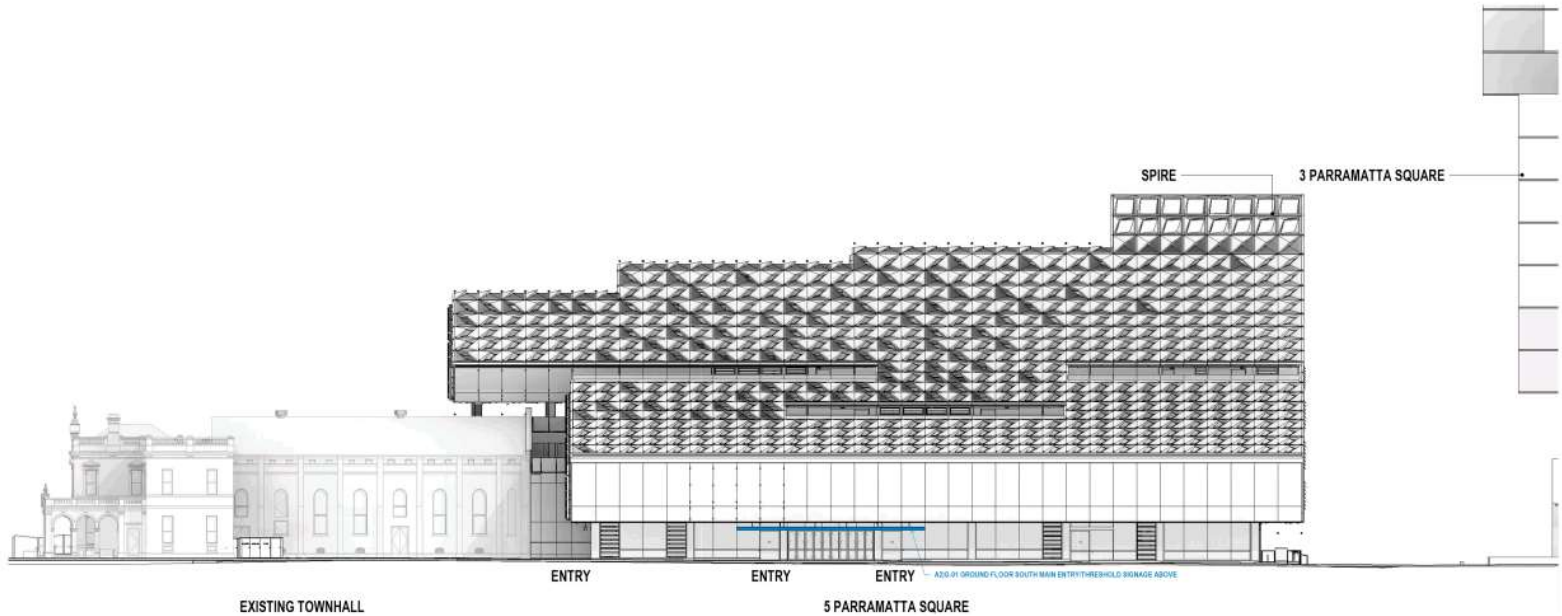
SHEET LIST

DRAWING REGISTER - SIGNAGE MODIFICATIONS			
SHEET NUMBER	SHEET NAME	REVISION	REVISION DATE
DA-5000	COVER SHEET SIGNAGE DA	A	22/09/21
DA-5100	LOCATION PLAN - BASEMENT 1	A	22/09/21
DA-5110	LOCATION PLAN - GROUND FLOOR	A	22/09/21
DA-5300	SOUTH ELEVATION	A	22/09/21
DA-5301	NORTH ELEVATION	A	22/09/21
DA-5302	EAST AND WEST ELEVATIONS	A	22/09/21
DA-5500	DETAIL - BASEMENT SIGNAGE	A	22/09/21
DA-5501	DETAIL - GROUND FLOOR SOUTH SIGNAGE	A	22/09/21
DA-5502	DETAIL - GROUND FLOOR NORTH SIGNAGE	A	22/09/21
DA-5503	DETAIL - GROUND FLOOR WEST SIGNAGE	A	22/09/21



 Copyright Design Systems Pty Limited Parramatta NSW 2150 - Australia Parramatta NSW 2150 - Australia	CLIENT		5-7PS		5-7 Parramatta Square		Manuelle Gautrand Architecture DesignInc Lacoste + Stevenson		architects in association		PROJECT		5-7 PARRAMATTA SQUARE		DRAWN BY		ED	
	DATE		22/09/21		22/09/21		22/09/21		22/09/21		TITLE		COVER SHEET SIGNAGE DA		SCALES		N/A	
	REVISIONS		A		A		A		A		PROJECT NO.		P19-035		PLOT DATE		22/09/21	
	REV		A		A		A		A		DRAWING NO.		DA-5000		REVISION		A	





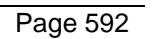
1 SOUTH ELEVATION
SCALE: 1:200

SIGNAGE LIST			
A201-01	BACKMOUNT CARPARK	ENTRY THRESHOLD	
A201-02	GROUND ENTRY 01	SOUTH MAIN ENTRY THRESHOLD	
A201-03	GROUND ENTRY 02	WEST ENTRY THRESHOLD	
A201-04	GROUND ENTRY 03	NORTH ENTRY THRESHOLD	
A201-05	GROUND ENTRY 04	NORTH TOILET ENTRY	

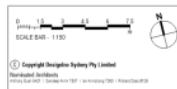
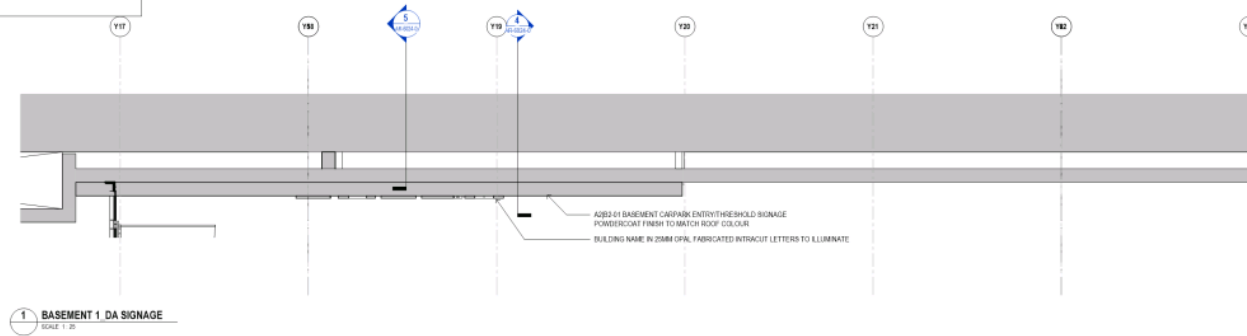
	CLIENT		5-7PS 5-7 Parramatta Square		PROJECT		5-7 PARRAMATTA SQUARE		DRAWN BY		DT	
	Manuelle Gautrand Architecture DesignInc Lacoste + Stevenson architects in association				TITLE		SOUTH ELEVATION		SCALES		N10	
									PROJECT NO.		P19-035	
									DRAWING NO.		DA-5300	
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5-7 Parramatta Square

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PROJECT 5-7 PARRAMATTA SQUARE

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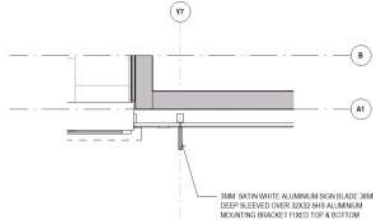
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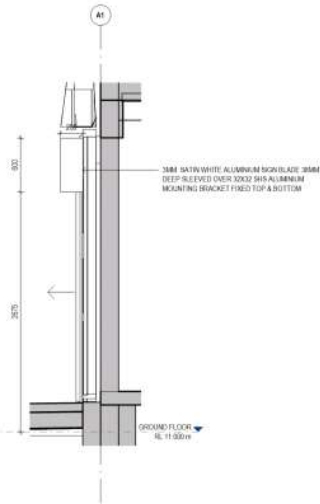
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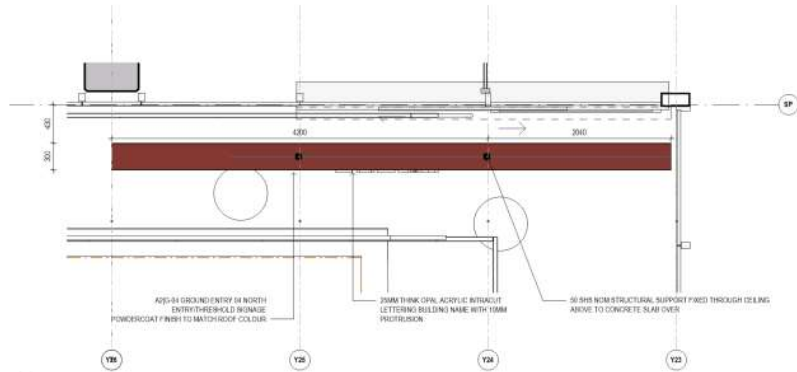
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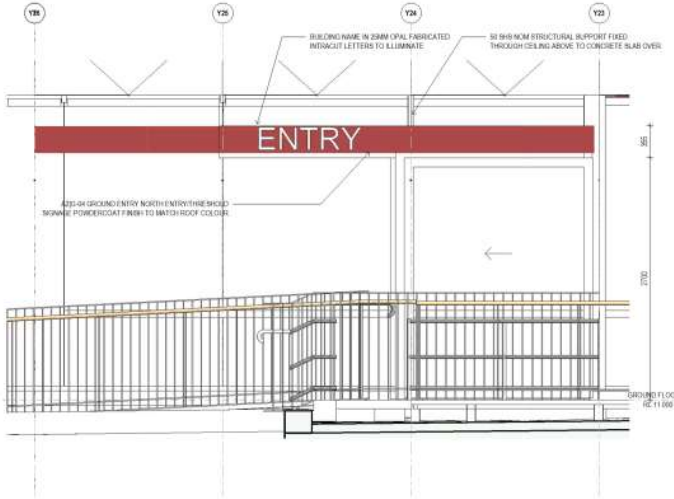
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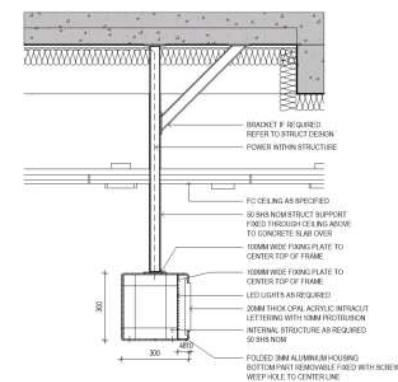
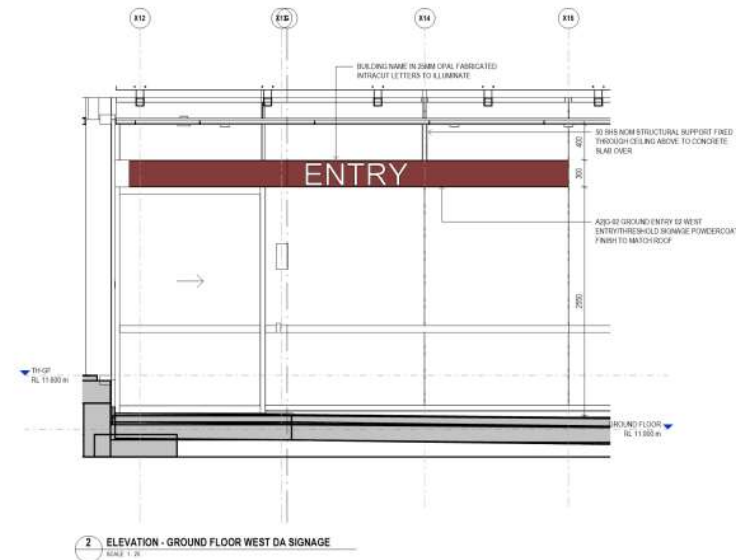
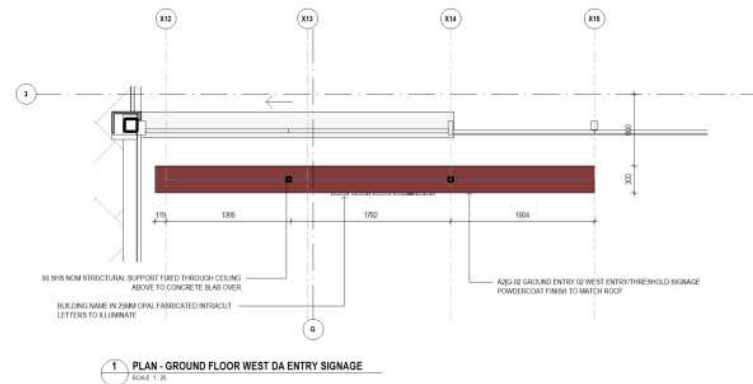
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architects in association

PROJECT
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PROJECT 5-7 PARRAMATTA SQUARE

TITLE DETAIL - GROUND FLOOR WEST SIGNAGE

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The logo for URBIS, featuring the word "URBIS" in a bold, sans-serif font. To the right of the text is a vertical line that extends upwards and a horizontal line that extends to the right, forming an L-shape that partially encloses the text.

STATEMENT OF ENVIRONMENTAL EFFECTS

5 Parramatta Square - Building
Identification Signage DA

Prepared for
CITY OF PARRAMATTA COUNCIL
8 November 2021

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P8433
Report Number	Final

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We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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1. INTRODUCTION

1.1. OVERVIEW

This Statement of Environmental Effects (**SEE**) has been prepared on behalf of the City of Parramatta Council (**the applicant**) to accompany a development application (**DA**) submitted to the City of Parramatta Council (**Council**) for the erection of building identification entry signage to the approved community facility extension to the rear of Parramatta Town Hall (**DA/476/2019**) at 5 Parramatta Square, Parramatta (**the site**).

Specifically, this DA seeks approval for the following signage:

- Basement level 1:
 - Erection of one (1) illuminated building identification sign in the transom above the entry doors.
- Ground level:
 - Erection of three (3) illuminated building identification signs on the northern, southern and western elevations of the approved building which suspend from the soffit above the respective entrances.
 - Provision of one (1) toilet entry blade sign along the northern elevation.

DA/476/2019 was approved by the Sydney Central City Planning Panel, and subsequently Council, on 4 December 2019 for the design, construction and use of a 6-storey community facility extension to the rear of the Parramatta Town Hall. Condition 8 of DA/476/2019 stipulated that no approval was granted at the time for signage and a separate DA was to be submitted seeking approval for such works. Further, Condition 150 of DA/476/2019 states that no advertisement or signage is to be erected on or in conjunction with the development without prior consent.

Accordingly, this DA seeks approval for the location and erection of building identification signage for the site associated with the development approved under DA/476/2019. The proposed signage has been specifically designed to ensure it integrates with the façade design and overall architectural integrity of the building, whilst providing clear building identification for pedestrians accessing the site and navigating the surrounds. The proposed signage is consistent with the scale of the built form and emerging character within the surrounds and does not result in any adverse environmental impacts to surrounding land uses.

The proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and the *Environmental Planning and Assessment Regulation 2000* (**the Regulations**). Development consent is sought in accordance with Part 4 of the EP&A Act and this DA is submitted pursuant to clause 4.2.

The proposed works have an estimated cost of \$70,000 as outlined in the Cost Estimate Summary (**Appendix A**).

1.2. SUPPORTING DOCUMENTATION

This SEE is accompanied by the following technical and design documentation which support the DA:

- Cost Estimate Summary (**Appendix A**), and
- Signage Drawings prepared by Manuelle Gautrand Architecture, DesignInc and Lacoste + Stevenson (**Appendix B**).

In addition to the above, this DA has been submitted to Council via the NSW Planning Portal together with relevant owner's consent and other administration documentation.

1.3. REPORT STRUCTURE

This SEE is structured as follows:

- **Section 2 – Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 – Project History:** outlines the approvals history and pre-lodgement discussions with key stakeholders.
- **Section 4 – Proposed Development:** provides a detailed description of the proposal including the erection and operational details of the building identification signage.
- **Section 5 – Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 6 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 7 – Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- **Section 8 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

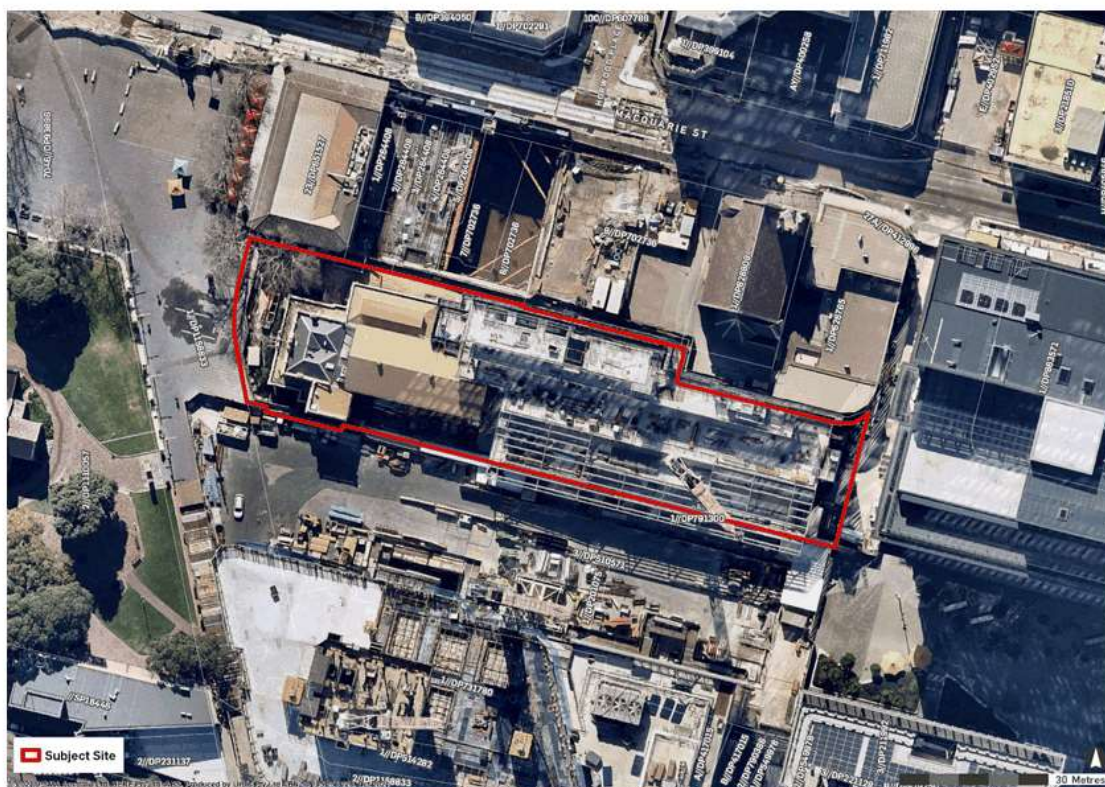
2. SITE CONTEXT

2.1. SITE DESCRIPTION

The land to which this development application relates is known as 5 Parramatta Square, Parramatta (5PS). The site is legally described as Lot 14 DP 1255419 and is owned by the City of Parramatta Council. The site comprises a rectangular shaped parcel of land comprising a total site area of approximately 3,857sqm (**Figure 1**).

The site is located within the Parramatta Square urban renewal precinct and is outlined in 'red' in the aerial image in **Figure 1** below.

Figure 1 Aerial Image of Site



Source: Nearmap 2019 (marked up by Urbis)

The site is not located within a Heritage Conservation Area, however the Aboriginal Sensitivity Map contained within the *Parramatta Development Control Plan 2011 (PDCP 2011)* identifies the site as having high Aboriginal heritage sensitivity and a likelihood of subsurface Aboriginal deposits. A local heritage listed Convict Drain (I647) also traversed underneath the site in a south-westerly direction, however in accordance with DA107/2016 and relevant Aboriginal Heritage Impact Permits was removed from the site.

Local-listed heritage items in the vicinity of the site include Leigh Memorial Uniting Church located directly to the north of the site, Murray's building and potential archaeological site to the north-west of the site and Bicentennial Square (Centenary Square) further north-west. A State-listed heritage item, St John's Anglican Cathedral, is located to the west of the site.

The site is well serviced by public transport, being located approximately 200m north of the Parramatta Transport Interchange and approximately 1km south-west of the Parramatta Ferry Wharf.

2.2. EXISTING DEVELOPMENT

The site is presently occupied by the Parramatta Town Hall to the west of the site, a two-storey Victorian Civic building with a single level basement that is locally heritage listed (I650) under Schedule 5 of the *Parramatta Local Environmental Plan 2011 (PLEP 2011)*.

The land to the east of the Parramatta Town Hall previously contained the former Parramatta City Council Chambers building that was demolished in August 2016 (DA/237/2015 – approved 29 June 2016). Site preparation works including demolition of the basement car park, bulk excavation and construction of below ground shoring walls was approved as per DA/206/2017 on 15 March 2017.

The eastern portion of the site is currently under construction for the community facility extension approved under DA/476/2019.

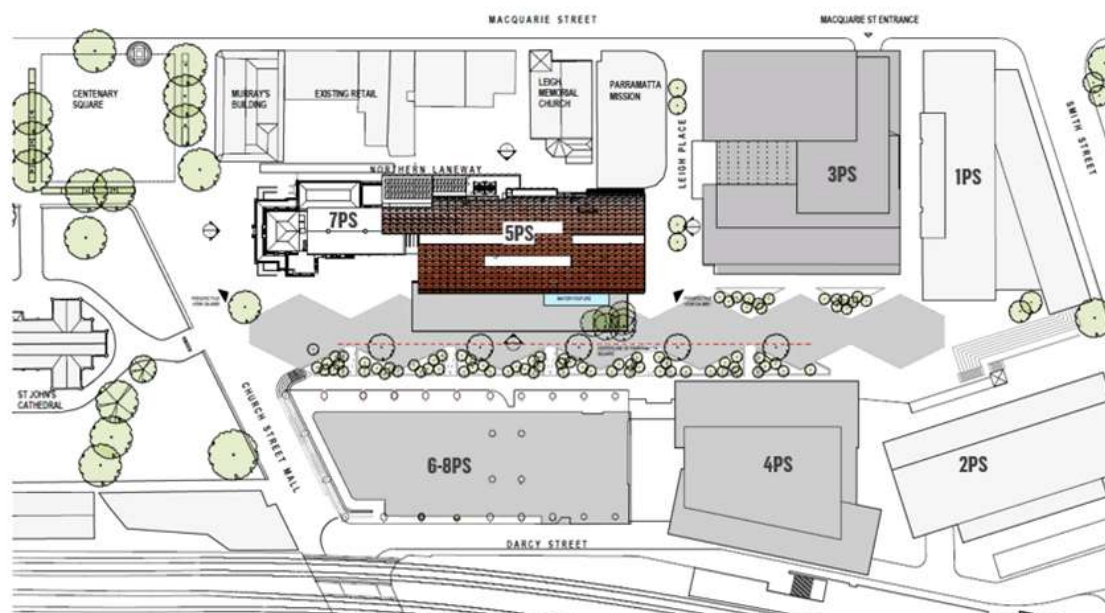
2.3. LOCALITY CONTEXT

The site forms part of the three-hectare Parramatta Square urban renewal precinct located at the core of the Parramatta CBD. Parramatta Square will be transformed into a central hub with a substantial new civic space and up to 360,000sqm of mixed-use floor space, supporting social, cultural and economic activity and aligning with strategic aspirations for the Parramatta CBD. Parramatta Square is approximately 200 metres to the north of Parramatta Railway Station, which also connects to Westfield Parramatta Shopping Centre.

The masterplan for the precinct involves the development of land parcels for a range of commercial, retail, education and community purposes, the construction of a new central civic space oriented along an east-west axis, and the servicing of all buildings by an underground 'super basement' providing integrated vehicle access to the buildings via Darcy Street and Macquarie Street. Currently the rest of the Parramatta Square precinct is either under construction or completed.

The subject site is situated to the north-west of Parramatta Square, as illustrated in **Figure 2** below. To the east of the site is 3 Parramatta Square and further east the recently constructed Western Sydney University Campus (1PS). To the south-east is the Sydney Water building (2PS), which is a high-rise commercial office tower. Development to the north comprises of a range of two and three storey commercial buildings.

Figure 2 Parramatta Square Precinct Plan



Source: Manuelle Gautrand Architecture, DesignInc and Lacoste + Stevenson

3. BACKGROUND

3.1. PROJECT APPROVAL HISTORY

The following provides a summary of the development of the proposed Council facilities on the current site.

- On 23 February 2015, Council resolved to progress with the scenario for the new Council facilities to be located on the existing Council Chambers Building site (5PS Site, formerly known as PS4) at 1A Civic Place, Parramatta, incorporating the adaptive re-use of the historic Town Hall building at 182 Church St, Parramatta. Further, Council resolved that the Property Development Group progress with further design concepts and options for the new Council facilities, including conducting a design competition if necessary, for the further consideration of Council.
- The City of Parramatta Council required that an architectural design competition be undertaken for all major development within Parramatta Square in order to deliver the highest standard of architectural, urban and landscape design within this key CBD precinct. Accordingly, a design competition was convened for the 5PS site in accordance with the NSW Department of Planning & Environment's Director General's Design Excellence Guidelines and the City of Parramatta Council's Design Excellence Competition Guidelines.
- Presentations for the 5 Parramatta Square – Council Facilities Design Competition were held on 15 March 2016. On 29 March 2016, Council resolved to appoint DesignInc and associated architects for the new Council facilities at 5PS.
- The Competition Jury unanimously recommended the scheme presented by DesignInc, Manuelle Gautrand Architecture and Lacoste + Stevenson Architects as the winner of the 5 Parramatta Square - Council Facilities Design Competition. The Jury strongly endorsed the iconic and contextual scheme as worthy winners of the new public building and its undeniable modern interface with Parramatta's history. The winning scheme was described as an exemplary architectural masterpiece that delivers a 21st century solution within the City of Parramatta Council's modern smart-city metropolis.
- Between February 2017 and August 2017, the design underwent three major revisions, incorporating design changes to ensure the building complied with the sun access controls and to ensure adherence to the design brief requirements. At the time, this involved a retractable civic spire, which has significant cost and operational implications.
- On 1 September 2017, a development application (DA758/2017) was lodged with the City of Parramatta Council seeking consent for the proposed development of the Council Chambers building including partial demolition of the Parramatta Town Hall and existing external amenities block. The application did not seek consent for internal fit out or use of the site.
- Consent for DA758/2017 was granted by the then Sydney West Central Planning Panel following assessment by an independent planner on behalf of the City of Parramatta Council.
- Following a comprehensive period of review by the City of Parramatta Council and their Property Development Group that sought to ensure a development was delivered that met the needs of the Council and the community, a revised design was proposed. The amended design now includes and seeks approval for the full extent of the development, including the overall building as well as internal uses and fit-out.
- On 12 August 2019 the Council at the Ordinary Council Meeting endorsed the lodgement of a development application for 5 & 7 Parramatta Square.
- On 15 August 2019, a development application (DA/476/2019) was lodged with the City of Parramatta Council seeking consent for the proposed revised scheme.
- Approval of DA/476/2019 was granted by the Central City Planning Panel on 8 December 2019, for:

6 storey community facility extension to rear of Parramatta Town Hall; partial demolition and alterations to rear of Parramatta Town Hall local heritage item; 2 storey basement with connection to adjoining basement; demolition of existing external amenities block; tree removal; public domain and landscape works.
- A number of modification applications have been approved with regard to the original consent.

DA/476/2019 – Relevant Conditions of Consent

Included within development consent DA/476/2019 were conditions which related specifically to signage. These conditions outlined that DA/476/2019 did not grant any approval for signage and future consent must be sought prior to the erection of signage. The relevant conditions 8 and 150 are as follows:

8. Notwithstanding the approved drawings, no approval is granted for the following:

- a) Any works shown on the drawings outside of the development lot (i.e. Lot 8, DP1252009);
- b) Signage;**
- c) Subdivision of the site; and
- d) Adaptive reuse of the old Town Hall building.

A separate development application is required for such works.

150. No advertisement or signage shall be erected on, or in conjunction with the development without prior consent. No digital displays are to be installed behind the windows without the prior consent of Council.

In accordance with the above conditions of consent DA/476/2019, this DA seeks separate approval for the provision of signage zones and the erection of building identification signage structures across the site associated with the approved development.

DA/476/2019 – Previous Signage Zone Approval

DA/476/2019 was granted consent including the provision of a signage zone, for building identification purposes, on the inclined lower half of the southern façade as it presents towards Parramatta Square (as outlined in "red" in **Figure 3** below).

The signage zone included a LED digital media screen façade system which was intended to be a canvas for public art, communicate community messages and contribute positively to the visual character and vitality of the Square. DA/476/2019 provided approval for the signage zone only, with details of the signage within the signage zone being the subject to a future DA.

This signage DA only relates to the proposed signage included and does not seek consent for the erection of signage within the previously approved signage zone on the southern inclined façade.

Figure 3 Location of approved building identification signage zone (outlined in green)



Source: Manuelle Gautrand Architecture, DesignInc and Lacoste + Stevenson

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

In accordance with Conditions 8 and 150 of DA/476/2019, this DA seeks separate approval for the provision of signage zones and the erection of building identification signage structures for the site associated with the approved development.

Specifically, this DA seeks approval for the erection of five illuminated building identification signs on the approved building at 5 Parramatta Square, comprising:

- **Basement level 1:**
 - Erection of one (1) illuminated building identification sign in the transom above the entry doors.
- **Ground level:**
 - Erection of three (3) illuminated building identification signs, one each on the northern, southern and western elevations of the approved building which suspend from the soffit above the respective entrances.
 - Provision of one (1) toilet entry blade sign along the northern elevation.

Given the name of the building has not yet been finalised, the exact content to be included on the proposed signs is not currently known. It is proposed that any future content to be included on the signs will be consistent with the parameters of the signage zones and signage structures proposed, and as such, should not require further consent from Council. It is noted that *State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)* does not regulate the content of signage and does not require consent for a change in the content of signage, where the size and type of signage remains consistent with any approval (refer to **Section 5.1** for further discussion).

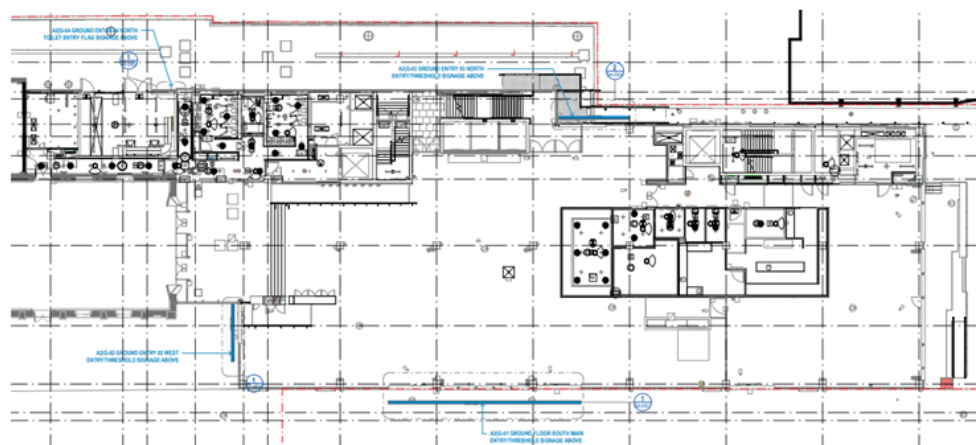
The proposed signage zones and structures are illustrated in the Signage Drawings prepared by Manuelle Gautrand Architecture, DesignInc and Lacoste + Stevenson provided at **Appendix B**. The following sections of the SEE provide further details on the signage proposed.

4.2. BUILDING IDENTIFICATION SIGNAGE

4.2.1. Sign Location(s)

The proposed building identification signs are located on the northern, southern and western elevations of the approved building at the Ground Floor level as illustrated in the location plan below (refer **Figure 4**). There is also one sign proposed above the entrance to the building at Basement level 1 car park area.

Figure 4 Ground Floor Signage Location Plan



Source: Manuelle Gautrand Architecture, DesignInc and Lacoste + Stevenson

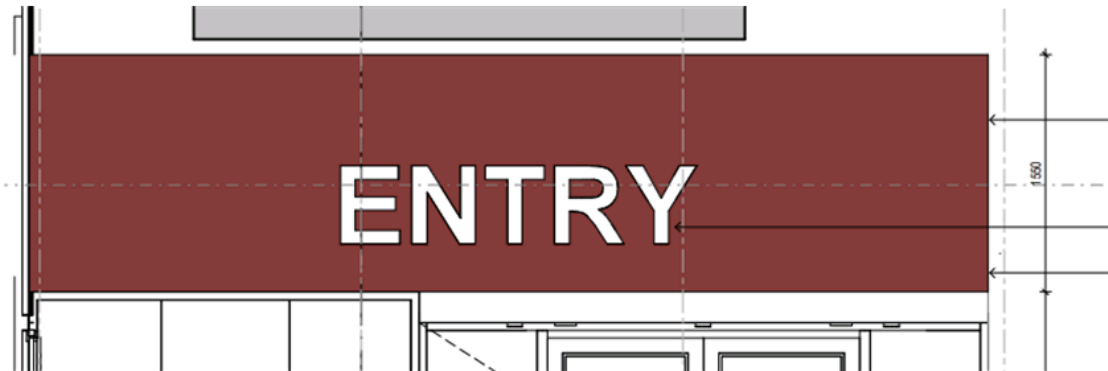
4.2.2. Signage Type and Design Details

Basement

One (1) building identification sign is proposed to be fixed to the transom above the building entrance at the Basement Level 1 car park. Key details of the sign include:

- Signage zone (sign bar structure): 6.2m x 1.55m
- Signage will be erected a minimum of 2.6m from respective basement ground level
- Building name will occupy a small portion of the signage zone. Building name will be 25mm Opal fabricated intracut letters which are internally illuminated
- Signage bar to have a powdercoat finish which matches the building facade colour

Figure 5 Basement level 1 Signage Elevation

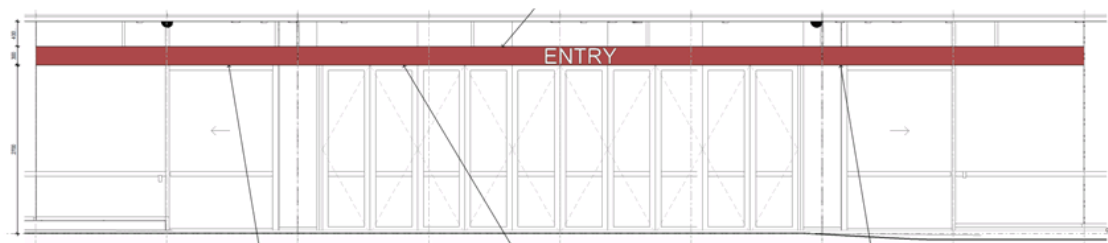


Southern Elevation

One (1) building identification sign is proposed above the entrance to the building. The sign will suspend 400mm from the building soffit. Other key details include:

- Signage zone (sign bar structure): 16.8m (length) x 0.3m (height) x 0.3m (wide)
- Signage will be erected a minimum of 2.7m above the ground level
- Building name will occupy a small portion of the signage zone. Building name will be 25mm Opal fabricated intracut letters which are internally illuminated
- Signage bar to have a powdercoat finish which matches the building facade colour
- Signage bar will suspend from a nominal structural support fixed through the ceiling above to the concrete slab

Figure 6 Ground Floor Signage South Elevation



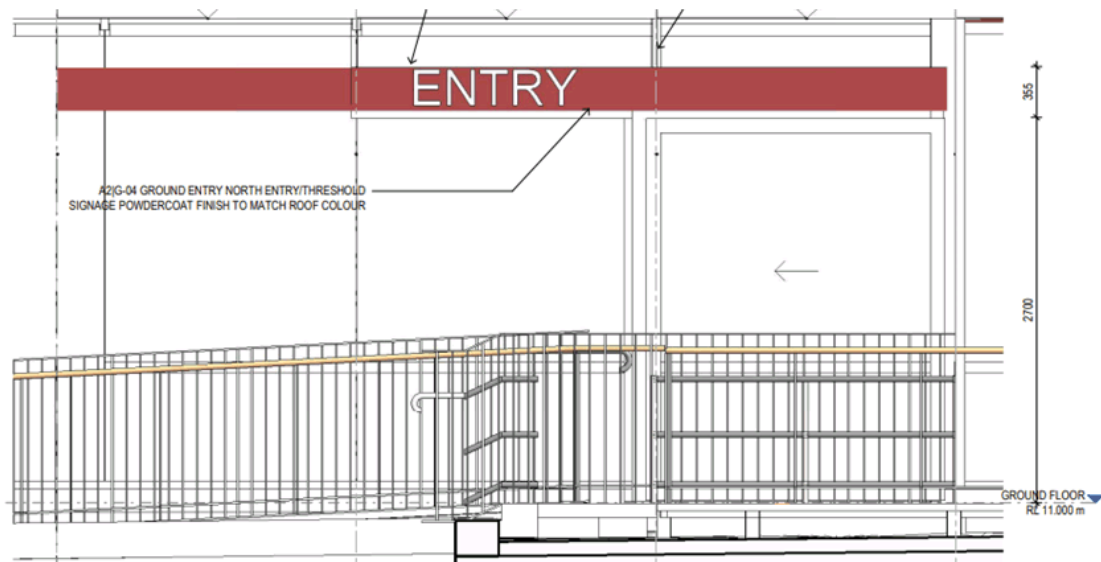
Northern Elevation

One (1) building identification sign is proposed above the entrance to the building along this frontage. The sign will suspend from the building soffit. Other key details include:

- Signage zone (sign bar structure): 6.24m (length) x 0.355m (height) x 0.3m (width)
- Signage will be erected a minimum of 2.7m above the respective ground floor level
- Building name will occupy a small portion of the signage zone. Building name will be 25mm Opal fabricated intracut letters which are internally illuminated
- Signage bar to have a powdercoat finish which matches the building facade colour
- Signage bar will suspend from a nominal structural support fixed through the ceiling above to the concrete slab

There is also one (1) satin white aluminium signage blade proposed which projects 0.256m from the wall above the toilet entrance along the northern elevation of the building at ground level.

Figure 7 Ground Floor Signage North Elevation

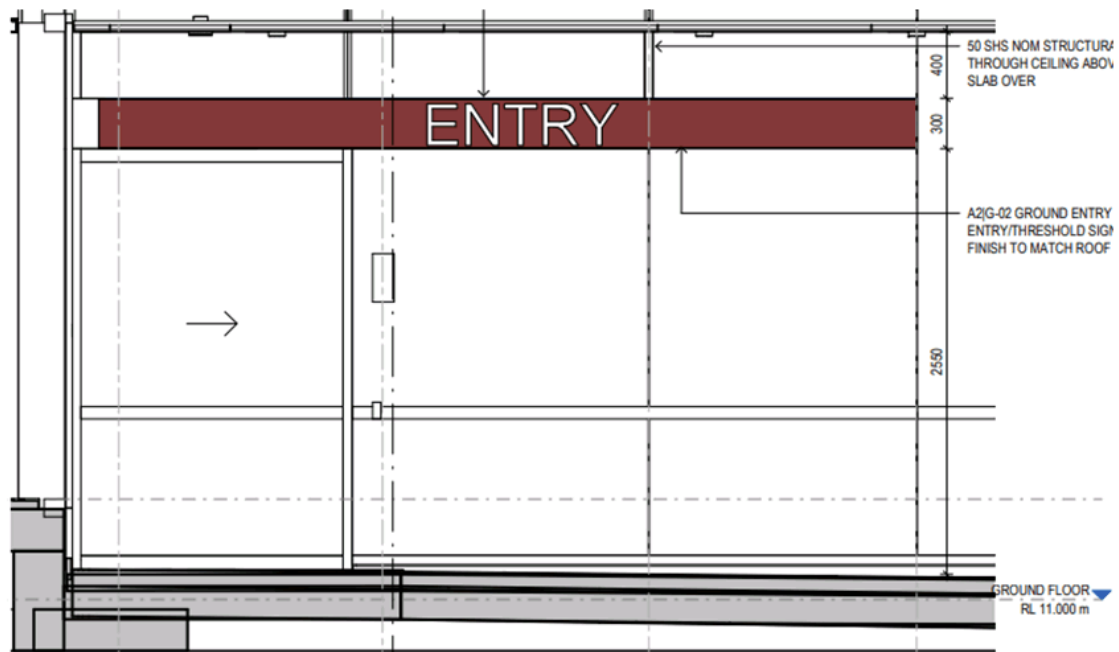


Western Elevation

One (1) building identification sign is proposed above the entrance to the building along this frontage. The sign will suspend 400mm from the building soffit. Other key details include:

- Signage zone (sign bar structure): 4.9m (length) x 0.3m (height) x 0.3m (width)
- Signage will be erected a minimum of 2.55m above the slab level
- Building name will occupy a small portion of the signage zone. Building name will be 25mm Opal fabricated intracut letters which are internally illuminated
- Signage bar to have a powdercoat finish which matches the building facade colour
- Signage bar will suspend from a nominal structural support fixed through the ceiling above to the concrete slab

Figure 8 Ground Floor Signage West Elevation



4.2.3. Operational Details

All signs are proposed to be illuminated from **7am to midnight, seven days** a week, in accordance with the approved hours of operation for the building. All signs will be switched off at all times outside these operating hours.

The proposed illuminated signage will be fitted with devices which enable the illumination to be controlled manually, where required. All illumination devices (wiring etc.) will be concealed within the signage structure.

5. STATUTORY CONTEXT

The following section provides an assessment of the proposed signage against relevant State and local planning controls, including:

- *State Environmental Planning Policy No. 64 – Advertising and Signage*;
- *Parramatta Local Environmental Plan 2011*;
- *Parramatta Development Control Plan 2011*.

5.1. STATE ENVIRONMENTAL PLANNING POLICY NO.64 – ADVERTISING AND SIGNAGE

State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64) aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish.

Detailed Signage Drawings have been prepared by DesignInc and are provided at **Appendix B**. The Signage Drawings outline the location, dimensions and nature of the proposed building identification signs on the northern, southern and western elevations.

This application seeks consent for building identification signage. Clause 13 of SEPP 64 indicates that the consent authority must not grant consent to display signage unless it is consistent with the objectives of the policy and complies with the assessment criteria contained within Schedule 1.

The following table provides an assessment of the compliance of the proposed signage in accordance with the assessment criteria contained in Schedule 1 of SEPP 64.

Table 1 SEPP 64 Summary Compliance Assessment

Provision	Proposal / Response	Complies
1. Character of the area		
Is the proposal compatible with the character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the desired future streetscape character and the nature of the immediate locality that is being transformed into a high density, multi-use, modern civic centre in the CBD where new areas of the public domain are integrated with new buildings. The proposed signage clearly signals entrances to the building.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no clear or consistent theme for outdoor signage in the immediate surrounding area (Parramatta Square). The proposed signage is considered building identification signage and does not constitute “advertising”.	Yes
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space	The site is not located within a special area. The proposed building identification signage will only be located on the ground level of the approved building at 5 Parramatta Square, maintaining the heritage significance of Parramatta Town Hall (7PS). The proposed signage is integrated into the	Yes

Provision	Proposal / Response	Complies
areas, waterways, rural landscape or residential areas?	architectural form of the building and will not detract from the significance of surrounding and adjoining heritage items in any way.	
3. Views and Vistas		
Does the proposal obscure or compromise important views?	The proposed signage is confined to the basement and ground level entrances of the building and integrated into the respective facades, whether fixed to the transom or suspending from the soffit. The signage is within the site boundaries and does not obscure any significant views or vistas to and from the approved building.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed building identification signs are confined to the basement and ground level building entrances on the north, south and west facades, and therefore, has no bearing on the skyline.	Yes
Does the proposal respect the viewing rights of other advertisers?	The signage relates solely to the building name and civic uses of the site as Council / community facilities and would not compromise the viewing rights of other advertisers.	Yes
4. Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signs are compatible with the scale, proportion and built form of the building on which they are to be erected. The proposed signs are also compatible with surrounding public domain areas and the streetscape given they are proposed at a human scale and considering the significant development which is occurring in the CBD.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage has been designed to integrate with and compliment the façade design, so as not to detract from the high quality design of the approved built form and particularly the facade, thus contributing to the visual interest of the streetscape. The signage also clearly signals the building entrances for pedestrians and visitors.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A – the proposed signage relates to a new building. Notwithstanding, individual sign content is kept to a minimum to not overwhelm or detract from building architecture. As previously noted, the signage does not constitute ‘advertising’.	N/A
Does the proposal screen unsightliness?	N/A – the proposed signage does not screen unsightliness but rather is subservient to the architectural form of the buildings lower levels. The	N/A

Provision	Proposal / Response	Complies
	building itself exhibits a high degree of design excellence and therefore the signage does not seek to screen unsightliness.	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No signage is proposed above the roof level or building parapet and all signage will be confined to the ground level façade or basement level 1.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage will not require any vegetation management as they are all affixed to the façade or suspend from the building soffit.	Yes
5. Site and Building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	It is considered that the proposed signage is consistent with the scale and proportion of the site and building given the specific location and size of signs proposed.	Yes
Does the proposal respect important features of the site or building, or both?	The respective signs will not dominate the building but rather achieve a balance between fulfilling their purpose as building identification signage whilst remaining subservient to the overall built form. Signage is specifically confined to the lower levels to ensure the architectural expression of the façade above is not compromised in any way.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is proposed at the basement and ground levels to integrate with the built form and signal building entrances for pedestrians and site visitors, whilst allowing for the unique façade design to illustrate the innovation, imagination and design excellence of the building.	Yes
6. Associated Devices and Logos with Advertisement and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A – the proposed signage is not advertising. Notwithstanding this, all signage illumination, fixings and cabling will be concealed within each sign structure as required.	N/A
7. Illumination		
Would illumination result in unacceptable glare?	The illumination of signage will not result in any unacceptable glare and will comply with all relevant Australian Standards and guidelines	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	Given the size, scale, location and proportion of the proposed signage, the proposal will not impact	Yes

Provision	Proposal / Response	Complies
	upon pedestrian or vehicular safety on the surrounding road network. Illumination will be of low nature and is oriented towards the Parramatta Square or neighbouring built form, and does not project onto any nearby public roads.	
Would illumination detract from the amenity of any residence or other form of accommodation?	No. All signage is proposed at the ground/street level entrances of the approved built form and will not detract from the amenity of any surrounding residences. It is noted that the site is situated within the Parramatta CBD, an emerging commercial and civic area.	Yes
Can the intensity of the illumination be adjusted, if necessary?	If required, the intensity of the illumination may be adjusted in accordance with any conditions of consent. However, it is noted that all illumination will comply with relevant Australian Standards.	Yes
Is the illumination subject to a curfew?	No, however if required this can be established through relevant conditions of consent. It is not anticipated or expected that this will be an issue for Council given the scale and location of the illuminated signs proposed.	Yes
8. Safety		
Would the proposal reduce the safety for any public road?	The areas facing the subject site and proposed signage are pedestrianised areas only and not open to vehicles.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The illumination will not affect safety for pedestrians or bicyclists. The proposed signs are intended to clearly identify the building and respective entrances to improve wayfinding for pedestrians.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The proposed signage is intended to improved permeability and wayfinding for pedestrians accessing/visiting the site.	Yes

Overall, the proposed building identification signage has been assessed with regards to Schedule 1 of SEPP 64 and is consistent with the relevant assessment criteria. The proposed signage will not result in any adverse impacts and is subservient to the approved building and associated uses to which it will be erected upon.

5.2. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The *Parramatta Local Environmental Plan 2011 (PLEP 2011)* is the principal environmental planning instrument that applies to the subject site. This section addresses key compliance considerations in the PLEP 2011.

The site is zoned B4 Mixed Use Zone in accordance with the PLEP. The proposed development is defined as building identification signage in accordance with the PLEP. A building identification sign is defined as:

'a sign that identifies or names a building that may include the name of the building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.'

Building identification signage is permitted with development consent in the B4 Mixed Use zone under the PLEP. The proposed signage will be subservient to the ongoing use and operation of the mixed-use community facility building approved under DA/476/2019 on which it is proposed to be erected. DA/476/2019 was approved in part due to its consistency with the land use zoning objectives of the B4 Mixed Use zone. The proposed signage will contribute to the ongoing approved use by clearly identifying the building name and signalling the entrances for pedestrians and visitors providing improved wayfinding. The proposal is therefore considered to be consistent with the B4 Mixed Use zoning objectives.

The proposed signage is confined to the basement and ground/street level of the approved built form and will therefore not increase the height of buildings as approved or give rise to any additional overshadowing considerations.

Whilst the site is identified as a local heritage item under the PLEP 2011, known as the "Parramatta Town Hall" (Item 650), the signage is proposed to be erected on the new built form approved under DA/476/2019, and therefore, will not result in any heritage impacts to the significance of the Parramatta Town Hall building situated at 7 Parramatta Square.

Based on the above, it is considered that the proposal complies with the relevant provisions within the PLEP 2011.

5.3. PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The *Parramatta Development Control Plan 2011 (PDCP 2011)* provides detailed guidance for development in the Parramatta LGA. An assessment of the proposed signage against the relevant controls is provided in the table below.

Table 2 PDCP 2011 Summary Compliance Table

Clause / Provision	Proposal / Response	Complies
Part 4.3 – Strategic Precincts – Parramatta City Centre		
C1. Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	The proposed building identification signage is to be erected above the primary and secondary building entrances along the northern, southern and western façades of the approved building to clearly address and signal these building entrances for pedestrians and visitors accessing the site.	YES
Part 5.5 – Signage		
General Requirements		
Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality, in particular signs are not to dominate or obscure other signs or result in visual clutter.	The proposed signs are located above the building entrances at basement level 1 and on the north, south and west elevations. The signs have been designed to integrate with the respective façades. The signs do not impact upon the amenity of the streetscape, but rather signal pedestrian entrances	YES

Clause / Provision	Proposal / Response	Complies
	for visitors and do not obscure other signage or result in visual clutter	
Signs are to be compatible with the design, scale and architectural character of the building or site on which they are to be placed.	The proposed signage is confined to the basement and ground level of the building and are of a scale and design which compliments and is subservient to the approved architectural built form.	YES
Structures supporting signs should be of a high aesthetic appearance and not impact on the visual amenity of the locality.	All signs are either fixed to the façade or suspend from the building soffit (approx. 400mm) above building entrances. The suspended signage structural supports integrate into the building design through the ceiling and connecting to the slab above. All power devices are concealed within the structure. All sign structures and supports have been designed with minimal impact on the visual amenity of the surrounds and built form.	YES
Materials used should be durable, fade proof and of a high aesthetic quality.	All signage materials will be durable, fade proof and of a high quality finish which matches the finish of nearby roof and wall elements (where required). The building name lettering will be 25mm Opal fabricated intracut letters which are internally illuminated. These will provide a high quality design which is clearly legible for pedestrians.	YES
Advertisements and advertising structures should not protrude above the skyline.	The proposed signage is for building identification purposes as defined under the PLEP 2011 and does not constitute 'advertising' or 'advertising structures'.	N/A
Advertisements and advertising structures should complement natural features and not result in the trimming and lopping of significant trees.	As discussed above, the proposal comprises building identification signage consistent with the PLEP 2011 and is not 'advertising'. Notwithstanding, all signage is either fixed to the respective façade or suspended from the building soffit and does not compromise or require landscaping to existing/proposed trees.	N/A
The following types of advertising and signs are discouraged to protect the visual quality of the City: – Posters on poles or other structures in public places – Sky signs	None of the proposed signs are the type of advertising or signs identified in this part of the PDCP 2011. All signs are fixed or suspended from the soffit and integrated with the respective façades on which they are erected and are located above the relevant entrances at ground level.	YES

Clause / Provision	Proposal / Response	Complies
<ul style="list-style-type: none"> – Temporary signs of a commercial nature on land whether zoned or unzoned – Trees used to support advertisement – Flashing lights – A-frame signs, goods and signboards in public places – Pylon signs not directly related to an activity carried out on the site. – Signs painted on or applied on the roof. 		
General advertising signs that do not relate to a use, business or activity carried on the site or building on which the sign is to be placed are discouraged in order to protect visual amenity and reduce visual clutter.	The proposed signage is for building identification purposes only and no advertising signs are proposed.	YES
<p>Sign content is to relate directly to a use, business or activity carried out on or associated with the building or site on which the sign is to be placed, or to within 400m of the site, except where the sign:</p> <ul style="list-style-type: none"> – is incorporated with a bus shelter, home kiosk, telephone booth, – street furniture and the like, or – is in conjunction with the provision of public infrastructure, or – incorporates sponsorship acknowledgement. 	The proposed signage is for building identification purposes only and directly associated with the approved building at 5PS on which it is to be erected. The signage aids pedestrians by identifying the building and primary entrances to the building.	YES
The language of signs is to be accessible to the wider population.	All signage content is to be displayed in English, given it will be the name of the building.	YES
<p>Signs and their supporting structures should not be:</p> <ul style="list-style-type: none"> – hazardous to passers-by and for traffic safety – located so as to obscure a driver's or pedestrian's view of road or rail vehicles, pedestrians or features of the road, railway or footpath 	<p>All signs are oriented towards neighbouring built form or pedestrian pathways and will not be visible from surrounding streets. As such, the proposed signage will not impact upon the safety of nearby vehicles utilising the surrounding road network.</p> <p>Signage illumination will be in accordance with relevant Australian Standards and controlled as per any conditions of consent imposed by Council.</p>	YES

Clause / Provision	Proposal / Response	Complies
<ul style="list-style-type: none"> – highly illuminated so as to cause discomfort to, or inhibit vision of drivers or pedestrians – mistaken as an official traffic sign and should not distract a drivers attention or be confused with traffic signal instructions. 		
The erection of any sign must comply with the applicable requirements of the Building Code of Australia.	Noted – all signage erected is obliged to comply with relevant requirements of the BCA and certified accordingly prior to installation.	YES
Illuminated signs are not to detract from the architecture of the supporting building during daylight.	The proposed signage is confined to the basement ground levels of the built form and will be fixed to the ground level façade or building soffit. Given the location and nature of signage proposed it will not detract from the architectural integrity or design excellence of the built form approved under DA/476/2019.	YES
Illuminated signs are to be energy efficient.	Noted – signage illumination will be in accordance with any conditions of consent. Energy efficient LED light fittings to all building signage in line with the 6 Star Green Star target.	YES
In considering applications for new signs, the consent authority must have regard to the number of existing signs on the site or the number of signs on a new building and in its vicinity and whether the cumulative impact gives rise to visual clutter.	The proposal includes a total of five building identification signs (including a toilet identifier) at the basement and ground level on the north, south and west façade of the approved building. Given the size of the built form and the location/nature of signage proposed under this DA, the proposal will not result in any visual clutter as the signs simply signal entrances to the building to improve wayfinding and permeability for pedestrians and visitors.	YES
A curfew may be imposed on the operation of illuminated signs where continuous illumination may impact adversely on the amenity of residential buildings, serviced apartments or other visitor accommodation, or have adverse environmental effects.	Noted – signage illumination will be in accordance with any conditions of consent. However, it is noted that the proposed signage will not impact upon the amenity of any surrounding residential uses given the signage is confined to the ground level and the typology of surrounding development completed and under construction in Parramatta Square is largely commercial and civic buildings.	YES
External lighting of signs is to be downward pointing and focused directly on the sign and is to prevent or minimise the escape of light beyond the sign.	All signs are proposed to be internally illuminated in accordance with relevant Australian Standards and any conditions of consent imposed by Council.	YES

Clause / Provision	Proposal / Response	Complies
Business Zones		
Signs should permit adequate identification and business advertising while avoiding visual clutter.	The proposal includes a total of five building identification signs (one being a toilet identifier) at basement level 1 and the ground level across three elevations of the approved building. The signs signal entrances to the building for pedestrians and will not result in any visual clutter. There is essentially one sign on each of the north, south and west facades which is considered a very reasonable quantity with respect to the size and significant civic uses of the approved building.	YES
Signs are to reflect the character of the town, neighbourhood centre or mixed use locality in which they are located and are to be incorporated into the development at the design stage.	The signs are compatible with the approved building and integrate with the architectural form at ground level. The signage is considered to be compatible with the desired future character of Parramatta Square and the wider CBD which is currently undergoing significant development of civic and mixed use buildings. This signage DA has been lodged separately to the DA/476/2019 in accordance with relevant conditions of consent which clearly provided no approval for signage and specifically stipulated prior consent was required for any signage proposed.	YES
To protect the amenity of adjoining residential uses: <ul style="list-style-type: none"> – signs may not be permitted on walls facing adjoining residences – signs should be located on the street facing wall areas of buildings, below the roof, eaves line or parapet line, and relate to the architectural appearance of the building – special care is to be taken to avoid any likely nuisance to nearby residents as a result of glare or light spillage. 	The proposed signage is confined to the ground level of the building facing pedestrian areas and neighbouring buildings. The site does not adjoin or face any sensitive residential land uses. Notwithstanding, all signage illumination (or potential light spill) will be maintained in accordance with relevant Australian Standards and any relevant conditions of consent imposed by Council.	YES
Flush wall signs should not span across window openings or facade bays. Where traditional recessed advertising panels have been incorporated into the design of the facade, these should be utilised.	One sign is proposed to be fixed to the façade above the building entrances. This is considered to be defined as a top hamper sign.	N/A

Clause / Provision	Proposal / Response	Complies
<p><u>Under awning signs, illuminated and non-illuminated, are to:</u></p> <ul style="list-style-type: none"> – have maximum dimensions 2500mm in length and 500mm in height – be erected horizontal to the ground and at no point be less than 2600mm from the ground – not project beyond the edge of the awning include a separation distance of 3m from other under awning signs. 	<p>Three signs are proposed at the northern, southern and western elevations which will suspend from the building soffit. These are considered to constitute 'under awning signs'. Key elements of the three signs are as follows:</p> <ul style="list-style-type: none"> ▪ <u>Southern elevation sign:</u> <ul style="list-style-type: none"> – 16.8m (length) x 0.3m (height) – Minimum 2.7m above ground level ▪ <u>Northern elevation sign:</u> <ul style="list-style-type: none"> – 6.24m (length) x 0.355m (height) – Minimum 2.7m above ground level ▪ <u>Western elevation sign:</u> <ul style="list-style-type: none"> – 4.9m (length) x 0.3m (height) – Minimum 2.55m above the slab level ▪ None of the suspended signs project beyond the awning created by the built form overhang. <p>Whilst the length of the three signage structures on these elevations are longer than the max 2.5m length prescribed, they are considered acceptable as they generally extend the width of the entrances above which they are located and proportionate to these built form elements. In addition, it is only the signage structure itself which extends the lengths specified above. The actual content (building name) is likely to not extend longer than 2.5m in width. Further, the signage structures allow for the provision of the building name and building entrances to be clearly communicated to visitors accessing the site which is important for the civic uses contained within.</p> <p>The western elevation sign sits 2.55m above the respective ground floor level. This is considered a very marginal variation to the 2.6m requirement (450mm). It is also noted that the sign sits above the door frame height and will therefore, not impact upon pedestrian access and egress.</p>	<p>YES</p> <p>Variation justified</p>
<p><u>Top hamper signs are to be:</u></p> <ul style="list-style-type: none"> – proportionate to the size of the top hamper fascia, but, shall not exceed 600mm in height and 4000mm in length 	<p>One 'top hamper' sign is proposed at basement level 1 above the transom of the entrance to the building from the car park. The key design parameters are as follows:</p> <ul style="list-style-type: none"> ▪ 6.2m (length) x 1.55m (height) 	<p>YES</p> <p>Variation justified</p>

Clause / Provision	Proposal / Response	Complies
<ul style="list-style-type: none"> – set back 600mm from side boundaries to satisfy fire regulations, where illuminated – be restricted to one per premises. 	<ul style="list-style-type: none"> ▪ Minimum of 2.6m above ground floor level ▪ Lettering internally illuminated <p>Whilst length and height of the sign exceeds the PDCP requirements, it is considered acceptable as it is proportionate to the size of the wall on which it is erected and is confined to basement level 1 underground. The sign has been designed to integrate into the built form and clearly signals the primary entrance to the building from the car park level to provide improved pedestrian legibility and wayfinding.</p> <p>Overall, the proposed number of building identification signs are considered appropriate to support the future civic uses across the site and will improve legibility for site visitors and pedestrians navigating Parramatta Square.</p>	

Based on the above, it is considered that the proposal complies with the relevant provisions within the DCP.

6. ASSESSMENT OF KEY ISSUES

This section provides an assessment of key planning considerations associated with the proposed building identification signage.

6.1. ARCHITECTURAL INTEGRATION & VISUAL IMPACT

The proposed signage is compatible with the built form and building design of the approved 5PS community facility building for the following reasons:

- Signage integrates with and complements the architectural design of the buildings, in particular in terms of dimensions, materials, finishes, textures and colours;
- The various sign types and quantities proposed are strategically positioned throughout the built form interfaces with the public domain and erected on the respective façades to reduce visual clutter and embellish the built form; and
- Individual signage content is kept to a minimum to not overwhelm or detract from building architecture or key adjacent public domain areas.

6.2. STREETScape / PUBLIC DOMAIN AMENITY

The proposed signage will have a positive impact on the streetscape and amenity of the Eastlakes Shopping Centre development and surrounding area for the following reasons:

- The proposed signage will create visual interest and contribute to façade variety and aesthetics within the streetscape and adjacent public domain areas.
- The scale and proportion of the proposed signage is appropriate in the context of the approved 5PS community facility building which spans across the large site and the quantity of signs proposed (5 signs) will not result in adverse clutter.
- The signage has been designed to clearly identify the site and enable intuitive movement for future site visitors.
- The signage is complimentary to the approved built form and is of a high-quality design which minimises amenity impacts to nearby sensitive land uses.
- The coordinated approach to signage offered by this DA, is an appropriate way of controlling the signage for the site to manage streetscape and amenity impacts.

6.3. IDENTIFICATION AND LEGIBILITY

The following is noted with regards to identification, legibility and wayfinding:

- The proposed signage is in accordance with the functions of building identification signage.
- The site-specific signage has been designed in a way that enhances the legibility and will improve wayfinding for those accessing the 5PS community facility building, and pedestrians navigating the adjacent public domain areas, particularly in Parramatta Square to the south and the northern link.

6.4. TRAFFIC AND PEDESTRIAN SAFETY

The proposed signage is located on the northern, southern and western elevations which are substantially setback from any nearby roads and will not impact upon motorists.

The proposed signage has been specifically located so as not to dominate the streetscape or distract motorists / pedestrians, whilst providing informative identification signage that enables intuitive wayfinding.

All signage will be of relatively low intensity illuminance and can be fitted with devices that can control illumination levels, if required. None of the proposed signs include animations, dazzling or flashing lights that are likely to impact upon road / footpath safety.

7. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act 1979.

7.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the following relevant State and local environmental planning instruments in **Section 5** of this SEE:

- *State Environmental Planning Policy No.64 – Advertising and Signage, and*
- *Parramatta Local Environmental Plan 2011.*

The proposed building identification signage is permissible with consent within the B4 Mixed Use zone and contributes towards the use approved development under DA/476/2019 maintaining consistency with the relevant land use zone objectives. In particular, it is noted that the proposed signage assists in improving pedestrian legibility and wayfinding by clearly identifying the building and signally entrances to the building at the basement and ground level for pedestrians accessing the site.

The assessment in **Section 5** concludes that the proposal is consistent with the relevant provisions within SEPP 64, the PLEP 2011 and the PDCP 2011. Overall, the proposed signage is fit for purpose, integrates the architectural design and built form on which it is to be erected and does not result in any adverse amenity or safety impacts to nearby land uses, pedestrians or motorists.

7.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

7.3. DEVELOPMENT CONTROL PLAN

The Parramatta Development Control Plan 2011 (PDCP 2011) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant general and 'business zone' signage controls is provided in **Section 5.3** of the SEE.

The assessment concludes the proposal clearly demonstrates consistency with the relevant provisions within the PDCP 2011.

7.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

7.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2000*.

7.6. LIKELY IMPACTS OF THE PROPOSAL

The proposed development has been assessed considering the potential environmental, economic and social impacts as outlined in **Section 5** and **Section 6** of this SEE. In summary, the following is noted:

- The quantity of the proposed signage will not result in any visual clutter and has been designed to integrate with the architectural design and built form of the approved 5PS community facility building.
- The proposed signage does not detract from the amenity of the streetscape and is not considered to result in any adverse impacts on pedestrian and traffic safety of the surrounding street network, car parking basement access and public domain areas adjacent building entrances, including Parramatta Square.

- The proposed signage provides necessary building identification for the 5PS community facility building. This enables improved legibility and intuitive wayfinding for pedestrians accessing the site.
- The proposed signage illumination will comply with relevant Australian Standards and can be controlled in accordance with any conditions of consent to ensure no adverse amenity to surrounding public domain areas and sensitive land uses.

Overall, the proposed building identification is considered acceptable to support the approved uses across the site and will not result in any detrimental impacts to the site and surrounds.

7.7. SUITABILITY OF THE SITE

The site is considered highly suitable for the erection and installation of the proposed signage for the following reasons:

- The proposed building identification signage is permissible with consent within the B4 Mixed Use zone and contributes towards the approved built form and use under DA/476/2019 maintaining consistency with the relevant land use zone objectives.
- The proposed signage signals the entrances to the building on the north, south and west elevations for pedestrians accessing the site.
- The proposed signage is contemporary, coordinated and well-designed so as to integrate with the built form and architectural design of the building approved under DA/476/2019.
- The proposal does not impact or inhibit publicly accessible space, pedestrian movement paths, circulation areas or cause any impacts on traffic or pedestrian safety.
- The proposed works do not adversely affect the heritage character in the surrounding area or the building adjoining the site at 7 Parramatta Square given it is erected on the new approved building extension.

7.8. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

7.9. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposed signage is consistent with relevant State and local planning controls and it has been demonstrated that it will produce negligible impacts upon the amenity of the surrounding area.
- The proposed building identification signage will improve legibility and wayfinding for pedestrians accessing the site and navigating the broader Parramatta Square precinct.
- The proposed signage is consistent with surrounding land uses and the emerging desired character of Parramatta Square which is currently undergoing significant change and increased development for a range of new civic and commercial mixed use purposes.

The proposed signage is therefore considered to be in the public interest.

8. CONCLUSION

The proposed building identification signage has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality for the following reasons:

- The proposed signage complies with the relevant objectives and controls of the applicable planning instruments, including the objectives and assessment criteria of SEPP 64, is permissible with consent under the zoning provisions of PLEP 2012 and achieves an acceptable level of compliance with the detailed provisions under PDOP 2012.
- The proposed signage will not result in any change to the built form, height or setbacks of the approved 5PS community facility building under DA/476/2019.
- The proposed signage integrates with the architectural design of the built form and is compatible in terms of character and scale.
- The proposal is suitable for the site as it provides building identification for the community facility building, supporting the approved uses across the site.
- The proposed signage is in the public interest as it will contribute to legibility and wayfinding for pedestrians accessing the site from the adjacent public domain areas.
- The proposal will not impact upon the safety of cyclists, pedestrians or vehicles and will not result in any unacceptable glare or light impacts.
- The visual impacts of the proposed signage are considered to be negligible and the proliferation of signage is suitable for and typical of the nature of the development being mixed-use community facility.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

DISCLAIMER

This report is dated 8 November 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of CITY OF PARRAMATTA COUNCIL (**Instructing Party**) for the purpose of SEE (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

COST ESTIMATE SUMMARY

APPENDIX B

SIGNAGE DRAWINGS



The logo for URBIS.COM.AU, featuring a horizontal bar with a gradient from blue to green above the text "URBIS.COM.AU" in a bold, sans-serif font.



Our Ref: M210630

17 January 2022

City of Parramatta
PO Box 32
PARRAMATTA NSW 2124

Attn: Mr Alex McDougall

Dear Mr McDougall,

**REVIEW OF ASSESSMENT OF DA/1074/2021 – BUILDING IDENTIFICATION & WAYFINDING SIGNAGE
NO 5 PARRAMATTA SQUARE (5PS), PARRAMATTA**

We have been engaged to provide independent town planning advice to the City of Parramatta in respect of the above development application.

Although Council is not the applicant, it is however the owner of the land and the consent authority for the determination of DA/1074/2021. Accordingly, we have been instructed to undertake an independent review of the Council's planning assessment of the development application lodged by Urbis on 24 November, 2021.

To undertake this review we have reviewed the following primary documents provided by Council:

- Architectural plans prepared by Manuelle Gautrand Architecture | DesignInc | Lacoste + Stevenson (DA-5100-A, DA-5110-A, DA-5300-A, DA-5301-A, DA-5302-A, DA-5500-A, DA-5501-A, DA-5502-A and DA-5503-A);
- Statement of Environmental Effects (SEE) prepared by Urbis (dated 8 November 2021);
- Draft Section 4.15 Assessment Report prepared by City of Parramatta (dated 24 December 2021); and
- Draft Conditions of Consent (Appendix 1 to above assessment report).

We have been asked to review the above material and advise whether we consider the assessment and conclusions of the documents submitted with the development application are appropriate having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Appendix 1 of Council's Community Engagement Strategy. We understand that no public submissions were received and referral of the application to internal or external bodies was not required in this instance.

In our review, we have considered the Council assessment to be thorough and adequate for the purposes of the EP&A Act. The assessment has given consideration to all relevant statutory planning matters including the objectives and requirements of *State Environmental Planning Policy No 64 – Advertising and Signage*, *Parramatta Local Environmental Plan 2011* and *Parramatta Development Control Plan 2011*.

The assessment involves support for several variations to the numerical standards within the DCP. Based on our review of the arguments set out in the applicant's SEE and the analysis detailed within the planning officer's report, each variation is considered to be appropriate in respect of each sign.

The assessment has had regard to the draft environmental planning instruments applicable to the land and addressed all planning matters relevant to the erection and use of the proposed signage.

We concur with the findings of the planning officer's assessment report, namely that the likely impacts of the development will be acceptable for the location of the development, subject to the proposed conditions of consent set out within Appendix 1.



PLANNING INGENUITY

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Wollongong NSW 2500
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In summary, we are of the opinion that from a town planning perspective, the consent authority can rely upon the Section 4.14 assessment report prepared by Council's planning officer for the purpose of its decision making role regarding DA/1074/2021.

CONCLUSION

This review has considered the information submitted with the development application for DA/1074/2021 for the erection of five (5) building identification and wayfinding signage at a new community facility under construction at 5 Parramatta Square.

We support the findings of the assessment report prepared by Council's planning officer and the twenty five (25) recommended conditions of consent (Appendix 1).

We trust this information is of assistance to you. Should you require any further information, please do not hesitate to contact our office.

Yours faithfully,
Planning Ingenuity Pty Ltd

Ruth O'Brien
ASSOCIATE DIRECTOR



DEVELOPMENT APPLICATION

ITEM NUMBER	5.6
SUBJECT	OUTSIDE PUBLIC MEETING: 334 Pennant Hills Road, CARLINGFORD (Lot 10 DP 1216207)
DESCRIPTION	Section 4.15 Application seeking consent for the Construction of a marquee over an existing bowling green at the Carlingford Sports and Recreation club to be used as badminton courts, and construction of new lift access and parking.
REFERENCE	DA/701/2021 - D08399868
APPLICANT/S	Think Planners
OWNERS	City of Parramatta Council
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	REFUSAL

DATE OF REPORT - 15 FEBRUARY 2022**REASON FOR REFERRAL TO LPP**

This item is being referred to the Parramatta Local Planning Panel as the owner of the subject site is The City of Parramatta Council.

EXECUTIVE SUMMARY

This is a summary of the full assessment of the application as outlined in Attachment 1, the Section 4.15 Assessment Report.

Site & Proposal

The subject site is known as Carlingford Bowling Club, 334 Pennant Hills Road, Carlingford. The current property description is Lot 10 DP 1216207. The site is an irregular shaped allotment that generally falls from Pennant Hills Road in the north towards Cox Park in the south. The subject site is a large, regularly shaped corner allotment with a significant slope from the eastern street boundary to the western rear boundary of approximately 7 metres over a distance of 70 metres.

The site is located within an RE1 Public Recreation zone pursuant to Parramatta Local Environmental Plan 2011 under which a recreation facility (indoor), as follows, which is a permissible use with consent in the zone.

The proposed development involves the construction of an air-conditioned marquee , with dimensions of 36.76m x 36.76m, with maximum height of 12.34m and with a GFA of 1,351.3m² on the existing bowling green to be used as an indoor badminton facility.

It is proposed to provide 10 badminton courts, catering for 20 players in singles matches and 40 players in doubles matches, within the marquee which are to operate 7 days a week between 10am and 9pm.

It is also proposed to construct a new lift adjacent to the external rear stairs of the club building connecting to the existing car park/concrete pathway around the

bowling greens with a PVC sheeting cover link between the marquee and the club building from the stairs to the rear of the covered car park area.

The application proposes a 3m high Perspex acoustic screen to the west and north of the building.

It is proposed to redesign the existing informal car park to the south of the bowling green, which would result in the site providing an additional 15 parking spaces, a total of 109 onsite.

A ramp is proposed to provide access to WC and change rooms. No detail is provided of the WC or change room to allow an assessment of their suitability. The proposal does not seek approval for the removal of vegetation.

Assessment

The application was assessed against the relevant environmental planning instruments, the proposal in its current form exhibits several non-compliances.

The applicant was requested to provide amended documentation from 1 October 2021 to address the non-compliances, however, at the time of writing the report (dated 24 December 2021), no documentation has been received. Accordingly, the application is recommended for refusal based on insufficient information preventing a complete assessment to be undertaken.

Information still required to undertake a complete assessment include:

- Lighting for the use of the marquee at night
- Shadow diagrams as requested since the Pre-DA minutes dated 1 April 2021
- Details of amenities are shown for the lower floor suggested to be used for persons playing badminton. Inadequate information has been provided showing an adequate accessible path of travel.
- Separation between the court and court walls are narrow (1m) and therefore unclear as to whether an accessible path of travel can be provided for spectators.
- Accessibility report as requested since the Pre-DA minutes dated 1 April 2021
- How the enclosure of the south-western side of the building, which provides connection between the marquee and the building, will impact other uses on the site and their accessibility
- Concern is raised that the proposed accessible ramp to amenities may reduce the size of the existing loading bay and result in conflicts between pedestrians and loading operations.

RECOMMENDATION

- (a) **That** the Parramatta Local Planning Panel exercising the functions of Council pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 **refuse** DA/701/2021 for the following reasons.

REASONS FOR REFUSAL:

1. ***Parramatta Development Control Plan 2011***

- (a) The proposed development is inconsistent with the following provisions of Parramatta Development Control Plan 2011:
- Part 3.2.1 Building Form and Massing
 - Part 3.2.3 Roof Design
 - Part 2.4.1 Views and Vistas
 - Part 3.2.2 Building Facades and Articulation
 - Part 3.3.1 Landscaping
 - Part 3.4.2 Access for People with Disabilities




2. *Environmental Planning and Assessment Act 1979*

- (a) As highlighted above, the proposal has non-compliances with Parramatta LEP 2011 and Parramatta DCP 2011. Accordingly, the proposal fails to satisfy the matters of consideration prescribed under s4.15(1)(a)(iii) of the EP&A Act 1979.
- (b) As the proposed development does not show consistency with critical provisions of the above instruments, the proposal is not considered to be in the public interest and also fails to satisfy s4.15(1)(b) and (e) of the EP&A Act 1979.

Albert Dzang
Development Assessment Officer

Sarah Irani
Team Leader Development Support

ATTACHMENTS:

1 	Section 4.15 Assessment Report	16 Pages
2 	Locality Map	1 Page
3 	Complete Architectural Plans used during assessment	32 Pages

REFERENCE MATERIAL



City of Parramatta Council

File No: DA/701/2021

SECTION 4.15 ASSESSMENT REPORT – PARRAMATTA LEP
Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/701/2021
Property:	Lot 10 DP 1216207, Carlingford Bowling Club, 334 Pennant Hills Road, CARLINGFORD NSW 2118
Proposal:	Construction of a marquee over an existing bowling green at the Carlingford Sports and Recreation club to be used as badminton courts, and construction of new lift access and parking.
Date of receipt:	30 July 2021
Applicant:	Think Planners
Owner:	City of Parramatta Council
Property owned by a Council employee or Councillor:	The site is owned by Council
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	No
Conciliation Conference Held:	No
Recommendation:	Refusal
Assessment Officer:	Kerry Gordon – Consultant Town Planner

Legislative requirements

Environmental Planning Instruments	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) • Parramatta Local Environmental Plan 2011
Zoning	RE1 – Public Recreation
Bushfire Prone Land	Yes
Heritage	Adjoins Item of Heritage
Heritage Conservation Area	No
Integrated development	No
Clause 4.6 variation	No
Delegation	PLPP

SITE DESCRIPTION AND CONDITIONS

The subject site is known as Carlingford Bowling Club, 334 Pennant Hills Road, Carlingford. The current property description is Lot 10 DP 1216207. The site is an irregular shaped allotment that generally falls from Pennant Hills Road in the north towards Cox Park in the south.

Whilst survey information is not provided for the entire site, survey levels of the portion of the site on which development is proposed indicate the land slopes down approximately 1.5m to a 1m high retaining wall. Beyond the retaining wall the land contains a wide concrete path, then drops approximately 250m to a level bowling green. To the south of the bowling green is a concrete path, then the land slopes more steeply down an embankment approximately 4.6m high. The majority of works are proposed on the bowling green, although some elements are proposed to connect the works to the existing 2 storey brick bowling club to the east and works are proposed to the carpark to the south.



Figure 1 Location of proposed marquee on the bowling green viewed from west

The subject site has the following area and dimensions:

Area – 1.236 hectares

Frontage – 61.425 metres (to Pennant Hills Road)

Rear – 191.43 metres (irregular curved boundary)

East – 76.805 metres (to Evans Road)

West – 155.57 metres (irregular boundary)

The site is zoned RE1 Public Recreation.

The surrounding properties are zoned RE1 Public Recreation, R4 High Density Residential and R2 Low Density Residential.

The subject site currently accommodates the Carlingford Bowling Club house, greens and car parking.

It is located within a mixed use area comprised of low and high density residential development as well as large areas of public recreation, including bushland.

The site was inspected on 23 December 2021.

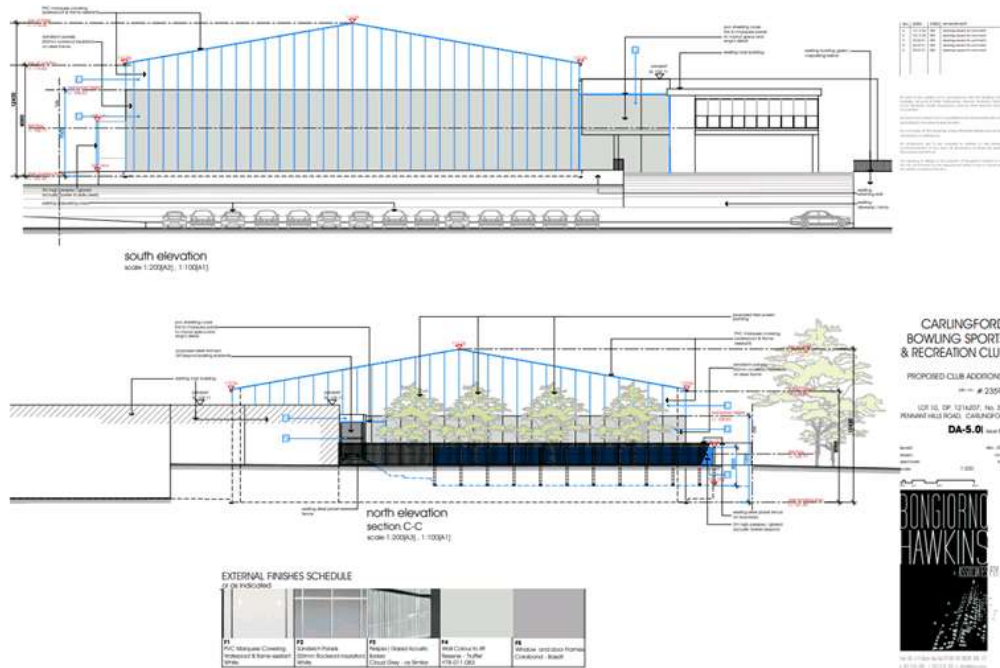


 - Subject Site  - Development area

Figure 2. Aerial Photo



Figure 3. Zoning Map (LEP 2011) - site outlined in blue



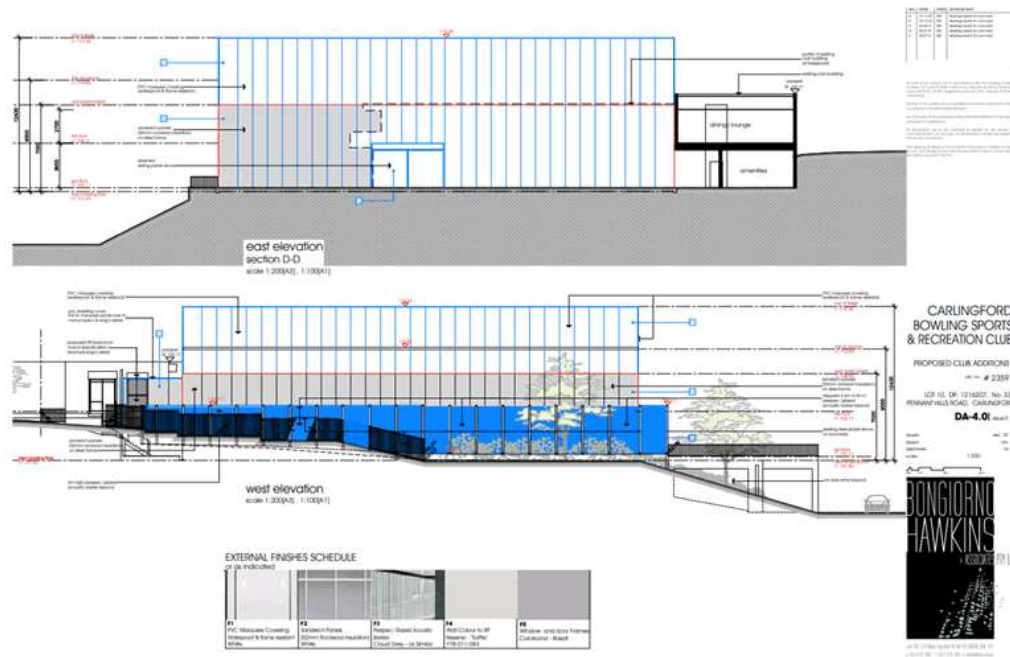


Figure 4. Elevations (Front / Side / Rear)

SECTION 4.15 EVALUATION

THE PROPOSAL

The proposed development involves the construction of an air-conditioned marquee on the existing bowling green to be used as an indoor badminton facility. The marquee is to have dimensions of 36.76m x 36.76m and have a GFA of 1,351.3m², with a maximum height of 12.34m. The proposed marquee is to have a gabled roof form with the ridge running parallel to the existing two storey club building. The height of the marquee at the eaves will be RL 110.96, 1.25m above the parapet of the club building and at the ridge is RL 114.26, 4.55m above the parapet of the club building. The marquee is to be constructed of PVC, with "sandwich panels" at the lower level of the building.

It is proposed to provide 10 badminton courts, catering for 20 players in singles matches and 40 players in doubles matches, within the marquee which are to operate 7 days a week between 10am and 9pm.

It is also proposed to construct a new lift adjacent to the external rear stairs of the club building which currently provides access to the bowling greens. The lift is to connect to the existing concrete pathway around the bowling greens. The plans indicate a PVC sheeting cover link is proposed between the marquee and the club building from the stairs to the rear of the covered car park area.

The application proposes a 3m high Perspex acoustic screen to the west and north of the building.

It is proposed to redesign the existing informal car park to the south of the bowling green, which would result in the site providing an additional 15 parking spaces, a total of 109 onsite.

A ramp is proposed to provide access to WC and change rooms. No detail is provided of the WC or change room to allow an assessment of their suitability.

The proposal does not seek approval for the removal of vegetation.

PERMISSIBILITY

The site is zoned RE1 Public Recreation under Parramatta Local Environmental Plan 2011. The proposal is defined as a recreation facility (indoor), as follows, which is a permissible use with consent in the zone.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Zone Objectives

The proposed development is consistent with the following objectives of the RE1 Public Recreation zoning applying to the land as discussed.

- To enable land to be used for public open space or recreational purposes.

The proposal would enable the land to be used for recreational purposes and as such would satisfy this objective.

- To provide a range of recreational settings and activities and compatible land uses.

The proposal would provide for an increase in the range of recreational activities provided on the site and as such would satisfy this objective.

- To protect and enhance the natural environment for recreational purposes.

The proposal does not seek to detrimentally impact areas of natural environment on the site, being proposed within the portion of the property that is already developed and as such would satisfy this objective.

- To conserve, enhance and promote the natural assets and cultural heritage significance of Parramatta Park.

This objective is not applicable to the assessment of the application.

- To create a riverfront recreational opportunity that enables a high quality relationship between the built and natural environment.

This objective is not applicable to the assessment of the application.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The site is not identified in Council's records as being contaminated. Council's Environmental Health Officer has not raised any concern in relation to site contamination and as such no further assessment is required.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained within the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is not subject to clause 45 of the SEPP as the development does not propose any works within the vicinity of electricity infrastructure.

The application is not subject to clause 85 of the SEPP as the development does not propose any works within the vicinity of Rail Corridors.

While the site does address Pennant Hills Road the application is not subject to clause 101 of the SEPP as the access to the site is located 240m from Pennant Hills Road via Evans Road.

The application is not subject to clause 102 of the SEPP as the proposal is not for a listed development which would be adversely affected by road noise or vibration frontage to a road with a daily traffic volume of more than 20,000 vehicles.

DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2020

Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 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 Section 4.15(1)(a)(ii) of the Environmental Planning & Assessment Act, the LEP is neither imminent or certain and therefore limited weight has been placed on it.

Notwithstanding, the proposed recreation facility (indoor) is consistent with the objectives of the Draft LEP.

COMPLIANCE TABLE – LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

Development standard	Compliance
Heritage Conservation	The site of the development is located in proximity to two identified items of heritage, both being bushland. The distance from the heritage items to the proposed development is sufficient such that it will not detrimentally impact the items. No Aboriginal places of heritage significance are likely to be impacted as the works are all proposed on areas of the site that have already been subject to cut and fill works.
Acid sulphate soils	The proposal involves minimal disturbance of soil and the site is classified as Class 5. Accordingly, the proposal is not likely to result in any detrimental impact in relation to ASS or PASS.
Earthworks	The proposal involves minimal disturbance of soil and as such the minor earthworks required will have no unacceptable impacts.
Height	The property does not have a maximum height limit
FSR	The property doesn't have a maximum FSR

COMPLIANCE TABLE – DEVELOPMENT CONTROL PLAN 2011

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

Development Control	Compliance
Views and Vistas	<p>The SEE has not considered the impact of the proposal upon views and vistas from public or private places.</p> <p>The proposed building is over 12m high and nearly 37m x 37m in dimension and is to be constructed of PVC and panelling finished in white. Accordingly, the building will be very visually dominant in its setting, which is raised above the level of Cox Park and visible from both Pennant Hills Road and Evans Road.</p> <p>Given the height, bulk, scale and materials proposed, the building would have an unacceptable visual impact upon views to and from Cox Park, including from the adjacent child play area. It will also result in loss of views from the adjoining child play area and the future picnic area to the north of the bowling green (identified in the Plan of Management for the site – see Figures 5 and 6)</p> <p>The bulk, scale, colour and material of the proposed building will result in an unacceptable visual impact when viewed from the adjoining residential properties to the west (see Figure 7) and is also likely to result in the loss of views of Cox Park and bushland in Galaringi Reserve.</p>

	Accordingly, the development fails when assessed against the design principles and objectives of Part 2.4.1 Views and Vistas of the DCP in relation to views from both the public domain and private properties.
Protection of Waterways	N/A
Protection of Groundwater	N/A
Soil Management	N/A
Acid sulphate soils	Yes – refer to LEP comments
Salinity	N/A
Land Contamination	Yes – refer to SEPP 55 comments
Air Quality	N/A
Development on Sloping Land	N/A
Biodiversity	N/A
Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone	The site does not adjoin land zoned E2 or W1, it being noted that the ovals of Cox Park separate the site from the land to the south that is zoned E2 Environmental Protection.
Building Form and Massing	<p>No. The height, bulk and scale of the development is inappropriate in its setting, overwhelming the existing club house building and having a poor relationship with the surrounding residential areas and Cox Park.</p> <p>The height and mass results in unacceptable amenity impact upon the adjoining residential properties, when viewed from the adjoining roads and when viewed from Cox Park.</p> <p>The proposal fails when assessed against the objectives and design principles of Part 3.2.1 Building Form and Massing for these reasons.</p>
Building Façade and Articulation	<p>The building is of an inappropriate height, bulk and scale and the design provides no articulation to reduce the impact of the building mass. The mass is further emphasised by the white colouring chosen for the proposed PVC and cladding.</p> <p>Such materials are visually incongruent with the existing building and the character of the area.</p> <p>The materials are also not appropriate for a permanent structure and are likely to result in visual deterioration within a short time frame. The use of PVC for a building of this scale is inappropriate for a permanent building, particularly in such a visually sensitive location. The proposed form and materiality of the proposal are more suited to a temporary use rather than a permanent structure.</p>

	The proposal fails when assessed against the objectives and design principles of Part 3.2.2 Building Facades and Articulation for these reasons.
Roof Design	<p>The pitched form of the proposal is reasonable, however the use of white PVC for the roof is unacceptable for the same reasons provided above. Further, the PVC connecting roof elements are also considered to be inappropriate in both design and material. The proposed form and materiality of the proposal is more suited to a temporary use rather than a permanent structure.</p> <p>The proposal fails when assessed against the objectives and design principles of Part 3.2.3 Roof Design for these reasons.</p>
Streetscape	<p>The overall form of the development and design is considered to be incompatible with the current streetscape and setting for the reasons discussed in relation to the building form, massing, façade, articulation and roofing.</p> <p>The proposal fails when assessed against the objectives and design principles of Part 3.2.5 Streetscape for these reasons.</p>
Landscaping	The application has not been accompanied by a landscape plan prepared by a suitably qualified person as is required by the design principles of Part 3.3.1 Landscaping and as such fails when assessed against these principles and their objectives.
Visual and Acoustic Privacy	<p>The proposed use will not result in any detrimental visual privacy impacts.</p> <p>The Environmental Health Officer has indicated that, subject to conditions, no unacceptable acoustic privacy impacts will occur as a result of the operation of the development.</p> <p>However, this assessment is reliant upon the proposed 3m high Perspex acoustic screen to be provided around the northern and western side of the marquee. The visual impact of this structure is not acceptable in the park context. Any sound attenuation required for such a building should be incorporated into the structure to reduce its visual impact upon other areas within the park.</p>
Water Sensitive Urban Design	The Development Engineer raised no concerns in relation to the proposal.
Waste Management	The Environmental Health Officer has indicated that, subject to conditions, no objection is raised in relation to waste management of the development.
Access for People with Disabilities	Whilst the proposal provides for a new lift and access ramps, inadequate information is provided to ascertain

	whether the proposal is acceptable in relation to Part 3.4.2 Access for People with Disabilities.
Safety and Security	The design makes no provision for casual surveillance around the sides of the very large building. Further, the proposed use of cladding and PVC are likely to attract the attention of graffiti vandals.
Heritage & Special Precincts	See comments in relation to the LEP.
Parking and Vehicular Access	Additional parking is proposed for the use, however, at the time of writing of this report no referral response had been received from the Traffic Engineer.

REFERRALS

Internal Referrals	Comment
Development Engineer	Supported subject to conditions
Environmental Health - General	Supported subject to conditions
Environmental Health - Acoustic	Supported subject to conditions
Environmental Health - Waste	Supported subject to conditions
Traffic and Transport	Supported subject to conditions
External Referrals	Comments
No external referrals required.	



Figure 5 View from child play area within park to west to be lost outlined in red (approximate loss)



Figure 6 View from pathway within park to the north, marquee outlined in red (approximate)



Figure 7 Apartments to the west of the photograph in Figure 6, likely to lose views of Cox Park and Galaringi Reserve

PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures contained within Appendix 5 of DCP 2011. In response no submissions were received.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

Conciliation Conference – Not Required

The application received no submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

OTHER MATTERS

Whilst the Master Plan for Cox Park does not address this site, it proposes the creation of a picnic area to the north of the proposed marquee (in the location to the centre in Figure 6). The structure would most likely visually detract from the identified picnic area given the proposed materials and the structure's height and bulk.

Further, the proposal involves a 3m high Perspex acoustic screen proposed to the west and north of the building which is another element that will have a detrimental visual impact. Such an element would be unnecessary if the structure was constructed of appropriate materials that provide adequate acoustic screening.

The application is not accompanied by adequate information to allow a full assessment of the impact of the proposal. In this regard the following information is outstanding:

- The application is unclear in relation to lighting for the use of the marquee at night. There are existing light poles which are to be retained, but they are shown on the outside of the marquee.
- The pre-DA minutes requested shadow diagrams however none have been provided.
- It is suggested that the amenities on the lower level of the existing club building will be used by the persons playing badminton however no information is provided of what those amenities are (i.e. no floor plan) and inadequate information has been provided showing an adequate accessible path of travel.
- The separations between the proposed courts and between the courts and the walls of the marquee are very narrow (1m) and it is unclear whether an accessible path of travel is provided within the structure for spectators.
- An accessibility report was requested in the pre-DA minutes and not provided.
- Inadequate information has been provided as to how the enclosure of the south-western side of the building, which provides connection between the marquee and the building, will impact other uses on the site and their accessibility.
- Concern is raised that the proposed accessible ramp to the amenities may reduce the size of the existing loading bay and result in conflicts between pedestrians and loading operations.

It is noted that Council sent a request for additional information in relation to the application to the Applicant on 1 October 2021 however no additional information has been provided at the time of writing of this report.

DEVELOPMENT CONTRIBUTIONS

The application is recommended for refusal and as such this is not applicable.

BONDS

The application is recommended for refusal and as such this is not applicable.

EP&A REGULATION 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection could be addressed by appropriate consent conditions, however the application is recommended for refusal.

CONCLUSION

Refusal

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is not suitable for the site and is not in the public interest. Therefore, it is recommended that the application be refused.

RECOMMENDATION

That the Parramatta Local Planning Panel refuse DA/701/2021 for the following reasons.

1. The development involves construction of a building of inappropriate height, bulk, scale, design and materials in the context of its location, resulting in unacceptable visual impacts upon the public domain and as viewed from private properties. The proposal fails when assessed against the objectives and design principles of Part 3.2.1 Building Form and Massing and Part 3.2.3 Roof Design of the DCP.
2. The height, bulk and scale of the structure results in the loss of views to bushland within the park and Galarangi Reserve from the adjacent child play area and the future picnic area within the park and likely impacts views from adjacent residential development. Accordingly, the development fails when assessed against the design principles and objectives of Part 2.4.1 Views and Vistas of the DCP in relation to views from both the public domain and private properties.
3. The design provides inadequate articulation within the building given its height, bulk and scale. The proposal fails when assessed against the objectives and design principles of Part 3.2.2 Building Facades and Articulation.
4. The application fails to provide an appropriate landscape setting for such a visually dominant building which is located in a sensitive location. The application has not been accompanied by a landscape plan prepared by a suitably qualified person as is required by the design principles of Part 3.3.1 Landscaping of the DCP and as such fails when assessed against the principles and their objectives.
5. The use of a free standing Perspex acoustic screen wall of 3m height around two sides of the marquee to resolve acoustic impacts is unacceptable and adds to the visual impact of the development. Any acoustic impact mitigations measures should be provided for by the building, with use of appropriate materials.
6. Whilst the proposal provides for a new lift and access ramps, inadequate information is provided to ascertain whether the proposal is acceptable in relation to Part 3.4.2 Access for People with Disabilities of the DCP.

7. The application is not accompanied by an adequate level of information to allow for its assessment in relation to the following:
- a. The application is unclear in relation to lighting for the use of the marquee at night. There are existing light poles which are to be retained, but they are shown on the outside of the marquee.
 - b. The pre-DA minutes requested shadow diagrams however none have been provided.
 - c. It is suggested that the amenities on the lower level of the existing club building will be used by the persons playing badminton however no information is provided of what those amenities are (ie no floor plan) and inadequate information has been provided showing an adequate accessible path of travel.
 - d. The separations between the proposed courts and between the courts and the walls of the marquee are very narrow (1m) and it is unclear whether an accessible path of travel is provided within the structure for spectators.
 - e. An accessibility report was requested in the pre-DA minutes and not provided.
 - f. Inadequate information has been provided as to how the enclosure of the south-western side of the building, which provides connection between the marquee and the building, will impact other uses on the site and their accessibility.
 - g. Concern is raised that the proposed accessible ramp to the amenities may reduce the size of the existing loading bay and result in conflicts between pedestrians and loading operations.

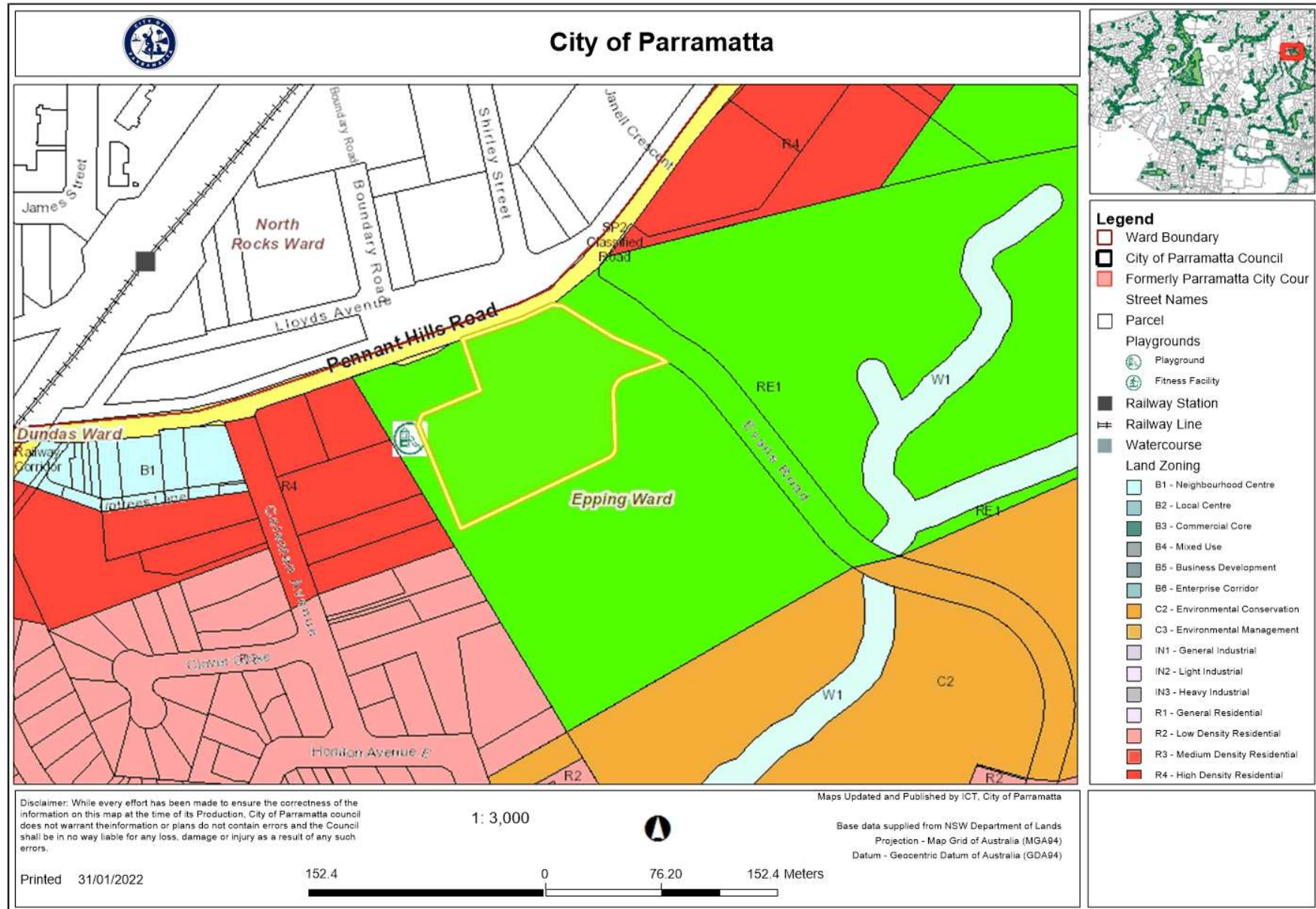
Report prepared by

Kerry Gordon
Consultant Town Planner

Signature:



Date: 24 December 2021







At least to be served out in accordance with the following Code of
Aesthetics, of 1999, by the Commission, various Australian Charities,
Local Authorities, under Regulators and/or other relevant authorities,
concerned:

At least to be served out in a professional and commercial manner
according to the said Code of aesthetics;

Do not stop off the design, except on the road and use figured
dimensions in preference;

At dimensions due to be measured & verified on site before the
commencement of any work, all dimensions & loads the subject to
this order shall remain;

The starting & design is the domain of Engineers/Architects & Road,
Should not be reproduced simply in part or whole without
the written consent of the firm.

CARLINGFORD
BOWLING SPORTS
& RECREATION CLUB


PROPOSED CLUB ADDITIONS

job no. # 2359

LOT 10, DP. 1216207, No. 334
PENNANT HILLS ROAD, CARLINGFORD

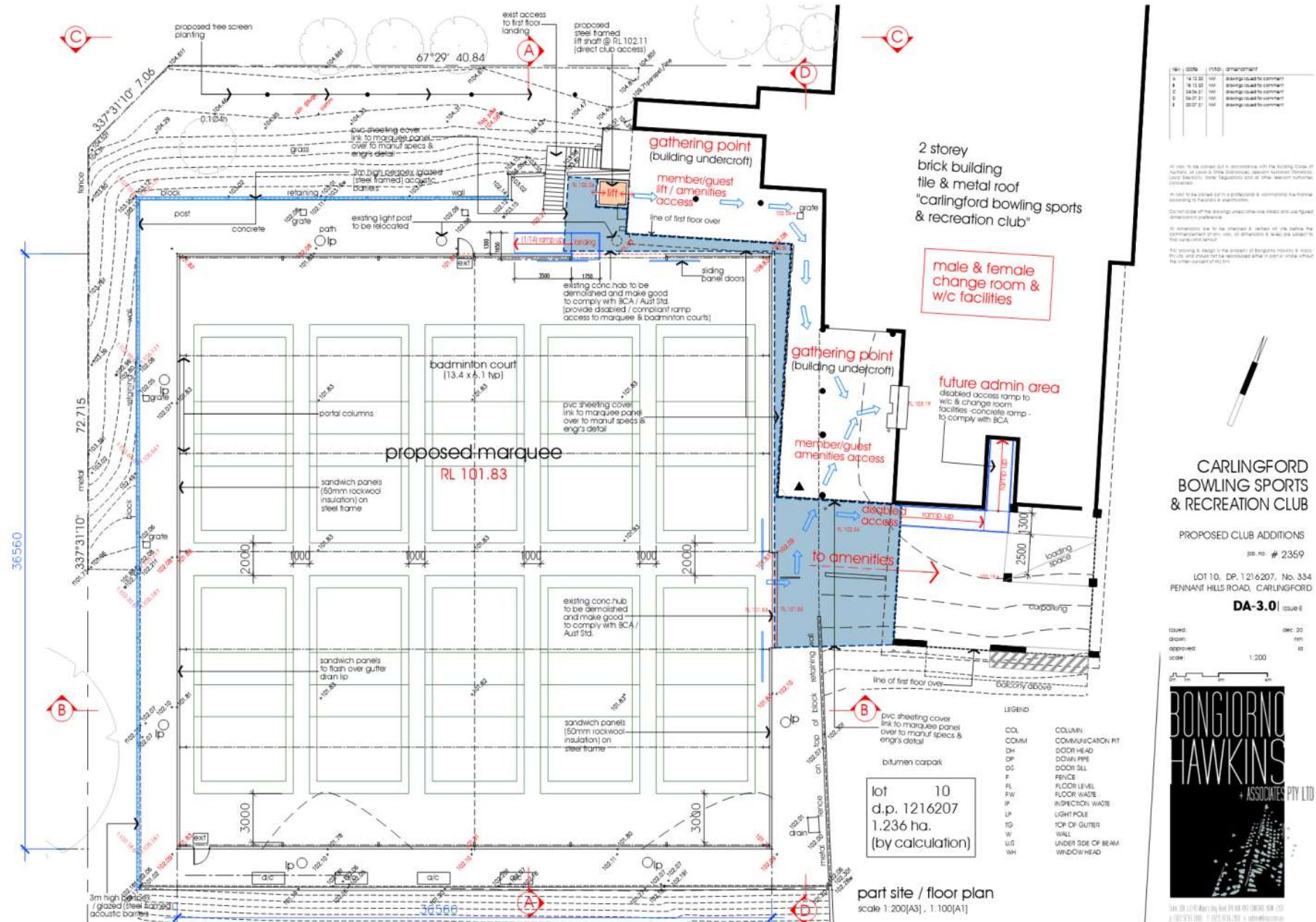
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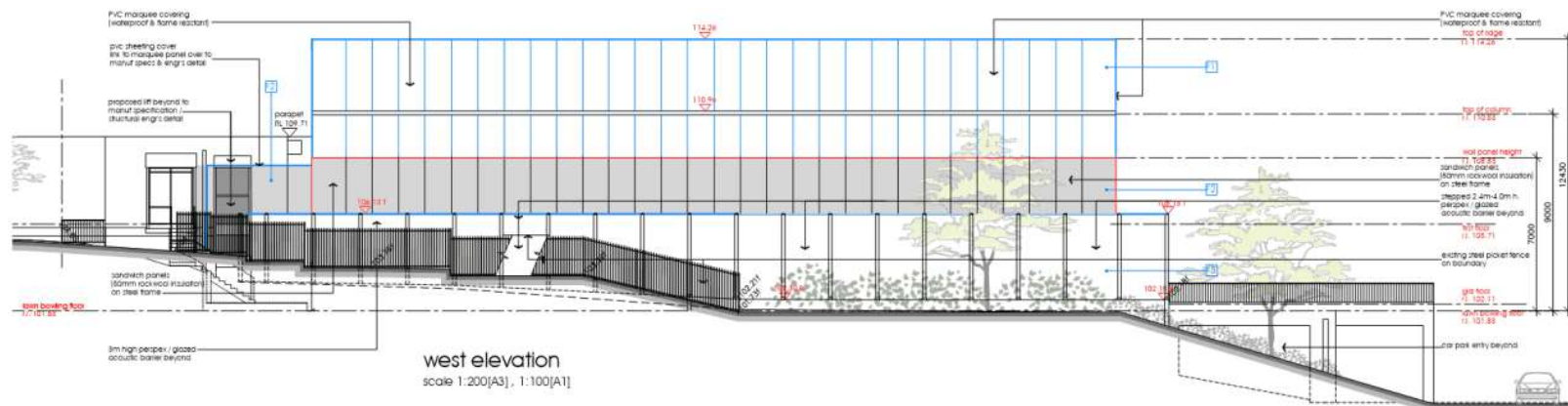
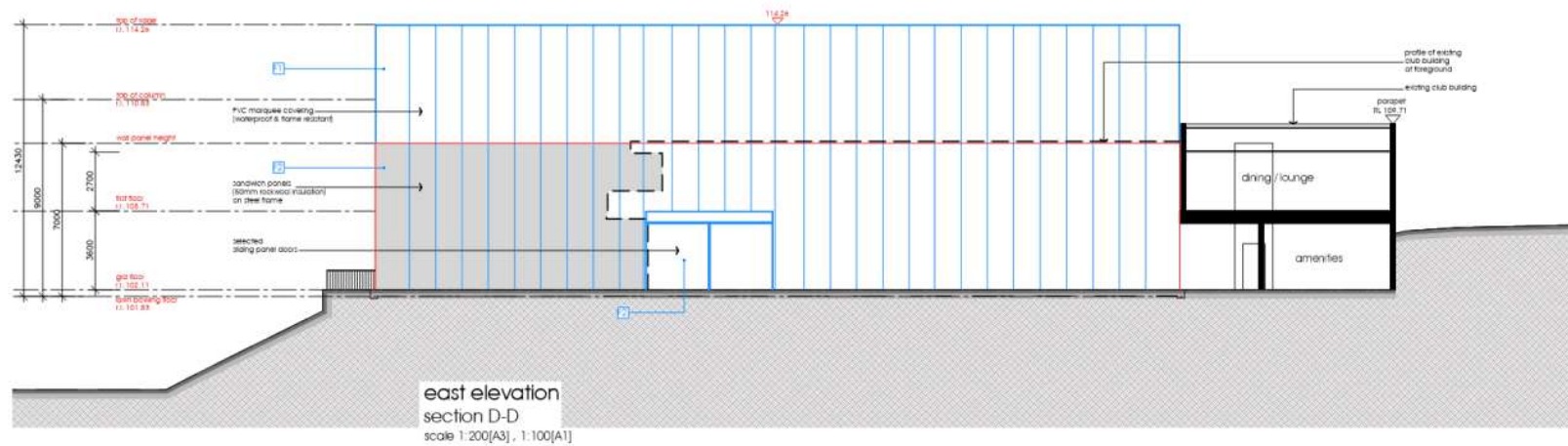
issued: Dec. 20
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 approved: 10
 scale: 1:1000



**BONGIORNO
HAWKINS**
+ ASSOCIATES PTY LTD

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DOI 10.1002/0000-0000.200500000



EXTERNAL FINISHES SCHEDULE
or as indicated

F1	F2	F3	F4	F5
PVC Marquee Covering Waterproof & flame resistant White	Sandwich Panels (50mm Rockwool insulation) White	Perseus / Glazed Acoustic Barriers Cloud Grey - or Similar	Wall Colour to lift Resene - 'Tuffie' Y75-011-063	Window and door Frames Colorbond - Satin

REV	DATE	BY	DESCRIPTION
A	14.10.22	MM	drawings issued for comment
B	18.10.22	MM	drawings issued for comment
C	24.10.22	MM	drawings issued for comment
D	06.07.23	MM	drawings issued for comment
E	09.07.23	MM	drawings issued for comment

All work to be done in accordance with the Building Code of Australia, all state & local Government, relevant National Standards, Local Authority, State Department and all other relevant authorities, codes and standards.

All work to be done in accordance with the Building Code of Australia, all state & local Government, relevant National Standards, Local Authority, State Department and all other relevant authorities, codes and standards.

Do not copy off the drawings unless otherwise stated and use figures dimensions as published.

All dimensions are to be checked & verified on the building. The dimensions of any work, all dimensions & work are subject to the survey and design.

The building is designed to the standards of the Building Code of Australia, all state & local Government, relevant National Standards, Local Authority, State Department and all other relevant authorities, codes and standards.

CARLINGFORD
BOWLING SPORTS
& RECREATION CLUB

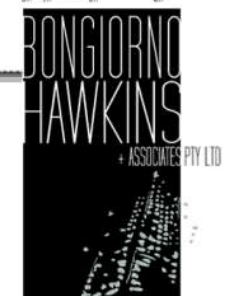
PROPOSED CLUB ADDITIONS

job no. # 2359

LOT 10, DP: 1216207, No. 334
PENNANT HILLS ROAD, CARLINGFORD

DA-4.0 | issue E

issued: 09/07/2023
drawn: 09/07/2023
approved: 09/07/2023
scale: 1:200



Site: 10/10/2023
Drawn: 09/07/2023
Approved: 09/07/2023
Scale: 1:200



All work is to be carried out in accordance with the Building Code of Australia, or Local & State Ordinances, relevant Australian Standards, Local Councils, State Regulators and all other relevant authorities consulted.

As part of the research, a professional & commercial 4-machine according to the state-of-the-art.

Do not slope of the design unless otherwise noted and use figured dimensions in preference.

As respondents are to be charged & notified on file before the commencement of any use, all respondents & local law enforcement

The company is based in the province of Bergamo, Italy, and

PI-LTD AND ZHANG YATONG INTRODUCED OTHER PATENTS WHICH THE INVENTOR OWNED.



PROPOSED CLUB ADDITIONS

job no. # 2359

LOT 10, DP, 1216207, No. 334

PENNANT HILLS ROAD, CARLINGFORD

DA-5.0 | ISSUE E

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approved:	is

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CONCLUSIONS

DISCUSSION

BUNGEARBI

CONVERTING
10/11/12

AWAKING

HAWKINS

WORKING

+ ASSOCIATES PTY LTD

Circumstance	Percentage (%)
Self-defense	95
To protect others	85
To protect property	75
To protect the community	65
To protect the environment	55

1000

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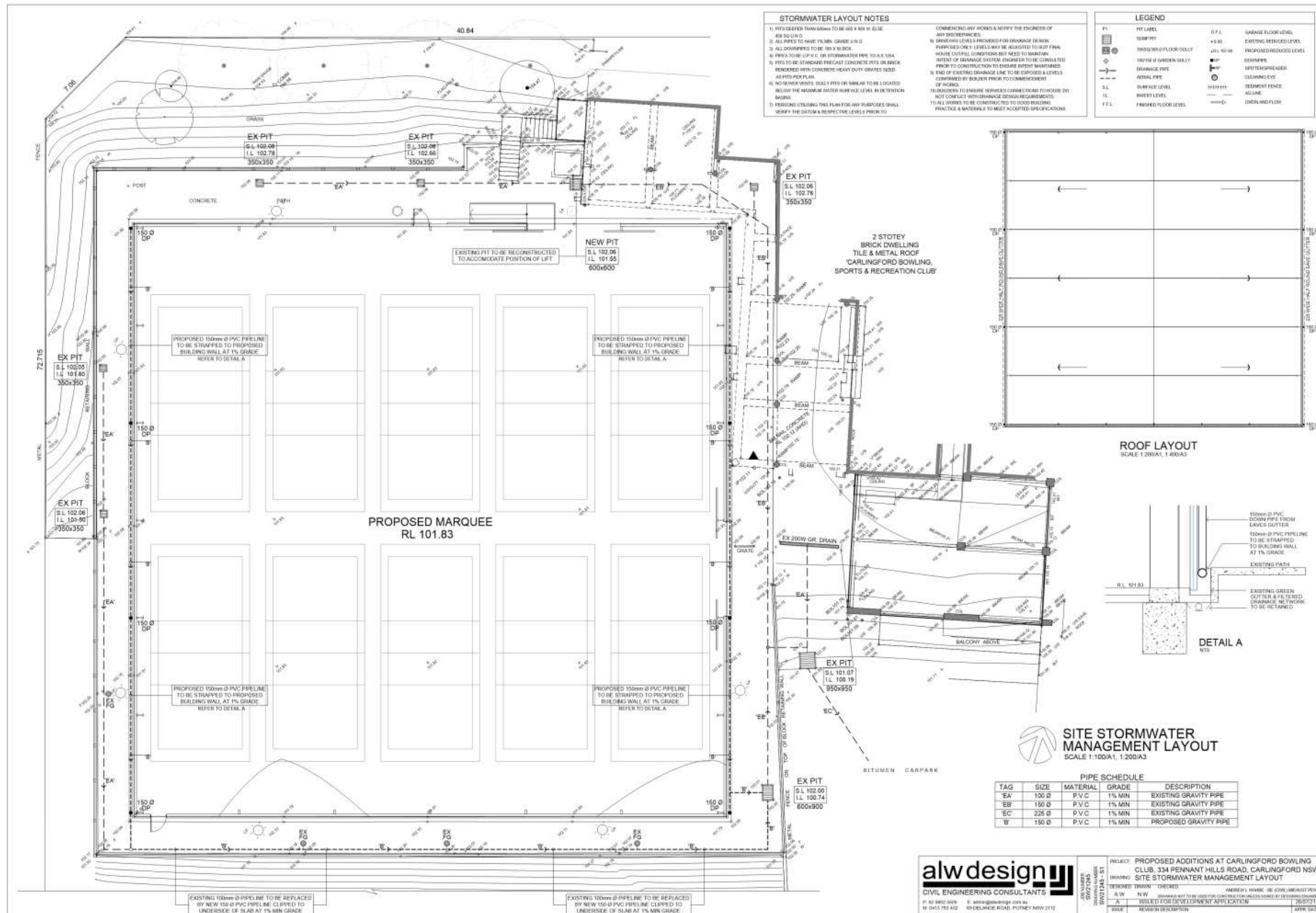
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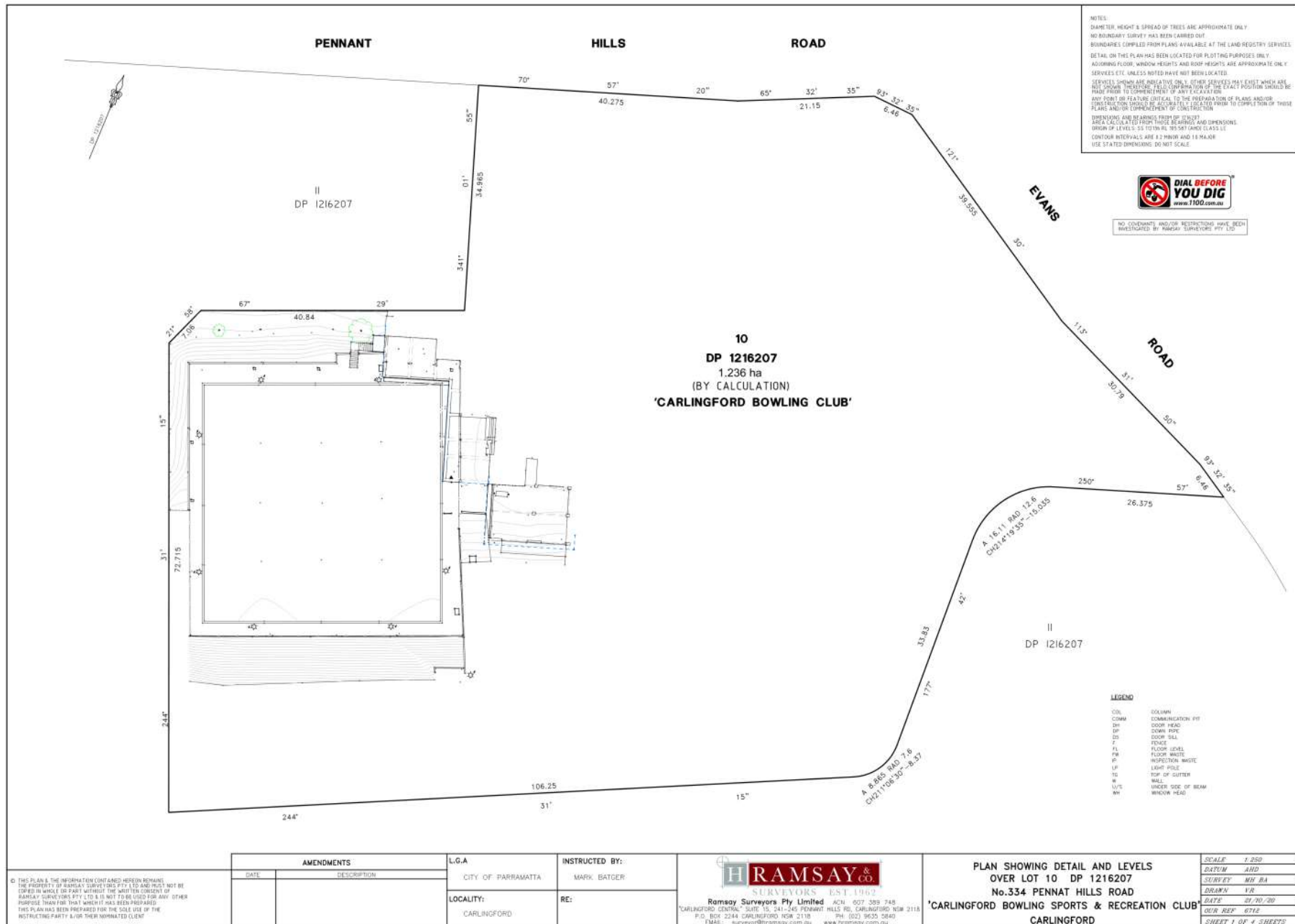
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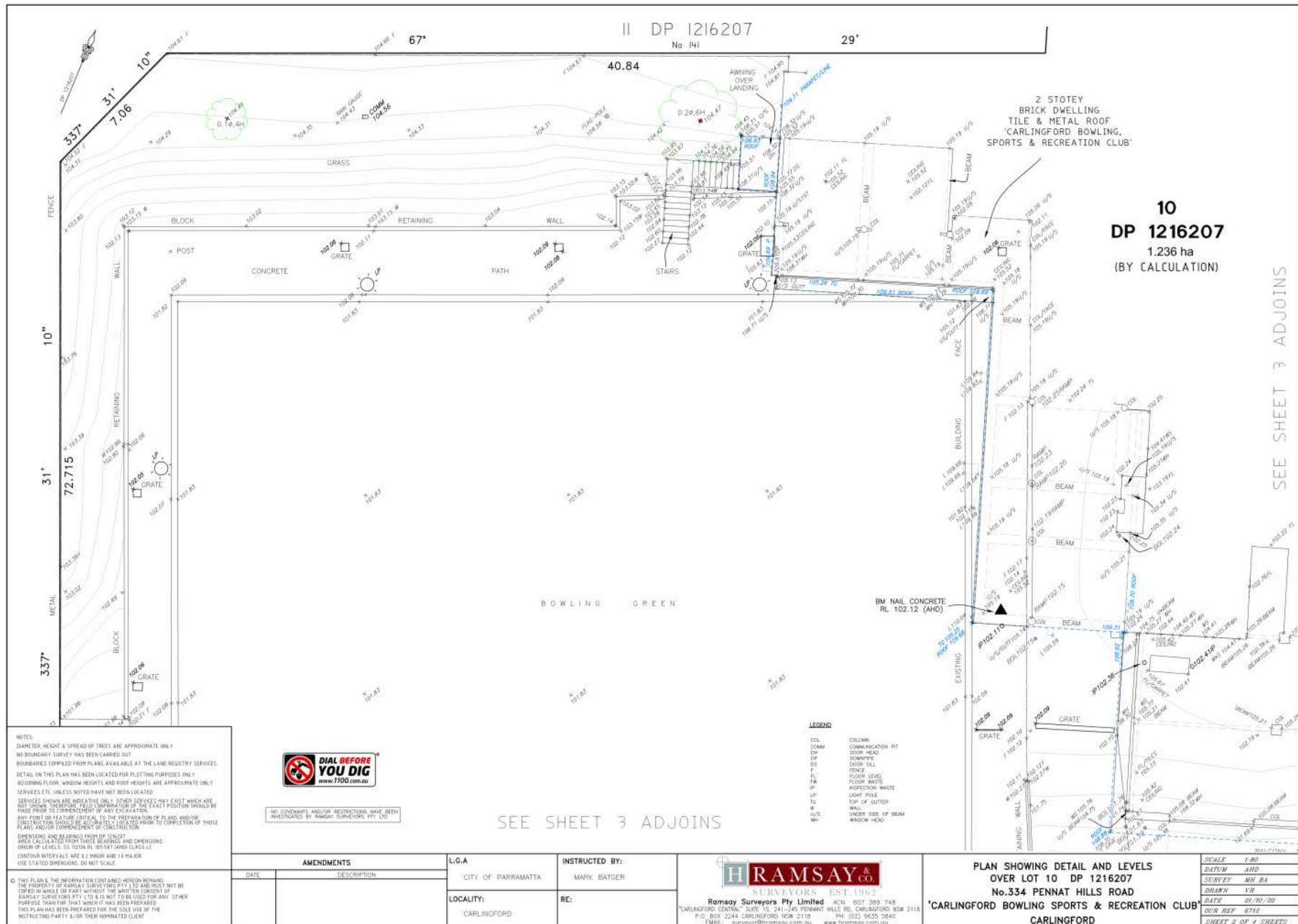
				
F1 PVC Marquee Covering Waterproof & flame resistant White	F2 Sandwich Panels (50mm Rockwool insulation) White	F3 Perplex / Glazed Acoustic Barrier Cloud Grey - as similar	F4 Wall Colour to lift Resinse - Truffe V75(P1) - 083	F5 Window and door Frame Colorbond - Basalt

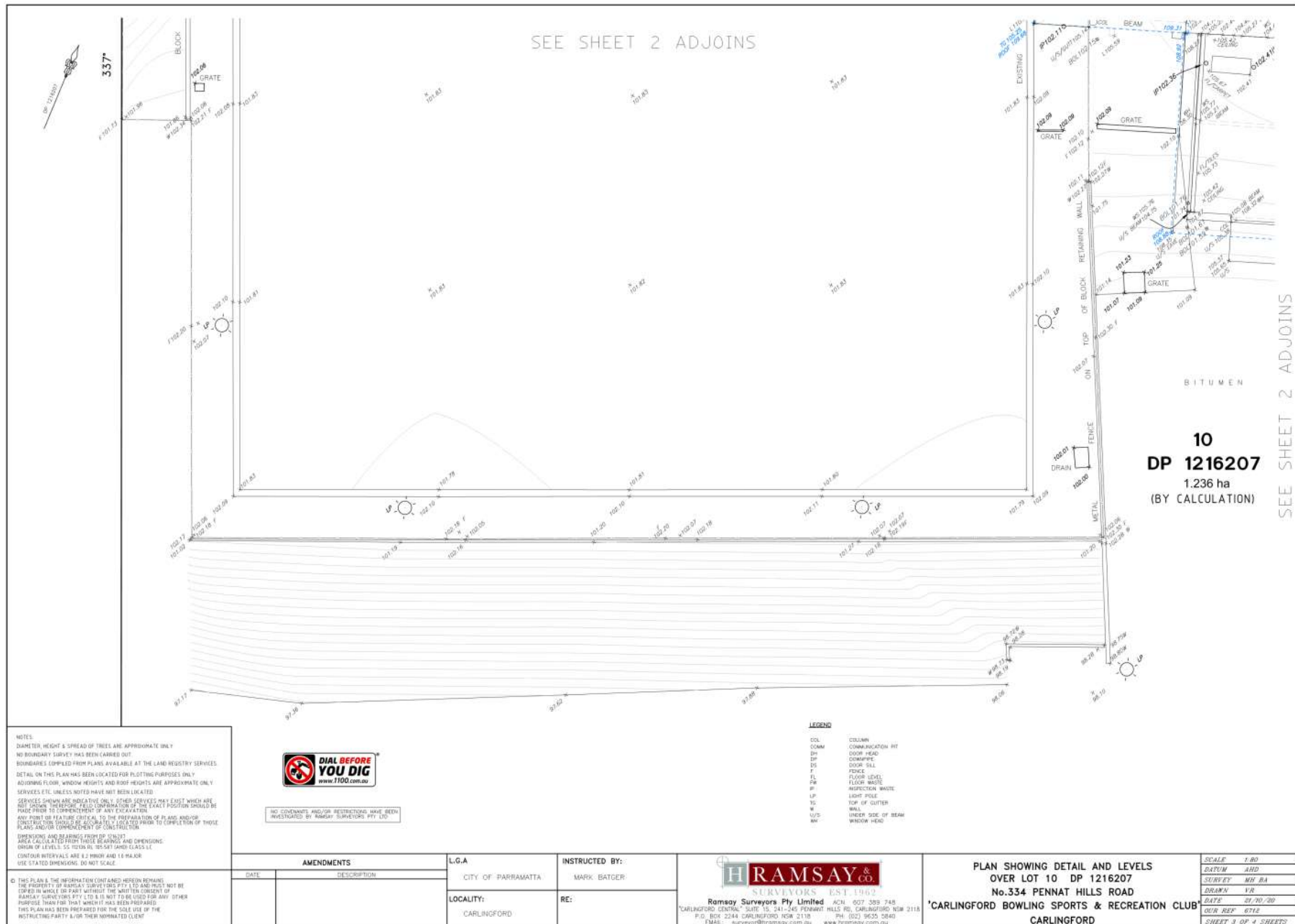


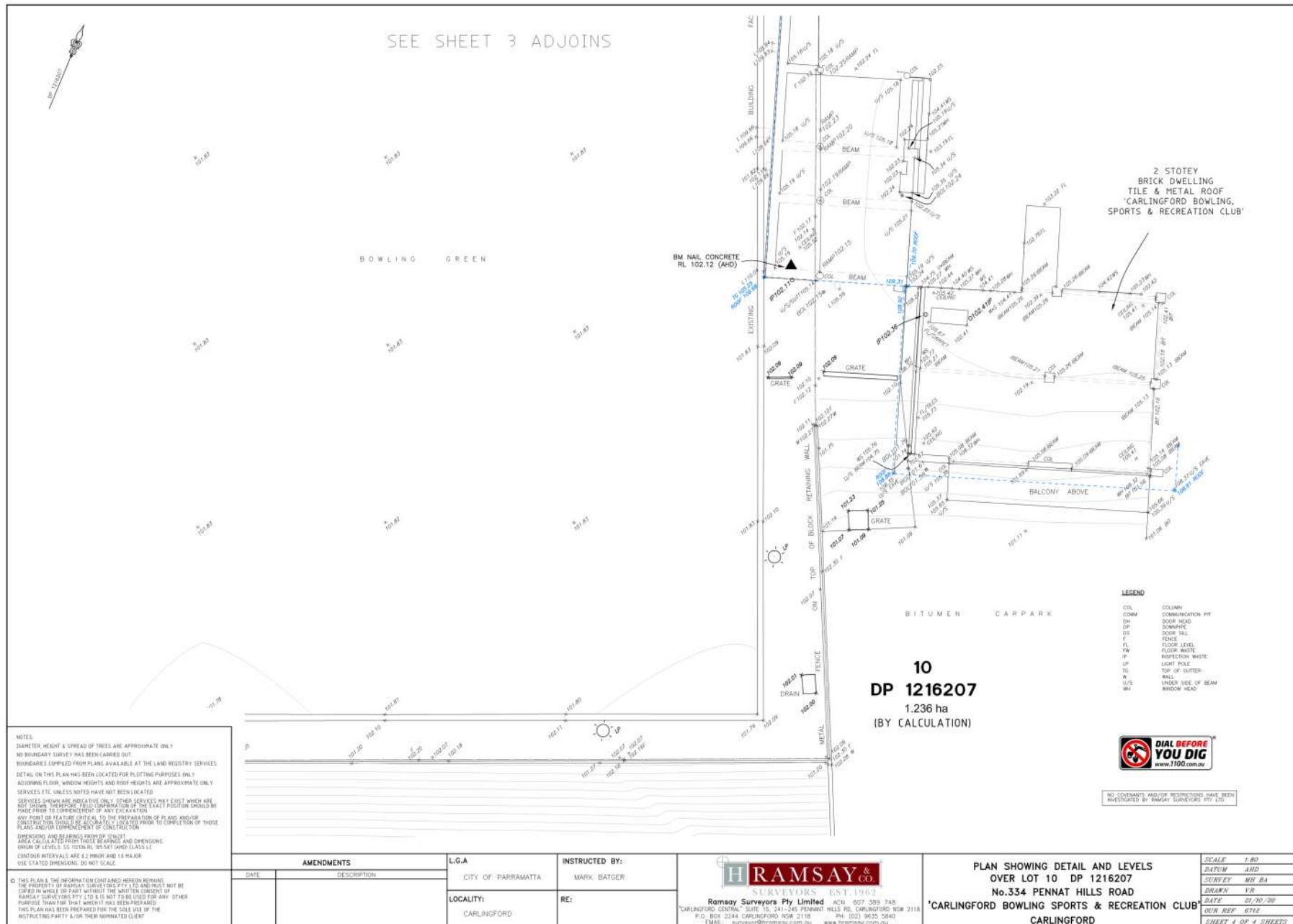
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INNOVATIVE

15 FEBRUARY 2022

- 6.1 Post Exhibition: 1 Windsor Road, North Rocks - Planning Proposal and draft Planning Agreement 664
- 6.2 Post-Exhibition: 85-91 Thomas Street,
Parramatta - Planning Proposal, Draft Site-Specific
Development Control Plan and Draft Planning Agreement 815

INNOVATIVE

ITEM NUMBER	6.1
SUBJECT	Post Exhibition: 1 Windsor Road, North Rocks - Planning Proposal and draft Planning Agreement
REFERENCE	RZ/9/2019 -
APPLICANT/S	Fabcot Pty Ltd
OWNERS	J L Dunrose Pty Ltd
REPORT OF	Project Officer

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil**PURPOSE**

The purpose of this report is to seek the Local Planning Panel's advice to Council on the outcome of the public exhibition of the Planning Proposal and draft Planning Agreement for land at 1 Windsor Road, North Rocks.

RECOMMENDATION

The Local Planning Panel support the following Council Officer recommendations in the Panel's advice to Council:

- (a) **That** Council receives and notes submissions made during the public exhibition of the Planning Proposal and draft Planning Agreement for 1 Windsor Road, North Rocks.
- (b) **That** Council approve the Planning Proposal (at **Attachment 1**) for land at 1 Windsor Road, North Parramatta for finalisation that seeks to amend Schedule 1 in Parramatta (former The Hills) Local Environmental Plan (LEP) 2012 by adding 'retail premises' as an additional permitted use (limited to a maximum of 3,800 m²) to facilitate a supermarket and liquor store.
- (c) **That** Council approve the draft Planning Agreement for finalisation (at **Attachment 2**), that proposes to:
 - 1. Dedicate a portion of the and to Council free of cost (the **Dedication of Land**) for the purpose of a possible future road widening of James Ruse Drive; and
 - 2. Register a public access easement at no cost to Council, over that part of the Land on which the Bridge Works and the Council Works will be located, in favour of Council (the **Easement**).
 - 3. That upon receipt of development consent for the site, the developer construct a lightweight steel bridge structure (3m wide) that is to provide further pedestrian access to the Land from North Rocks Road (the **Works**).

4. That upon receipt of development consent for the site, the developer pay a monetary contribution of \$500,000 to Council (the **Contribution**) to facilitate the construction of a future footbridge connection.
- (d) **That** Council authorise the Chief Executive Officer to exercise the plan making delegations as granted by the Gateway Determination for this Planning Proposal.
- (e) **Further, that** Council delegates authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process relating to the Planning Proposal.

Planning Proposal Timeline



SITE DESCRIPTION

1. The subject site is located on the corner of Windsor Road and James Ruse Drive. The site comprises two lots and is legally described as Lot 1 in DP 112482 and Lot 6 in DP 247452, with a total area of approximately 2.52ha. See **Figure 1** and **2** below.
2. The site is currently occupied by a large warehouse building (previously occupied by Bunnings Warehouse), with a gross floor area of 7,405m². At grade car parking is provided on the site, with 260 spaces located predominantly to the south of the building with the remainder to the north and west.



Figure 1 – Site at 1 Windsor Road, North Rocks subject to the planning proposal



Figure 2 – Aerial view 1 Windsor Road, North Rocks subject to the Planning Proposal

3. At its meeting on 16 June 2020, the Local Planning Panel (LPP) considered a report on a Planning Proposal for the subject site and recommended: *that the planning proposal not proceed for the reason that retail premises such as a Woolworths supermarket and liquor store should not be permitted at an isolated site but should be located in or attached to existing town or village centres, in line with sound strategic land use planning.* In response to this recommendation, the applicant prepared and submitted further analysis to Council to “demonstrate that the development of a supermarket on the site is

entirely appropriate and consistent with the strategic planning framework”
(Attachment 3).

4. At its meeting on 27 July 2020, Council considered this matter, including the additional material that had been supplied by the applicant to address the LPP concerns **(Attachment 3)**, and resolved to endorse the Planning Proposal **(Attachment 1)**, which seeks to amend Schedule 1 of the Parramatta (former The Hills) Local Environmental Plan 2012 by adding retail premises as an additional permitted use (limited to a maximum of 3,800 m²) to facilitate a Woolworths supermarket and a liquor store. In its resolution, Council noted that the original LPP recommendation was to not proceed with the Planning Proposal. The additional information supplied by the applicant to address the matters raised by the LPP are considered later in this report at paragraphs 20 to 24. Consequently, Council resolved to endorse seeking a Gateway Determination for the Planning Proposal.
5. A Gateway Determination was issued by the then Department of Planning, Industry and Environment (DPIE) on 3 November 2020 (refer to **Attachment 4**). As part of this determination, DPIE authorised Council as the local plan-making authority, which means that should the matter proceed, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. The LEP amendment will then be signed by the CEO before being notified on the NSW Legislation website.
6. On 9 August 2021, Council resolved to authorise the CEO to finalise for public exhibition purposes the draft Planning Agreement in order to provide the required infrastructure to support the proposed development in accordance with a submitted Letter of Offer. Council also resolved that the draft Planning Agreement be placed on exhibition concurrently with the Planning Proposal.
7. On 27 October 2021, DPIE issued a revised Gateway determination **(Attachment 5)** stating the timeframe for completing the LEP is 31 March 2022.
8. The Planning Proposal, draft Planning Agreement and supporting documentation were publicly exhibited for 28 days from 19 November 2021 to 17 December 2021.

PLANNING PROPOSAL

9. The Planning Proposal seeks to amend The Hills Local Environmental Plan 2012 (Hills LEP 2012) to allow for an additional permissible use ('retail premises') at No.1 Windsor Road, North Rocks.
10. The planning proposal will seek approval to permit 'retail premises' in the form of a supermarket and liquor shop on the site, to a maximum of 3,800m². The site is within the B6 Enterprise Corridor Zone, which currently allows a range of non-residential (and commercial) uses but not 'commercial premises', of which 'retail premises' are a type of 'commercial premises' use. The remaining 3,015m² of the site will be used as a non-retail warehouse and distribution centre, which is permitted with consent in the B6 Enterprise Corridor Zone.
11. The planning proposal demonstrates that allowing the proposed supermarket use on the site would address some of the significant undersupply of

supermarket floor space within the local area. It is anticipated that supporting this planning proposal would result in additional employment with a total of 1,196 jobs likely to be created both directly and indirectly.

PLANNING AGREEMENT

12. The exhibited draft Planning Agreement (**Attachment 2**) includes the following key elements:

Items		Value for Planning Agreement
Local Items		
1.	Construction of a lightweight, steel bridge structure 3m wide that provides pedestrian access to the site from North Rocks Road (shaded in green and red in (Figure 3) .) - prior to the issue of the final Occupation Certificate	\$640,000 (estimate)
2.	Registration of an easement for public access in favour of Council for proposed footpath connection (in the location hatched in red labelled "Easement dedicated to Council for proposed footpath connection" in (Figure 3) .) - prior to the issue of the final Occupation Certificate	\$75,000 (estimate)
3.	Monetary Contribution towards construction of the proposed footpath connection prior to the issue of the first Construction Certificate	\$500,000
Total value of local items		\$1.215 million
State Items		
4.	Dedication to Council of approximately 515 sqm of land to facilitate James Ruse Drive widening (being the land marked "Land to facilitate possible future James Ruse Drive widening" in (Figure 3)) - prior to the issue of the first Construction Certificate. Until such time as Transport for NSW advises, there is no current plan for the widening of the James Ruse Drive off ramp to Windsor Road. Dedication to Council ensures the land is available for future widening.	\$370,000 (estimate)
Total Value		\$1.585 million

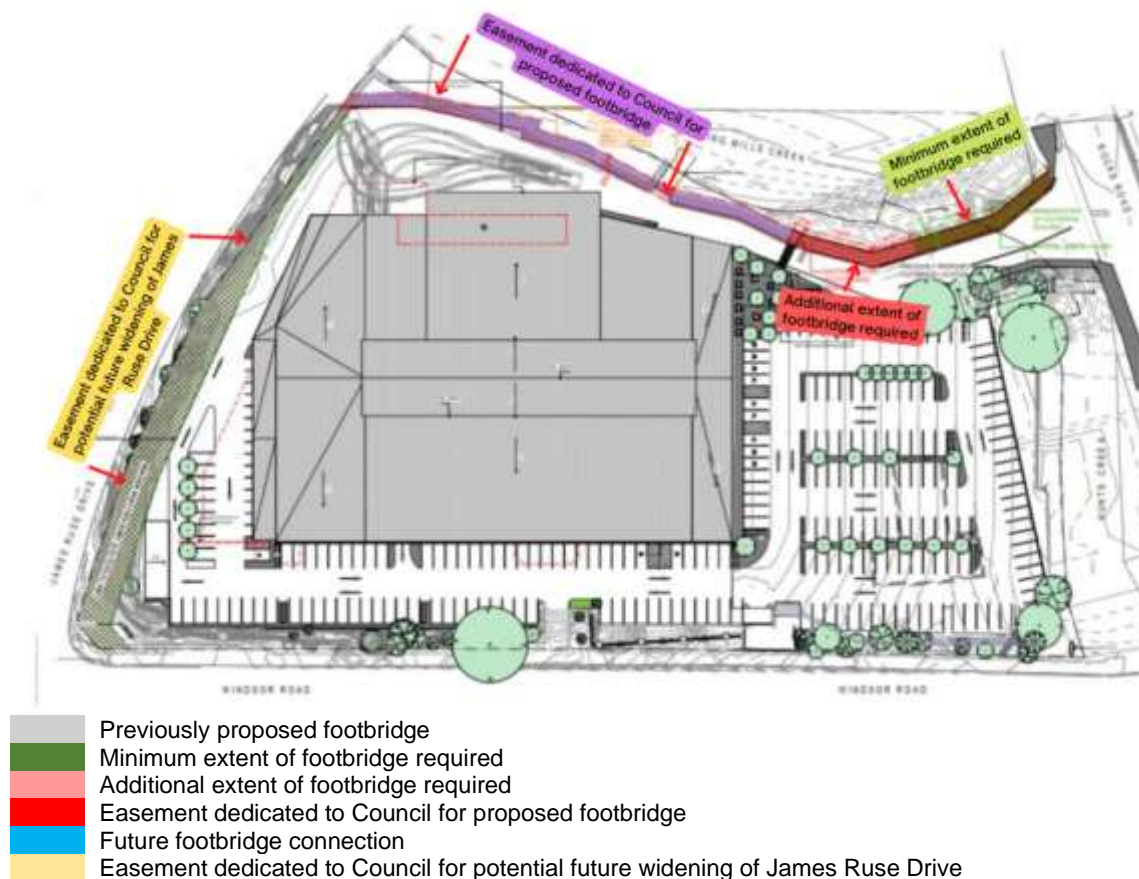


Figure 3 – Map showing items included in the planning agreement.

13. It is noted that the DPIE Planning Agreements Practice Note (February 2021) seeks to move away from value capture (as referred to in Council's Planning Agreements Policy 2018) towards an infrastructure needs approach to negotiating planning agreements.
14. The purpose of the Planning Agreement is to provide for both local and state infrastructure works required to be delivered as a result of the proposed redevelopment of the site and therefore is consistent with the objectives of the Practice Note.
15. The draft Planning Agreement assists in delivering active transport and Green Grid links along Darling Mills Creek, as identified in the Parramatta Ways Walking Strategy. Additionally, the development of pedestrian facilities will provide direct access to the supermarket for residents on the northern side of James Ruse Drive.
16. The dedication of land to Council for potential future widening of James Ruse Drive is of great value to the community as it negates the need for future land acquisitions should such a project be undertaken. According to TfNSW this is likely to occur.
17. In conclusion, the draft planning agreement provides high value social infrastructure in the short-term, and the potential to address traffic congestion in the long-term.

EXHIBITION OUTCOMES

18. The Planning Proposal, draft Planning Agreement and supporting documentation were publicly exhibited for 28 days from 19 November 2021 to 17 December 2021 as required by the Gateway Determination. Notification methods used in the exhibition included:
- Letters to surrounding landowners
 - Dedicated exhibition page on Council's Participate Parramatta website
 - Advertisement on Council's website
 - Exhibition folders in Council's customer service and Parramatta CBD library.
19. Public agencies were also notified in writing of the public exhibition in accordance with the Gateway determination, with the following agencies consulted:
- Heritage NSW
 - NSW State Emergency Services
 - Transport for NSW.
20. A total of nine (9) submissions were received comprising six (6) from the community, with the remaining three (3) from public agencies (breakdown provided in **Table 1**). Overall, one submission supported the proposal and the draft Planning Agreement in full, two objected in full, and three raised comments suggesting changes without expressing support or objection to the Proposal.

Table 1 - Breakdown of submissions received

	Number	Breakdown
Community/landowners	6	Various landowners
Public Agencies	3	Transport for NSW, NSW State Emergency Services, NSW Heritage
Total	9	

COUNCIL OFFICER RESPONSE TO KEY ISSUES RAISED IN SUBMISSIONS

21. **Table 2** summarises the key issues raised in the community submissions including a Council officer's response.

Table 2 - Summary of issues raised by the community during public exhibition period

Consultation Issues	Council Officer Response
1. Traffic & Parking	Raised in 2 out of 9 submissions
1. Raised concern regarding the current busy traffic generation on Windsor Road, James Ruse Drive and North Rocks Road and the intersections, also the potential traffic impacts on the existing road network during peak hours.	Council's Traffic and Transport officers have reviewed the application and support the Proposal. They consider that the trip generation from the site is likely to be lower than similar supermarkets in the afternoon peak due to the prevailing traffic conditions within the area. Therefore, the traffic generated from the proposed supermarket use would not be significantly different from the traffic generation

<p>2. Traffic issues require further consideration including redesign and build of intersections and lights.</p>	<p>from other uses permissible on the site under the existing zoning in the afternoon peak.</p> <p>A supermarket located in a residential area with low traffic congestion is likely to have significantly higher vehicle trip generation in the afternoon peak due the practicality of being able to access the site in a timelier manner rather than within an area with higher underlying traffic congestion. It is considered that customers are more likely to travel to other supermarkets that will be comparatively easier to access during peak periods or may also travel to the site outside of these peak times to take advantage of the extended trading hours of supermarkets. For this reason, Council officers consider that the proposed supermarket use is not likely to contribute to additional traffic as much as may occur were it to be located elsewhere.</p> <p>Council officers and the applicant's traffic consultant acknowledge that the adjacent road network is currently operating at capacity in the weekday afternoon peak. Notwithstanding, the site is well located to deliver improvements to the surrounding traffic network while also improving access to and from the site.</p> <p>The draft Planning Agreement proposes to deliver:</p> <ul style="list-style-type: none"> - Access improvements from North Rocks Road – augmenting the existing access bridge into the site to facilitate safe access (at least 3m wide) for pedestrians and cyclists entering and leaving the site. - Dedication of land to Council to facilitate a possible future additional third lane on the westbound off-ramp of James Ruse Drive onto Windsor Road. <p>It is considered that the traffic related issues can be addressed through delivery of traffic and transport infrastructure upgrades and pedestrian and cyclist access to and from the site.</p>
<p>2.Site accessibility/Safety access</p>	<p>Raised in 2 out of 9 submissions</p>
<p>1. Need for adequate cycleways to provide safe access to the supermarket proposed.</p> <p>2. Pedestrian bridge to be suitably designed for a shared path structure and well separated from the traffic and parking.</p> <p>3. Request the provision of safe storage of bicycles is needed to be a part of the design.</p> <p>4. Request for a pedestrian access bridge across Church St/ Windsor Rd.</p>	<p>With regards to 1 and 2, the draft Planning Agreement proposes to deliver:</p> <ul style="list-style-type: none"> - Access improvements from North Rocks Road – augmenting the existing access bridge into the site to facilitate safe access (at least 3m wide) for pedestrians and cyclists entering and leaving the site. - Cycleway/pedestrian bridge upgrade will be in accordance with Council's guideline for a minimum of 3m wide (lightweight, steel bridge) and will be constructed in accordance with Council's future pathway plan. The

	<p>design will also be required to meet the relevant standards within the "Austroad Guides".</p> <p>The proposed access footpath/cycleways and the bridge augmentation are specifically designed to ensure that active transport by pedestrians and cyclists are suitable and safe and has been verified by Council's senior Transport Planner.</p> <p>With regards to 3 and 4:</p> <p>Storage of bicycles will be a matter for consideration at the DA stage. There is no identified infrastructure need for a pedestrian access bridge across Church St / Windsor Rd specifically to support this development. The identified infrastructure needed to support the proposal has been addressed as part of the draft Planning Agreement.</p>
<ol style="list-style-type: none"> 1. Need to increase the walkability between Northmead, North Rocks and North Parramatta without using Windsor Road. 2. Need for a walkway along Darling Mills Creek from the publicly owned land at Northmead Creative and Performing Arts High School to the 1 Windsor Road site to allow Northmead residents to easily access the proposed supermarket. 	<p>The draft Planning Agreement proposes to deliver a pedestrian through-site link adjacent to Darling Mills Creek (public access easement through and along the eastern boundary of the site connecting the rear of the site with North Rocks Road via the proposed pedestrian bridge). This connection will provide a north/south public access easement through the site providing a broader north/south connection to connect the high-density development to the north of James Ruse Drive to the future supermarket, as well as facilitating improved connectivity to Northmead High School (Figure 3).</p> <p>This link is also identified as one of the major routes in Council's Parramatta Ways Walking Strategy. Parramatta Ways is City of Parramatta's plan for supporting the implementation of the Sydney Green Grid. Prepared by the Government Architect NSW, the Sydney Green Grid sets the framework for delivering an interconnected network of public and open spaces via transport routes, creek corridors, streets and cycleways.</p> <p>Pedestrian connectivity will therefore be improved as a result of the proposal.</p>
Other	Raised in 1 out of 9 submissions
<ol style="list-style-type: none"> 1. Do not support the addition of residential or commercial development on this land. 2. The land should be converted to a green space. 	<p>The site is zoned B6 Enterprise Corridor. The Planning Proposal introduces an additional permitted use to the B6 zone and is therefore not considered to be a significant intensification of use of the site. The proposal will not facilitate any residential development and will not result in an increase in density for commercial development on the site.</p>

	The site is not an open space zone and neither has it been identified as being required as such by Council.
Support with no comment	Raised in 1 out of 9 submissions

AGENCY SUBMISSIONS

NSW State Emergency Services

22. The planning proposal was referred to NSW State Emergency Services for comment. **Table 3** below summarises the key issues raised, including a Council officer's response.

Table 3 - Summary of issues raised by NSW SES during public exhibition period

Consultation Issues	Council Officer Response
<ol style="list-style-type: none"> Under the Flood Prone Land Policy, evacuation routes should avoid floodwater. Evacuation and secondary risk emergency strategies should not rely on the assumption that emergency services can attend. Building safety for occupation in flood events. 	<p>Flood modelling suggests that the key entrance/exit to the site (onto North Rocks Road) is rated at H1 – benign flows with no development restrictions.</p> <p>Risk and Emergency Management policies can be prepared to NSW Hazard management requirements.</p> <p>Any potential flood impacts would be further considered and addressed as a part of the future detailed development application (DA).</p>

Transport for NSW

23. The planning proposal was referred to TfNSW for comment. TfNSW do not object to the Planning Proposal but raised a few matters for consideration. **Table 4** below summarises the key issues including a Council officer's response.

Table 4 - Summary of Issues raised by TfNSW during public exhibition period

Consultation Issues	Council Officer Response
<ol style="list-style-type: none"> Suggestion that the definition and the plan should insert the words: land to facilitate "possible future" James Ruse Drive widening. Suggestion for any future DA that a Plan of Management be prepared, and a condition be added prior to issue of an OC for construction of a roundabout on North Rocks Road. 	<p>Noted, and amendments made.</p> <p>Noted. Development and Traffic Services has advised that the construction of a roundabout at Speers Road/North Rocks Road is sufficient to support left-turning traffic. This work is scheduled to be undertaken in 2022.</p>

Heritage NSW

24. The planning proposal was referred to Heritage NSW. **Table 5** below summarises the key issues raised, including a Council officer's response.

Table 5 - Summary of issues raised by Heritage NSW during public exhibition period

Consultation Issues	Council Officer Response
The proposal will not impact upon any State Heritage items.	Noted.
Recommends the proponent undertake an investigation to assess the likelihood of 'relics' and any subsequent management required under the Heritage Act.	This shall occur at the DA stage.
Council is responsible for the heritage assessment and consideration of any impacts on the Local Heritage Item 'Stone Bridge Approaches and Foundation Plaque, Sydney Woollen Mills' (A23).	Noted, significant impacts are not expected to occur and can be appropriately managed at the DA stage.

25. Following consideration of all issues raised during the public exhibition of the Planning Proposal and draft Planning Agreement for the site, it is recommended that the Proposal be endorsed to proceed to finalisation with no changes to the exhibited documentation.

COUNCIL OFFICER RESPONSE TO LOCAL PLANNING PANEL CONCERNS

26. The Local Planning Panel considered this matter at its meeting of 16 June 2020 and recommended the following to Council:

That the planning proposal not proceed for the reason that retail premises such as a Woolworths supermarket and liquor store should not be permitted at an isolated site but should be located in or attached to existing town or village centres, in line with sound strategic land use planning.

27. In response to this recommendation, the proponent prepared further analysis to *"demonstrate that the development of a supermarket on the site is entirely appropriate and consistent with the strategic planning framework."* A copy of this additional information is included at **Attachment 3**.
28. The additional information provides a detailed analysis of existing centres and land zoned to permit a supermarket development within the proposed trade area. The analysis identifies that there is an undersupply of supermarket floorspace in the trading area of over 7,000m², and concludes there are no other sites within or adjoining an existing centre or on appropriately zoned land within the trade area that can reasonably accommodate a substantial supermarket.
29. A map detailing the main trade area of the proposed supermarket and nearby competition is shown in **Figure 4** below.

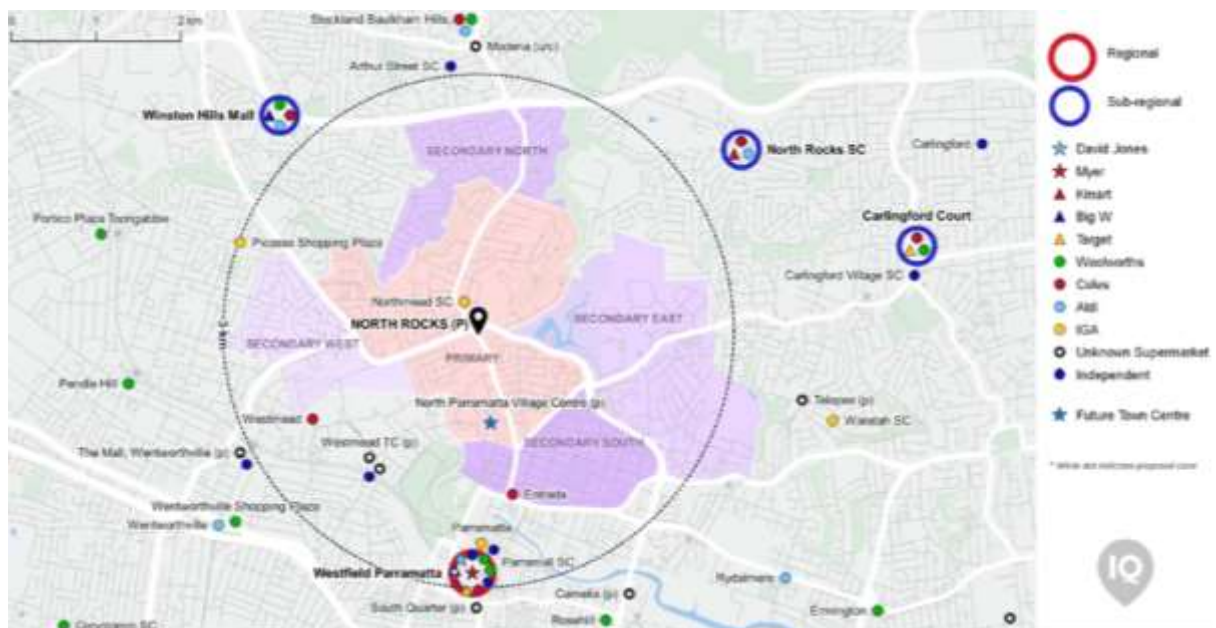


Figure 4 – Main trade area and existing retail servicing the area (extracted from Economic Impact Assessment)

30. Given that the trade area is within an established urban area, a site of sufficient size to accommodate a supermarket of the nature being proposed is not available within the parameters recommended by the Local Planning Panel. The economic impact assessment provided by the proponent establishes that there is an existing undersupply of supermarket floorspace in the trade area of approximately 7,114m², and that any impacts on nearby centres such as Northmead will not affect their economic viability. In addition, any such impacts will be offset over time due to underlying population growth in the region.
31. Furthermore, the economic impact analysis notes that the proposed supermarket, coupled with the warehouse and distribution and ancillary office use, will provide both direct and indirect employment generation in the region of 1,196 jobs. Also, the warehouse and distribution component of the proposed development is intended to provide improved online supermarket delivery services for the local community. Given the demonstrated need and lack of a viable alternative site, it is therefore considered reasonable to permit a supermarket of 3,800m² on the subject site in this instance to contribute towards the identified shortfall of supermarket floor area.

FINANCIAL IMPLICATIONS FOR COUNCIL

32. Any work to progress the finalisation of the Planning Proposal would be prepared by Council Officers and within the existing City Planning budget. Should this matter progress, a Planning Agreement will be entered into between the applicant and Council. Further, at development application stage, any applicable development contributions in keeping with the current rates will be applied to the development.

CONCLUSION AND NEXT STEPS

33. It is recommended that the Local Planning Panel supports the Council Officer recommendation for Council to endorse the exhibited Planning Proposal and exercise its plan-making delegations as granted by the Gateway Determination. The LEP amendment will then be signed by the CEO before being notified on the NSW Legislation website.
34. Following Local Planning Panel consideration of the recommendations of this report, the outcomes of the exhibition period for the Planning Proposal and draft Planning Agreement will be reported to an upcoming Council meeting along with the Panel's advice.











Dot Hepburn
Project Officer

Michael Rogers
Land Use Planning Manager

David Birds
Group Manager, Major Projects and Precincts

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

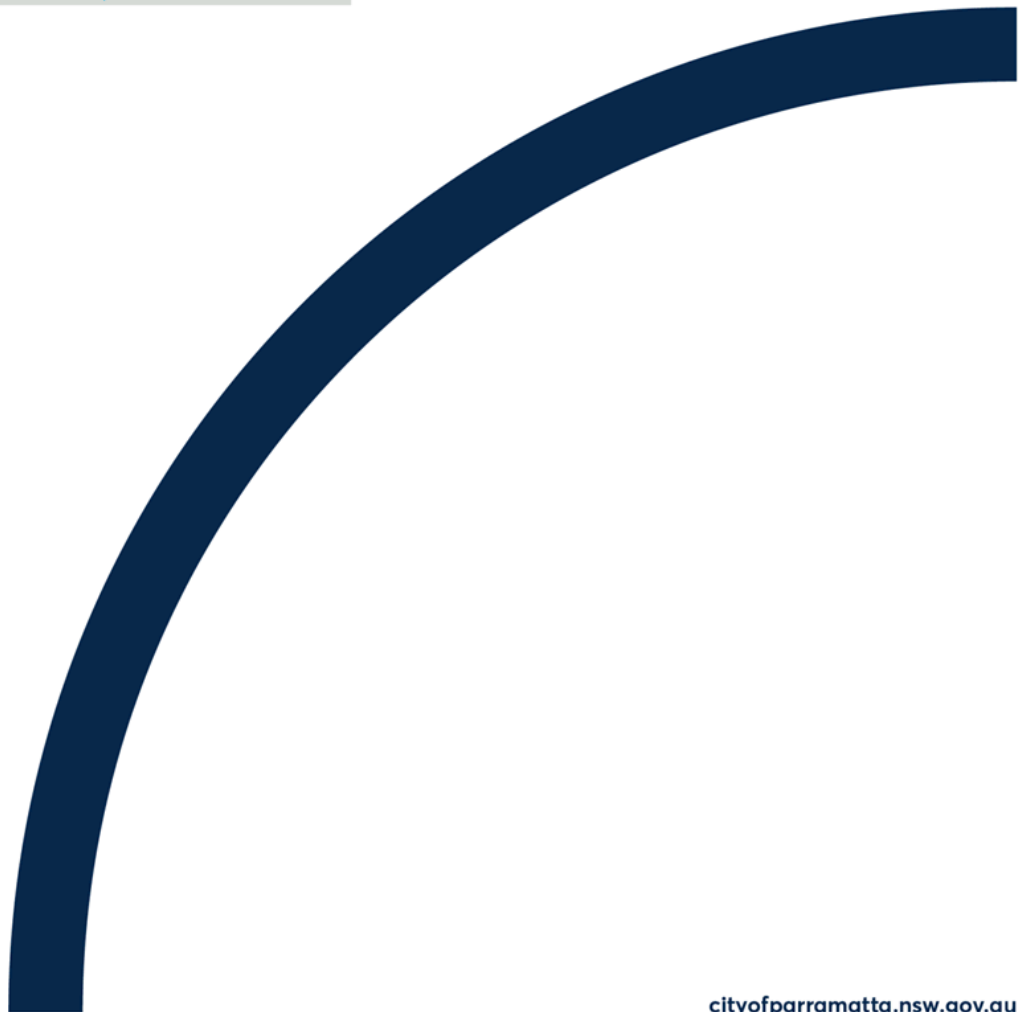
1  	Planning Proposal (as exhibited)	39 Pages
2  	Draft Planning Agreement	35 Pages
3  	Economic Impact Assessment	61 Pages
4  	Gateway determination	2 Pages
5  	Alteration of Gateway determination	1 Page

REFERENCE MATERIAL



PLANNING PROPOSAL

1 Windsor Road, North Rocks



cityofparramatta.nsw.gov.au



**CITY OF
PARRAMATTA**

PLANNING PROPOSAL

[insert site name (if applicable)]

1 Windsor Road, North Rocks

cityofparramatta.nsw.gov.au

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PLANNING PROPOSAL – 1 Windsor Road, North Rocks

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Planning Ingenuity Pty Ltd	22 October 2019

Council versions:

No.	Author	Version
1.	City of Parramatta Council	Report to Local Planning Panel and Council on the assessment of planning proposal and submission to DPIE for Gateway Determination
2.	City of Parramatta Council	Consistent with Gateway Determination

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

INTRODUCTION

This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta (former The Hills) Local Environmental Plan 2012*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (DP&E) guides, 'A Guide to Preparing Local Environment Plans' (August 2016) and 'A Guide to Preparing Planning Proposals' (August 2016) and 'Guidance for merged councils on planning functions' (May 2016).

Background and context

On 28 October 2019, the applicant, Planning Ingenuity Pty Ltd, on behalf of the landowner, Fabcot Pty Ltd, lodged a Planning Proposal with the City of Parramatta Council for land at 1 Windsor Road, North Rocks. The site was previously occupied by a Bunnings store however it is currently unoccupied.

The subject site is located on the corner of Windsor Road and James Ruse Drive. The site comprises two lots and is legally described as Lot 1 in DP 112482 and Lot 6 in DP 247452, with a total area of approximately 2.52ha.

The site has frontage to Windsor Road to the west and to James Ruse Drive (slipway) to the north. It is adjacent to, but does not have direct frontage to, North Rocks Road, being separated by Darling Mills Creek which runs adjacent to the site to the eastern and southern boundaries.

The main access to the site is from North Rocks Road with vehicular entry/exit and a pedestrian walkway via an elevated concrete bridge over Darling Mills Creek. Secondary vehicular access is available to Windsor Road.

The site is currently occupied by a large warehouse building (previously occupied by Bunnings Warehouse), with a gross floor area of 7,405m². At grade car parking is provided on the site, with 260 spaces located predominantly to the south of the building with the remainder to the north and west.

The site is shown in **Figure 1** and **Figure 2** below.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks



Figure 1 – Site at 1 Windsor Road, North Rocks subject to the planning proposal



Figure 2 – Aerial view

Under Parramatta (former The Hills) Local Environmental Plan 2012 the site:

- is zoned B6 Enterprise Corridor and SP2 Infrastructure (Public Transport Corridor);

An extract of each the above maps is provided in Part 4 – Mapping; specifically, Section 4.1 Existing controls.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal seeks approval to permit 'retail premises' in the form of a supermarket and liquor shop on the site. The site is within the B6 Enterprise Corridor Zone which currently allows a range of non-residential (and commercial) uses but not 'retail premises'. The site also contains a small portion of land zoned SP2 Infrastructure (Public Transport Corridor) along the Windsor Road frontage, but this does not affect any existing structures. The proposed future development of the site seeks to utilise the existing warehouse building on the site to accommodate a full-line Woolworths supermarket of 3,800m² (including a BWS liquor store). The remainder of the existing building (3,015m²) will potentially be developed as a warehouse and distribution centre (non-retail) which is permitted under the current B6 zone that applies to the site. Further, an existing mezzanine level of 590m² is proposed to accommodate ancillary office space.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta (former The Hills) Local Environmental Plan 2012* in relation to the zoning controls.

In order to achieve the desired objectives the following amendments to the *Parramatta (former The Hills) Local Environmental Plan 2012* would need to be made:

1. Amend Schedule 1 of the *Parramatta (former The Hills) Local Environmental Plan 2012* by adding retail premises as an additional permitted use (limited to a maximum of 3,800m²) to facilitate a Woolworths supermarket and a liquor store.
2. Require that 'retail premises' may only be permitted as an additional permitted use in conjunction with an existing permissible use under the B6 Enterprise Corridor zone.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

3.1 Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

3.1.1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is not the result of any strategic study or report. As noted, the site is currently occupied by a large warehouse building (previously occupied by Bunnings Warehouse), with a gross floor area of 7,405m². The Planning Proposal seeks to amend Schedule 1 of the Parramatta (former The Hills) Local Environmental Plan 2012 by adding retail premises as an additional permitted use (limited to a maximum of 3,800m²) to facilitate a Woolworths supermarket and a liquor store.

3.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An alternative option is to amend the Parramatta (former The Hills) Local Environmental Plan 2012 to rezone the site to B6 Mixed Use Zone. However, this is not considered as an appropriated mechanism to address the site-specific scenario. The expansion of the type of retail use permissible on the site would serve the existing and future community and is considered consistent with the aims of the B6 zone. Further, it is not considered that the proposal will undermine or pre-empt any future strategic planning for North Rocks. Therefore, allowing 'retail premises' as an additional permitted use is the best means of achieving the objectives or intended outcomes.

3.2. Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

3.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* ("the GSRP") a 20 year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions that each contain Potential Indicators and, generally, a suite of objective/s supported by a Strategy or

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

Strategies. Those objectives and or strategies relevant to this planning proposal are discussed below.

Liveability

An assessment of the planning proposal's consistency with the GSRP's relevant Liveability objectives is provided in Table 3b, below.

Table 3b – Consistency of planning proposal with relevant GSRP Actions – Liveability

Liveability Direction	Relevant Objective	Comment
A city for people	O6: Services and infrastructure meet communities' changing needs	<p>The planning proposal supports the liveability objectives of the District Plan. <i>"Liveability is about people's quality of life. Maintaining and improving liveability requires housing, infrastructure and services that meet people's needs..."</i></p> <p>Given the substantial increase in the future population of the District, the proposed additional permitted retail use will provide opportunities and better access to jobs and services for current and future population. It meets and reflects local communities' changing needs and improves the quality of life in terms of liveability and accessibility- more healthy, resilient and socially connected.</p> <p>The proposed supermarket will allow for additional retail floor space in the form of a supermarket and liquor store and will not compete with existing centres in the area that provide a range of retail and non-retail uses.</p>
	O7: Communities are healthy, resilient and socially connected	
A city of great places	O12: Great places that bring people together	The proposed supermarket will bring and attract a combination of people together, provide opportunities for social connection in the neighbourhood.
	O13: Environmental heritage is identified, conserved and enhanced	<p>The site contains a locally listed heritage item, 'Stone Bridge Approaches and Foundation Plaque, Sydney Woollen Mills', Item A23 in Schedule 5 of The Hills LEP 2012. The only known built heritage elements on the site is a portion of wall with inset foundation plaques located along Windsor Road, directly adjacent to the footpath, which is bounded at the rear by metal cyclone fencing.</p> <p>The proposed future development of the site will utilise the existing warehouse building, with minor alterations including some existing openings to be blocked off and made</p>

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

		good, some portions of wall cut out, new shopfront glazing and new awning. All works would be clear of the existing built heritage fabric by approximately 25 metres, and hence there would be no physical impact to the heritage item.
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Productivity

An assessment of the planning proposal's consistency with the GSRP's relevant Productivity objectives is provided in Table 3c, below.

Table 3c – Consistency of planning proposal with relevant GSRP Actions – Productivity

Productivity Direction	Relevant Objective	Comment
Jobs and skills for the city	O19: Greater Parramatta is stronger and better connected	<p>The District Plan identifies the need for additional retail floor space in the district: "Research has shown that the Central City District will need to accommodate more than 1.76 million square metres of additional retail floor space over the next 20 years". The proposal will allow for additional retail floor space in the form of a supermarket and liquor store and will not compete with existing centres in the area that provide a range of retail and non-retail uses. Given the substantial increase in the future population of the District, it is important to provide supermarket floor space to provide adequate services for the population, noting that there is already an undersupply of supermarket floor space for the existing population.</p> <p>Allowing additional permitted use of retail premises will ensure that the site continues to provide employment uses which is consistent with the objective of the Economic Corridor.</p>

Sustainability

An assessment of the planning proposal's consistency with the GSRP's relevant Sustainability objectives is provided in Table 3d, below.

Table 3d – Consistency of planning proposal with relevant GSRP Actions – Sustainability

Sustainability Direction	Relevant Objective	Comment
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PLANNING PROPOSAL – 1 Windsor Road, North Rocks

A city in its landscape	O25: The coast and waterways are protected and healthier	The Darling Mills Creek is located adjacent to the site to the east and south. In relation to potential flood impacts, the site is already developed with recent use as a Bunnings Warehouse and the proposal will not significantly affect the nature of the use of the site given that it seeks to allow only an additional permitted use (retail premises) on the site. The proposal does not introduce any sensitive land uses to the site.
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Implementation

An assessment of the planning proposal's consistency with the GSRP's relevant Implementation objectives is provided in Table 3d, below.

Table 3d – Consistency of planning proposal with relevant GSRP Actions – Implementation

Implementation Direction	Relevant Objective	Comment
Implementation	O39: A collaborative approach to city planning	The Planning Proposal is consistent with the State Government's Planning Proposal process in accordance with the 'A Guide to Preparing Planning Proposals'. The Planning Proposal considers other strategic planning documents including the Central City District Plan and local strategies. This will be further discussed below.

Central City District Plan

In March 2018, the NSW Government released *Central City District Plan* which outlines a 20 year plan for the Central City District which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas.

Taking its lead from the GSRP, the *Central City District Plan* ("CCDP") is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities that are each supported by corresponding Actions. Those Planning Priorities and Actions relevant to this planning proposal are discussed below.

Liveability

An assessment of the planning proposal's consistency with the CCDP's relevant Liveability Priorities and Actions is provided in Table 4b, below.

Table 4b – Consistency of planning proposal with relevant CCDP Actions – Liveability

Liveability Direction	Planning Priority/Action	Comment
A city for people O6: Services and infrastructure meet communities' changing needs	PP C3: Provide services and social infrastructure to meet people's changing needs • A8: Deliver social infrastructure that reflects the need of the community now and in the future.	The proposed additional permitted retail use will provide opportunities and better access to jobs and services for current and future population. It meets and reflects the objective of meet communities' changing needs.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

<p>O7: Communities are healthy, resilient and socially connected</p>	<p>PP C4: Working through collaboration</p> <ul style="list-style-type: none"> • A10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d). • A15: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places 	<p>The Planning Proposal will encourage greater physical activity and social connection. It also provides better access to local retailers of fresh food which is consistent with the objective – communities are healthy, resilient and socially connected.</p>
<p>A city of great places O12: Great places that bring people together O13: Environmental heritage is identified, conserved and enhanced</p>	<p>PP C6: Creating and renewing great places and local centres, and respecting the District's heritage</p> <ul style="list-style-type: none"> • A19: Identify, conserve and enhance environmental heritage by (a-c) • A20: Use place-based planning to support the role of centres as a focus for connected neighbourhoods • A21: In Collaboration Areas, Planned Precincts and planning for centres (a-d) 	<p>Heritage and history are important components of local identity and form part of the character of places. Understanding the significance and community values of heritage early in the planning process provides greatest opportunity for conservation and management.</p> <p>The subject site contains Heritage Item 23 – Stone Bridge Approaches and Foundation Plaque, Sydney Woollen Mills listed in Schedule 5 of the Hills LEP 2012. The only known built heritage elements on the site is a portion of wall with inset foundation plaques located along Windsor Road, directly adjacent to the footpath, which is bounded at the rear by metal cyclone fencing.</p> <p>The proposed future development of the site will utilise the existing warehouse building, with only minor alterations required. All works would be clear of the existing built heritage fabric by approximately 25 metres, and hence there would be no physical impact to the heritage item.</p>

Productivity

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4c, below.

Table 4c – Consistency of planning proposal with relevant CCDP Actions – Productivity

Productivity Direction	Planning Priority/Action	Comment
<p>Jobs and skills for the city O15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive</p>	<p>PP C8: Delivering a more connected and competitive GOP Economic Corridor</p>	<p>The proposed development provides opportunities to access to jobs, goods and services.</p> <p>The economic Impact assessment indicates that the study notes that the proposed supermarket and associated liquor store, coupled with the warehouse and distribution and ancillary office use will provide both direct and indirect employment generation in the region of 1,196</p>

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		jobs. It is consistent with the objective
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4.1.1. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The following local strategic planning documents are relevant to the planning proposal.

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region.

The planning proposal is considered to meet the strategies and key objectives identified in the plan including:

Accessible: The proposed additional permitted retail use will provide opportunities and better access to jobs and services for current and future population.

Welcoming: The site contains Heritage Item 23 – Stone Bridge Approaches and Foundation Plaque, Sydney Woollen Mills listed in Schedule 5 of the Hills LEP 2012. The proposed future work will not have physical impact to the heritage item.

Thriving: Contributes to the vibrancy of Parramatta, provides opportunities and better access to jobs and services, which promotes a better quality of life.

Innovative: The Planning Proposal provides local retail service to local and the broader community.

Parramatta Local Strategic Planning Statement

In March 2018 the NSW Government introduced requirements for councils to prepare a Local Strategic Planning Statement (LSPS) as part of planning legislation to align state and local government plans as well as to guide long term planning and infrastructure decisions. LSPS responds to the planning priorities and objectives within the NSW Government's Central City District Plan as well as the statutory requirements set out in section 3.9 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and supporting regulations.

The LSPS provides greater weight to strategic planning in the broader plan making process and any new planning proposal must justify any inconsistency with this framework and the supporting Local Housing Strategy (LHS) and Employment Lands Strategy (ELS).

Council's Local Strategic Planning Statement was published on 31 March 2020. The LSPS provides strategic direction on how the City of Parramatta is planning for the next 20 years. The site is not in an area that is specifically identified for growth within the LSPS, however given there is an existing undersupply of supermarket floorspace in the broader region and the potential job creation from the proposal (detailed in the Assessment of Key Issues below), it is considered that the Proposal is generally consistent with the LSPS.

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4.1.2. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 5 below).

Table 5 – Consistency of planning proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP No 1 Development Standards	N/A	Not relevant to proposed amendment.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	Not relevant to proposed amendment.
SEPP 33 – Hazardous and Offensive Development	N/A	Not relevant to proposed amendment.
SEPP No 55 Remediation of Land	✓	There is no proposed works as a part of this Planning Proposal
SEPP 60 – Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed amendment
SEPP No 65 Design Quality of Residential Flat Development	✓	Not relevant to proposed amendment
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed amendment
SEPP (Affordable Rental Housing) 2009	N/A	Not relevant to proposed amendment
SEPP (BASIX) 2004	N/A	Not relevant to proposed amendment
SEPP (Exempt and Complying Development Codes) 2008	✓	The Planning Proposal will not preclude the application of the SEPP for future development
SEPP (Infrastructure) 2007	✓	The Planning Proposal will not preclude the application of the SEPP for future development
Sydney Regional Environmental Plan No 18– Public Transport Corridors	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.

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Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.
SEPP (Urban Renewal) 2010	N/A	Not relevant to proposed amendment

4.1.3. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Housing, Infrastructure and Urban Development
- Local plan making

The following directions are considered relevant to the subject Planning Proposal.

Table 6 – Consistency of planning proposal with relevant Section 9.1 Directions

Relevant Direction	Comment	Compliance
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	<p>This Planning Proposal seeks to amend Schedule 1 of the Parramatta (former Hills) LEP 2012 to allow retail premises as an additional permitted use to facilitate a Woolworths supermarket and a liquor store comprising 3,800m² of a supermarket, 3,015m² of a warehouse and distribution centre (non-retail) and 590m² of offices.</p> <p>The proposal protects employment land by maintaining the existing commercial floor space and maintaining employment in the zone. By virtue of expanding the type of retail use permissible at the site it will potentially allow for additional employment uses in the locality.</p> <p>The proposal would address some of the significant undersupply of supermarket floor space within the area. It would provide significant improvement in the range of retail facilities that would be available to residents, particularly in terms of convenient supermarket retailing, improve choice of location and allow for price competition.</p> <p>Given there is an existing undersupply of supermarket floorspace in the broader region as identified in the supporting economic impact analysis and the potential job creation from the proposal it is considered that the Proposal is generally consistent with the LSPS. More specifically, the proposal is consistent with Planning Priority 11 of the LSPS that seeks to "Build the capacity of...Local Centres and Employment Lands to be strong, competitive and productive". This Planning Proposal is proposing to accommodate a supermarket, also a warehouse distribution component and still classified as employment land, and there will be significant increase in</p>	

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

	jobs which addresses the existing need. Noting the warehouse distribution is currently permissible within the zone.
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An Economic Impact Assessment has also been provided in support of the Planning Proposal prepared by Location IQ and has been reviewed by Council officers, that indicates this proposal has a potential to generate up to 1,196 direct and indirect jobs. The proponent has indicated that the currently permissible distribution centre proposed on site would be reliant on a co-located supermarket in order to operate, as distribution stock would be drawn from the supermarket stock in many instances. It is considered that the proposal does meet the objectives of the Direction.

Yes

2. Environment and Heritage		
Direction 2.3 - Heritage Conservation	<p>The subject site contains Heritage Item 23 – Stone Bridge Approaches and Foundation Plaque, Sydney Woollen Mills listed in Schedule 5 of the Hills LEP 2012. The only known built heritage elements on the site is a portion of wall with inset foundation plaques located along Windsor Road, directly adjacent to the footpath, which is bounded at the rear by metal cyclone fencing.</p> <p>The proposed future development of the site will utilise the existing warehouse building, with only minor alterations required. All works would be clear of the existing built heritage fabric by approximately 25 metres, and hence there would be no physical impact to the heritage item.</p> <p>A full assessment of potential heritage impacts would be required as part of the future detailed development application and would address any potential impacts, including visual impacts, however these are expected to be minimal.</p>	Yes
Direction 2.6 – Remediation of Contaminated Land	At this point in time, there is no work proposed at the site, the intention of the proposal is for the supermarket and the associated warehouse distribution to occur within the existing building. However, in the event that should any works be proposed within the site (ie. Demolition or new structure), the issue of remediation will need to be addressed at the DA stage.	Yes
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	N/A	N/A
Direction 3.4 - Integrating Land Use and Transport	The planning proposal will enable improved access to convenience shopping for the surrounding area and passing traffic.	Yes

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	<p>The area is accessible via public transport and road connections - have access to a number of bus services which operate between Parramatta and various locations.</p> <p>A Traffic Impact Assessment is submitted with this application, see details in the traffic and transport section.</p>	
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	<p>The proposal is seeking to utilise the existing building on site and therefore is not expected to undertake any excavation that could expose any acid sulfate soils should they exist.</p> <p>The applicant will be required to carry out a geotechnical study to investigate acid sulfate soils risk prior exhibition if there is going to be any excavation work on the site.</p> <p>Notwithstanding the above, this issue would be required to be addressed (given the current lack of acid sulfate soils mapping) at the DA stage should excavation be proposed.</p>	Yes
Direction 4.3 - Flood Prone Land	<p>Darling Mills Creek is located adjacent to the site, to the east and south. In relation to potential flood impacts, the site is already developed with recent use as a Bunnings Warehouse and the proposal will not significantly affect the nature of the use of the site given that it seeks to allow only an additional permitted use (retail premises) on the site. The proposal does not introduce any sensitive land uses to the site.</p> <p>An overland flow assessment is submitted with the application which concludes that there is relatively low overland flooding risk to the site given the limited contributing catchment area. Additionally, flood mapping plans are provided which demonstrate that the building footprint lies entirely outside areas subject to hazard during the 1% AEP flood event.</p> <p>The proposal does not appear to be obstructing any significant overland flow conveyance path ('floodway') nor will it cause unacceptable displacement of overland flow floodwaters onto other properties or lands. The main vehicular access to the site (from North Rocks Road) is substantially elevated over the creek and which could accommodate a change in level to the creek. In addition, secondary access to/from Windsor Road is also available.</p>	Yes
5. Local Plan Making		

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Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 6.2 Reserving Land for a Public Purpose	In accordance with advice from TfNSW, Woolworths are proposing to dedicate 515m ² of land to facilitate future upgrades to James Ruse Drive/Windsor Road Given the medium to long term nature of the proposed upgrade by TfNSW, the proposed land dedication will be provided to Council in the interim until TfNSW require the land for the road widening works and is proposed to be included in Council's Planning Agreement.	Yes
Direction 6.3 - Site Specific Provisions	<p>This Planning Proposal seeks to amend Schedule 1 of the Parramatta (former Hills) LEP 2012 to allow retail premises as an additional permitted use to facilitate a Woolworths supermarket and a liquor store comprising 3,800m² of a supermarket, 3,015m² of a warehouse and distribution centre (non-retail) and 590m² of offices.</p> <p>It is considered that a site specific provision is required for this planning proposal in order to facilitate a use for which there is an identified need. The use will also generate employment on a currently vacant site within an Employment Zone, and facilitate a warehouse and distribution centre that is already permissible within the existing zone. Rezoning this whole site to a zone (such as the B2 Zone) that would facilitate retail uses over the entire site would result in unintended/greater impacts from traffic and economic perspectives than what has currently been considered. For instance, such an approach could allow for a supermarket and a large number of specialty stores to develop on site, the impacts of which have not been assessed.</p> <p>A site specific provision is considered the best way to facilitate the proposed use and mitigate any unintended impacts that could result from the entire site being rezoned. This is proposed to be achieved via a site specific provision limiting the supermarket/retail use on the site to a maximum of 3,800 sqm, thereby ensuring that the site does not develop outside a clearly defined parameter.</p>	Yes
6. Metropolitan Planning		
Direction 7.1 - Implementation of A Plan for Growing Sydney	The Central City District Plan (CCDP) identifies the need for additional retail floor space in the district: "Research has shown that the Central City District will need to accommodate more than 1.76 million square metres of additional retail floor space over the next 20 years". The proposal will allow for additional retail floor space in the form of a supermarket and liquor store and will not compete with existing centres in the area that	Yes

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	<p>provide a range of retail and non-retail uses. Given the substantial increase in the future population of the District, it is important to provide supermarket floor space to provide adequate services for the population, noting that there is already an undersupply of supermarket floor space for the existing population.</p> <p>Further, the planning proposal will support the liveability objectives of the District Plan. <i>"Liveability is about people's quality of life. Maintaining and improving liveability requires housing, infrastructure and services that meet people's needs..."</i>. Allowing for a supermarket will provide for the day to day needs of the large population in the district (existing and future).</p>	
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4.2. Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

4.2.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is not affected by critical habitat or threatened species, populations or ecological communities, or their habitats. Further, the Planning Proposal is seeking enable an additional use within an existing building of the site.

4.2.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

Traffic and Transport

An assessment of potential traffic and parking implications has been prepared by the applicant's traffic consultant, Colston Budd Rogers & Kafes in support of the Planning Proposal. A copy of the traffic assessment is included at **Appendix 1**.

Car Parking

The traffic report states that while the site currently provides approximately 300 parking spaces within the existing at grade car parking area, this will be reconfigured to provide a reduction to the total number of spaces resulting in approximately 256 car spaces in accordance with the RMS rates for supermarkets. In addition, bicycle and motor cycle spaces will be provided in accordance with Council requirements.

Traffic Generation

The Traffic Report indicates that the previous Bunnings store on the site was surveyed by the RMS and found to generate approximately 200 vehicles per hour (two way) in the weekday afternoon peak hour. The report also states that based on surveys of similar supermarkets and RMS guidelines for warehouses and offices, the proposed development would generate approximately 420 vehicles per hour (two way) in the weekday afternoon

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peak hour. The report, then notes that during the afternoon peak period, a high proportion of above trips will be passing trade given the sites location and heavy traffic flows on the adjacent road network. Accordingly, the report concludes that the increase in traffic on the surrounding road network compared to the previous Bunnings store (when excluding passing trade given these vehicles are already on the road network) is likely to increase by up to 100 vehicles per hour (two way). However, when this is distributed to the surrounding road network, increases in traffic on North Rocks Road and Windsor Road will be minor at approximately 20 to 50 vehicles per hour (two way).

Council officers consider that the trip generation from the site is likely to be lower than similar sites in the afternoon peak due to the high levels of traffic congestion within the area. It is considered that customers are likely to travel to other supermarkets that are easier to access during peak periods or may also travel to the site outside of these peak times to take advantage of the extended trading hours of supermarkets. For this reason, Council officers consider that the proposed centre is not likely to contribute to additional traffic as much as may occur in other locations. That said, whilst the proposal will have a relatively minor impact on the surrounding road network (based on the applicant's modelling detailed above) when compared with the previously approved Bunnings store, Council officers and the applicant's traffic consultant acknowledge that the adjacent road network is currently operating at capacity in the weekday afternoon peak. Notwithstanding the above, the site is also well located to deliver improvements to the surrounding traffic network while also improving access to and from the site. This is discussed in detail below under *Traffic and Transport Infrastructure Upgrades*.

Traffic and Transport Infrastructure Upgrades

The applicant's traffic report recommends the provision of a third lane on the westbound off ramp of James Ruse Drive onto Windsor Road. The report indicates that the additional left turn lane will result in reduced delay/queues on the westbound off ramp as well as the ability to reallocate the traffic signalisation phases across the overall road network in this area, including the North Rocks Road approach to Windsor Road (benefitting right turn egress from the subject site).

It is noted that the site is well located to facilitate this additional left hand turn lane as it would require some land take along the James Ruse Drive frontage of the subject site which is currently undeveloped (e.g. some at grade car spaces, and landscape buffer). Given that both James Ruse Drive and Windsor Road are State roads the Planning Proposal and associated traffic report was also referred to Transport for NSW (TfNSW) for comment.

The key traffic issues raised by TfNSW are detailed in the below table:

Table 7: TfNSW preliminary comments and response

TfNSW Preliminary Comment	Council Officer Response
TfNSW recommend that "a site specific clause be inserted into the LEP limiting retail on the subject site to 3,800sqm only" to align with the traffic generating rate of a shopping centre < 10,000sqm (12.7 vehicle trips per 100sqm GLFA in PM peak period).	The applicant's traffic assessment was based on a 3,800m2 supermarket with the balance of the site a warehouse/distribution centre. Therefore, Council officers agree with TfNSW's recommendation that a site specific clause limiting retail on the site to 3,800m2 of retail space in total is appropriate.
TfNSW currently have no approved road proposal that impacts the subject site, however the James Ruse Drive intersection with Windsor Road is currently under investigation for potential future	At this stage, TfNSW are still yet to prepare a Property Impact Plan detailing how much land will be required for the additional left turn lane on the James Ruse Drive off ramp onto Church

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<p>transport improvements in the medium to long term.</p> <p>TfNSW acknowledge that an additional left turn lane at the James Ruse Drive off ramp into Church St/Windsor road will not only benefit the broader network but will also benefits for the proposed development given the existing traffic capacity issues within the adjoining network.</p> <p>Should land be provided to facilitate the above additional lane, TfNSW will consider waiving a right hand turn restriction from the site into North Rocks Rd during afternoon peak.</p> <p>However, to provide flexibility for motorists exiting the site, a U-turn facility (roundabout) should be provided on North Rocks Road (in the vicinity of the site) to allow vehicles wishing to turn right out of the site onto North Rocks Road, can instead turn left, then do a U-turn nearby to allow them to get to Windsor Road, in order to assist right hand turn movements out of the site during peak periods.</p>	<p>Street/ Windsor Road. It is understood that TfNSW are currently in the process of preparing this plan for consideration by the applicant.</p> <p>Should this be agreed to by the applicant, a suitable mechanism to facilitate the delivery of this land to State Government will need formalised (e.g. VPA with the State Government/Satisfactory Arrangements Provisions within the Planning Proposal or other) as this relates to a State Government owned road i.e. James Ruse Drive.</p> <p>In relation to the U-turn facility, Council has care and control of North Rocks Road and it is therefore recommended that Council enter into negotiations with the applicant for the purposes of delivering a roundabout/U-turn facility on North Rocks Road within an appropriate location. It is noted that the proposed roundabout will ultimately need to be approved by Council's Traffic Committee and would not need to be delivered until the supermarket opens, however to ensure certainty that the roundabout will be delivered by the applicant, it is recommended that the commitment to deliver the works is formalised as part of a VPA with Council.</p>
<p>The proponent is required to prepare a detailed Plan of Management that identifies practicable measures to minimise as much as possible queuing/congestion within the site associated with potential delays for motorists attempting to turn right from the site to North Rocks Road during peak periods. This is due to queues on the North Rocks Road approach to Windsor Road extending past the signalised site access road in the peak periods. The Plan of Management should be submitted to Council and TfNSW for review and comment as part of any future DA for the proposed development.</p>	<p>Noted. It considered that the requirements of the Plan of Management could be addressed through the delivery of the roundabout.</p>

Council's Traffic and Transport team have also raised a number of issues relating to pedestrian and cyclist access to and from the site. The existing footpath on the southern side of the existing driveway bridge over Darling Mills creek is approximately 1.2m wide which is acceptable for the previous Bunnings use where most customers are picking up hardware and garden supplies by vehicle, but for a supermarket use the nature of shopping trips is different and is likely to generate a greater proportion of trips from pedestrians and/or cyclists.

It is therefore recommended that Council investigate the option of negotiating a planning agreement (in addition to the roundabout discussed in the above table) with the applicant to facilitate the provision of a shared path (at least 3m wide) which may require augmentation to the existing bridge (i.e. clip on structure) or alternatively a standalone bridge alongside to facilitate safe access for pedestrians and cyclists entering and leaving the site.

Based on the above, it is considered that there are still a number of outstanding traffic and transport matters that are yet to be resolved, however these relate to confirming a delivery mechanism for the proposed additional left turn lane at the James Ruse Drive off ramp into Church Street/Windsor Road (State infrastructure), new roundabout on North Rocks road to manage right hand turn movements from the subject site (Council infrastructure) and improved accessibility for pedestrians and cyclists.

It noted that while these delivery mechanisms are still yet to be confirmed, it is considered that the planning proposal has appropriately considered the traffic and transport impacts and there is sufficient scope to address how these items will be delivered following Gateway Determination being issued, but prior to public exhibition of the proposal.

Should Council endorse the planning proposal to proceed to Gateway Determination, Council will continue to liaise with State Government and the applicant to ensure that the identified traffic and transport works (both State and local) are confirmed via an appropriate delivery mechanism (either via VPA and/or planning provisions to be included within the planning proposal such satisfactory arrangements).

Heritage

A Heritage Impact Assessment has been prepared by Extent Heritage Advisors in support of the submitted Planning Proposal and is included at **Appendix 3**. The site contains a locally listed heritage item referred to as, 'Stone Bridge Approaches and Foundation Plaque, Sydney Woollen Mills', Item A23 in Schedule 5 of The Hills LEP 2012. The only known built heritage elements on the site is a portion of wall with inset foundation plaques located along Windsor Road, directly adjacent to the footpath, which is bounded at the rear by metal cyclone fencing.



Figure 3: Proposed works with existing built heritage item outlined in red

The proposed future development of the site seeks to utilise the existing warehouse building, with minor alterations including adjustments to some openings, new shopfront glazing and new awnings. All works would be clear of the existing built heritage fabric by approximately 25 metres, and hence there would be no physical impact on the heritage item. No ground penetrating works are proposed that could impact upon potential archaeological resources (refer to **Figure 3**).

There is no direct change proposed to the built heritage item and therefore no impact to built heritage fabric. A full assessment of potential heritage impacts would be required as part of the future detailed development application and would address any potential impacts, including visual impacts, however these are expected to be minimal.

Flooding

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An Overland Flow Assessment report has been prepared by BMT WBM Pty Ltd in support of the submitted Planning Proposal. A copy of the Overland Flow Assessment is included at **Appendix 4. Figure 4** below shows there is some flood affectation in the 1% AEP (100 year ARI) flood event but only around the eastern and southern edges of the site (the immediate area of Darling Mills Creek), and is not significantly affected by the overland flow.

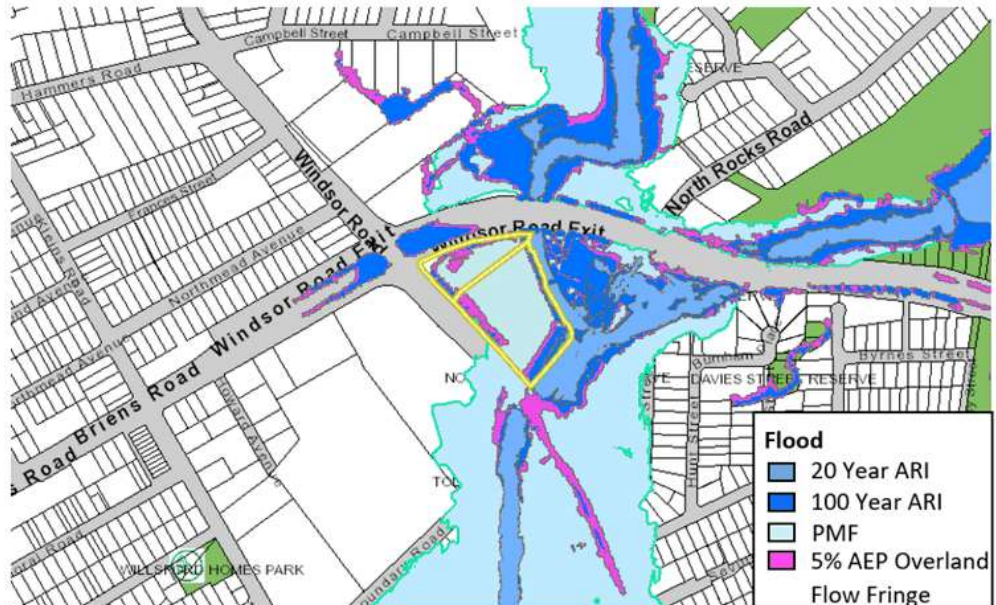


Figure 4: Flood Affectation

Figure 5 shows there is an area of high flood hazard flow (shown in red), but affects the site only the outer edges and is located near the Darling Mills Creek

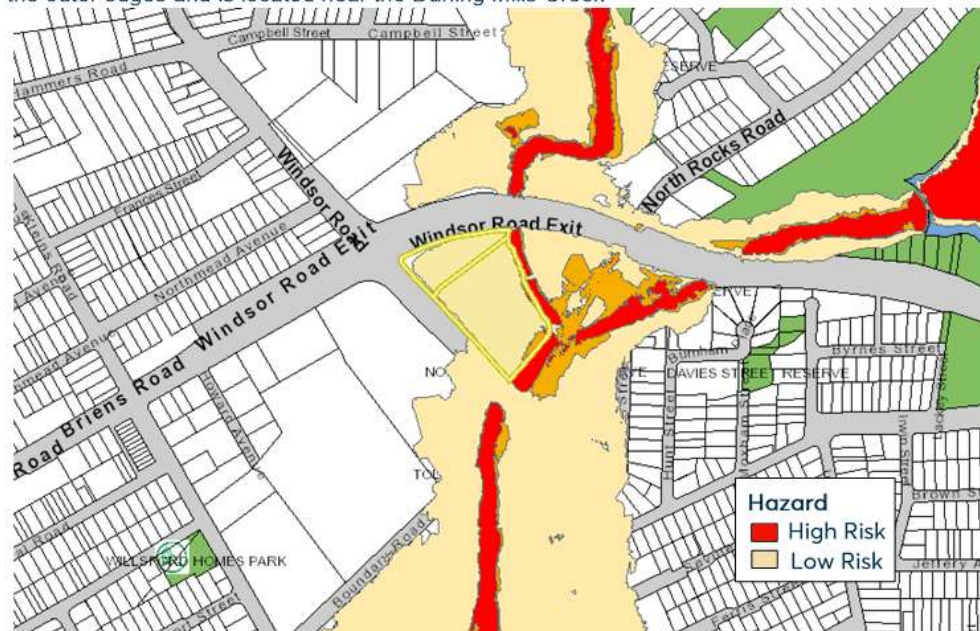


Figure 5: Flood Risk – map showing 'low hazard' flood zone in yellow

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The change in use from the hardware warehouse (Bunnings) to a supermarket is predicted to increase the number of occupants on the site, which will increase the flood risk associated with this development. However the flood studies indicate minimal intrusion of high hazard flooding onto the site and only minor intrusion of moderate hazard 1% AEP (100 year ARI) flooding around the edges of the land. This means increasing the number of occupants on the site is not likely to generate an increased risk from overland flow flooding.

As the proposal is not seeking to alter the extent of the existing building envelope on the site, it does not appear to be obstructing any significant overland flow conveyance path ('floodway') nor will it cause unacceptable displacement of overland flow floodwaters onto other properties or lands. Potential flood impacts would be further considered and addressed as a part of the future detailed development application.

4.2.3. How has the planning proposal adequately addressed any social and economic effects?

Economic Impact

An Economic Impact Assessment has also been provided in support of the Planning Proposal prepared by Location IQ. The study presents an analysis of the trade area, its demographics, socio-economic profile, projected population growth and expenditure capacity. It also presents a detailed analysis of the retail profile of the trade area, including a competitor analysis, highlighting the supply and the indicative performance of food retailing stores in the area. Overall, the analysis supports the viability for the proposed supermarket at the subject site. A copy of the Economic Impact Assessment is included at **Appendix 2**.

The study notes that there is currently an undersupply of supermarket space within the identified trade area and any impacts on nearby centres or supermarkets both within and outside the main trade area are manageable. The economic impact analysis undertaken by Location IQ indicates that all impacts of the proposed supermarket at 1 Windsor Road, North Rocks on surrounding centres are within a reasonable competitive range of 10% or less. Therefore, the proposal will not threaten the viability of any nearby centre or supermarket, particularly given the current undersupply of supermarket floorspace in the trade area. In addition, the impacts from the proposed development on other centres will be offset over time given the underlying population growth (and associated growth in retail spending) within the trade area and within the broader region. The identified trade area for the proposed supermarket as contained in the economic impact analysis is shown in **Figure 6** below.

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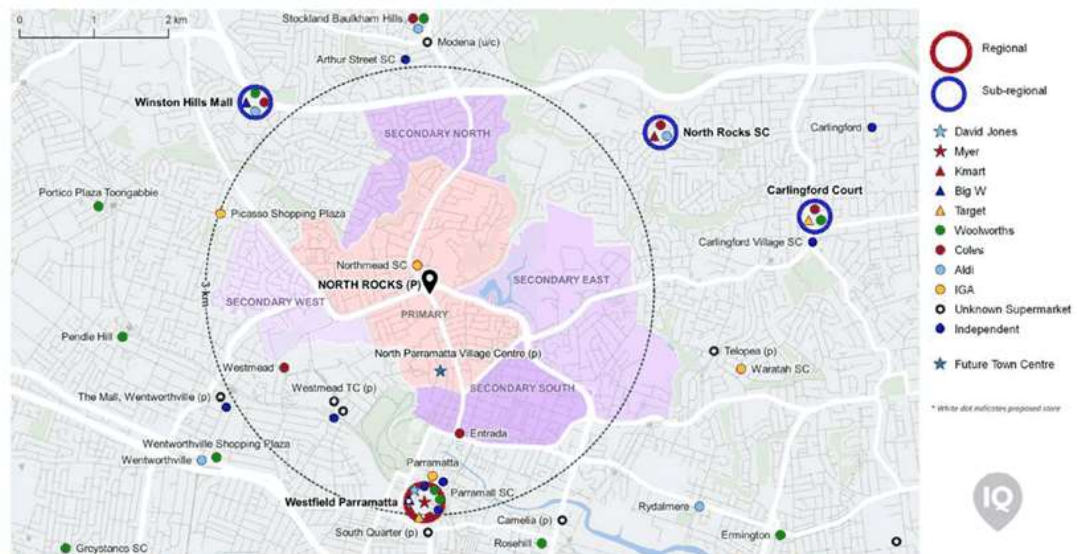


Figure 6: Main Trade Area and Competition (extracted from Economic Impact Assessment)

Furthermore, the study notes that the proposed supermarket and associated liquor store, coupled with the warehouse and distribution and ancillary office use will provide both direct and indirect employment generation in the region of 1,196 jobs.

It is noted that the Economic Impact Assessment only assesses the potential economic impacts of the proposed development being a supermarket and liquor store of 3,800m², a warehouse and distribution centre and associated office space. However, should the Planning Proposal proceed and allow retail premises as an additional permitted use, there is potential for a much larger retail centre to be developed on the site that could include a large number of specialty stores or discount department stores. Such a centre would have a profoundly different impact on surrounding centres that has not been adequately considered should the proposed LEP amendment proceed in its current form. The potential for a much larger centre would also lead to significantly different traffic generation from the site as noted in the traffic and transport section above.

In order to address this concern, it is proposed that the additional permitted use of retail premises be limited to a maximum of 3,800m² in accordance with the proposed supermarket and liquor store development included in the Planning Proposal. It is proposed to include this limit as part of the Additional Permitted Use provisions within Schedule 1 of the Parramatta (former The Hills) Local Environmental Plan 2012. This will ensure that retail uses are capped on the site and any additional retail uses do not occur on the site over and above those that have already been subject to a detailed impact analysis.

Social Impacts

In terms of social impacts, in allowing for a full-line supermarket in an area with an identified shortage of supermarket floor space, the planning proposal will provide for the day-to-day needs of the substantial population in the area and therefore provide positive social impacts.

4.3. Section D – State and Commonwealth Interests

4.3.1. Is there adequate public infrastructure for the planning proposal?

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The Proposal does not intend to facilitate any new development, rather the Planning Proposal will facilitate an additional permitted use within the existing building.

However, given the issues identified within the Traffic and Transport section above, a Planning Agreement may provide an appropriate mechanism to ensure that issues associated with the increase in demand for infrastructure as a result of the Planning Proposal are satisfactorily addressed.

It is therefore recommended that Council authorise the Chief Executive Officer (CEO) to negotiate a Planning Agreement on behalf of Council. Should the Planning Agreement proceed, the outcome of the negotiations would be reported back to Council prior to its concurrent public exhibition with the Planning Proposal. The key elements of the Planning Agreement would address the following:

- delivery of a roundabout on North Rocks Road, and
- augmentation of the existing bridge over Darling Mills Creek to facilitate increased capacity for pedestrian and cyclists.

In addition, as noted in the Traffic and Transport section above, a mechanism to deliver a third lane on the James Ruse Drive off ramp should be agreed to by the State Government and the proponent prior to any public exhibition of the Planning Proposal. This will likely require some land take on the northern boundary of the site but will not impact the existing structures on site. Should a Planning Agreement be required to deliver the additional lane, it would be undertaken at State level as James Ruse Drive is not a Council owned and managed road.

4.3.2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the State and Commonwealth public authorities will be undertaken once the gateway determination has been issued.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals. **Existing controls**

This section illustrates the current *Hills LEP 2012* controls which apply to the site.



Figure 7 – Existing zoning extracted from *Parramatta (former The Hills) LEP 2012* Land Zoning Map

Figure 7 illustrates the existing B6 Enterprise Corridor Zone and SP2 Infrastructure Zone.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

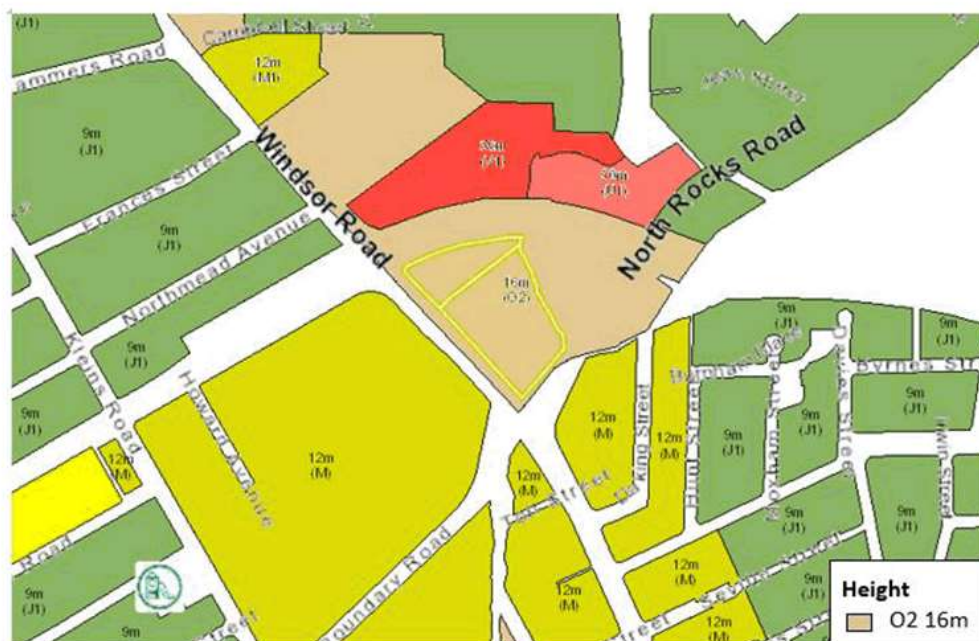


Figure 8 – Existing building heights extracted from the Parramatta (former The Hills) LEP 2012 Height of Buildings Map

Figure 8 illustrates the existing building height of 16 metres.

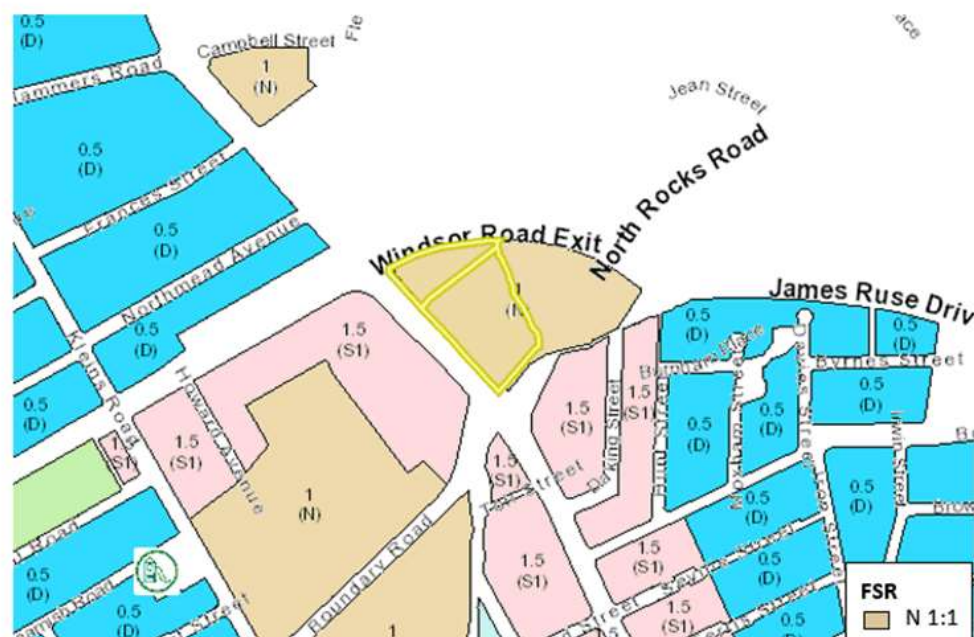


Figure 9 – Existing floor space ratio extracted from the Parramatta (former The Hills) LEP 2012 Floor Space Ratio Map

Figure 9 illustrates the existing FSR of 1:1.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks



Figure 10 – Existing heritage items extracted from the Parramatta (former The Hills) LEP 2012 Heritage Map

Figure 10 above illustrates Item 23 – Stone Bridge Approaches and Foundation Plaque, Sydney Woollen Mills

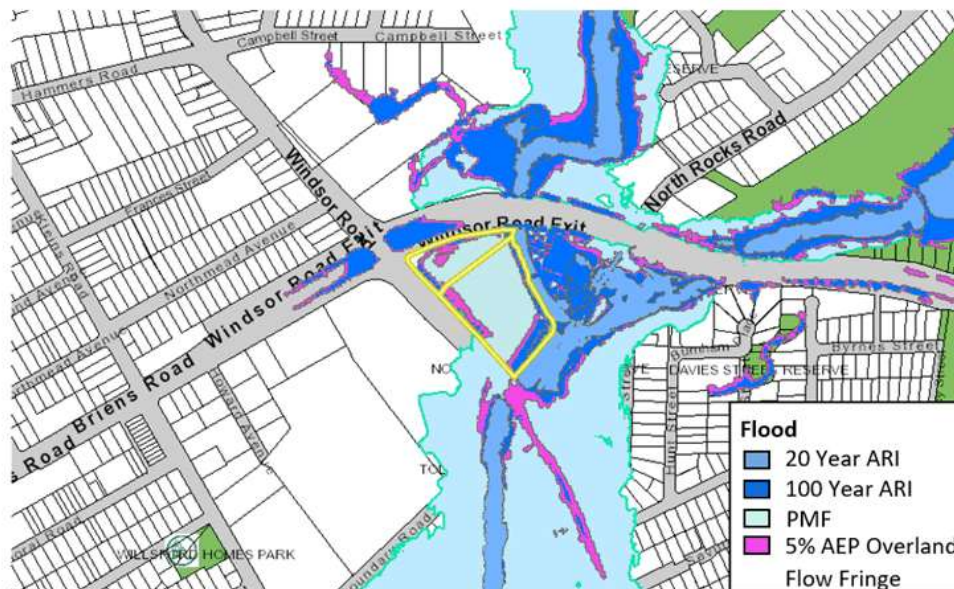


Figure 11 – Existing flooding extent extracted from the Parramatta (former The Hills) LEP 2012 5/20/100 Year ARI and PMF Flooding Map

Figure 11 above illustrates the flooding extent in the vicinity of the site.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

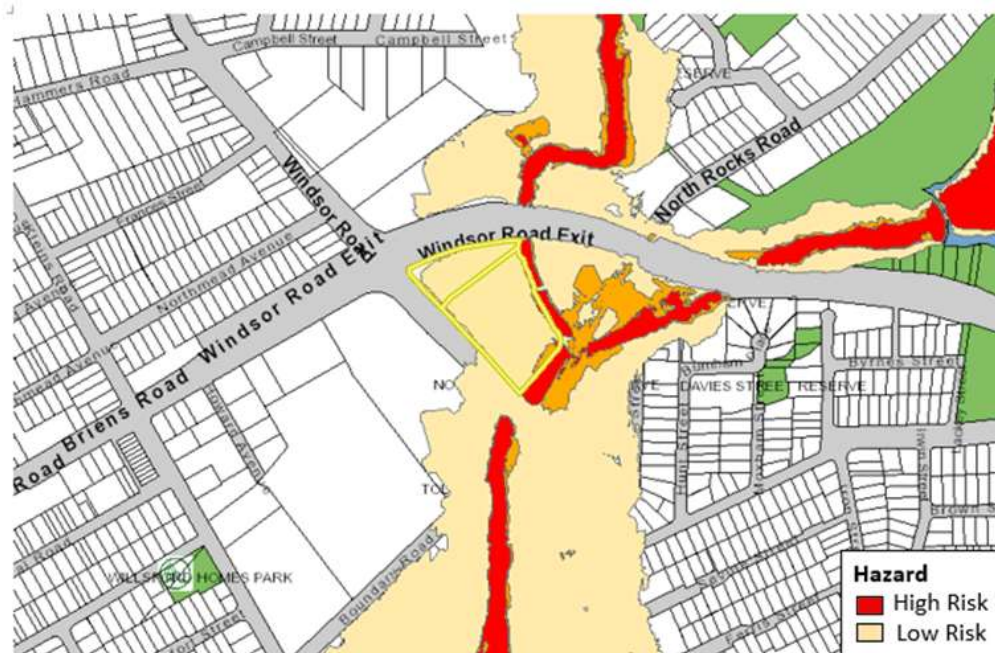


Figure 12 – Existing flooding extant extracted from the *Parramatta (former The Hills) LEP 2012 Flood Hazard Map*

Figure 12 above illustrates the flooding extant in the vicinity of the site.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

4.2 Proposed controls

No changes to the zoning, height, and FSR controls are proposed as a part of this Planning Proposal. The proposal is seeking to amend Schedule 1 of the Parramatta (former The Hills) Local Environmental Plan 2012 by adding retail premises as an additional permitted use (limited to a maximum of 3,800m²) to facilitate a Woolworths supermarket and a liquor store.

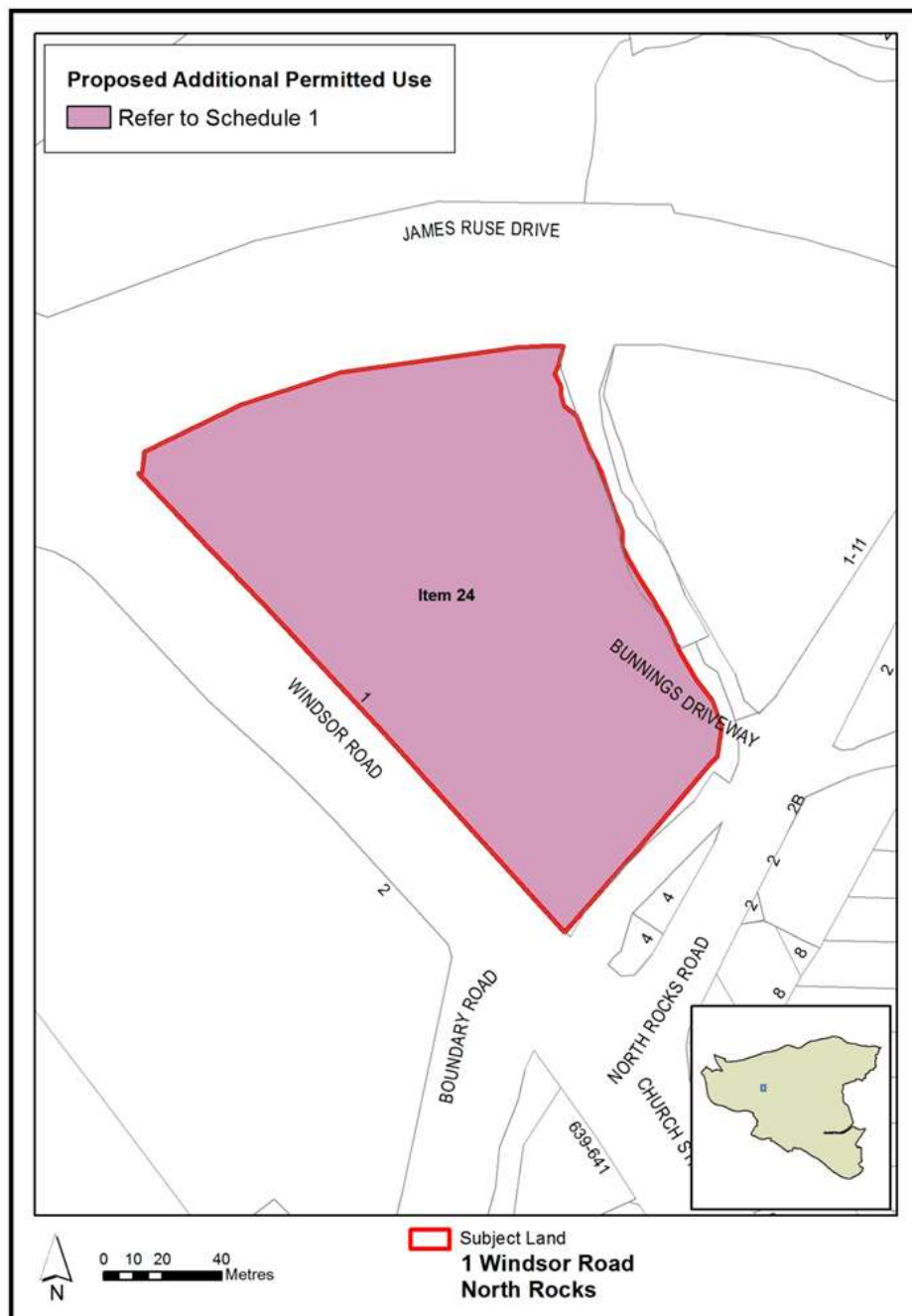


Figure 13 – Proposed amendment to the Parramatta (former The Hills) Local Environmental Plan 2012 Additional Permitted Use Map

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

Figure 13 above illustrates the proposed additional permitted use to permit 'retail premises' (limited to a maximum of 3,800m²) to facilitate a Woolworths supermarket and a liquor store.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

PART 5 – COMMUNITY CONSULTATION

The planning proposal (as revised to comply with the Gateway determination) is to be publicly available for community consultation.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to adjoining landowners.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

Consistent with sections 3.34(4) and 3.34(8) of the *EP&A Act 1979*, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

PART 6 – PROJECT TIMELINE

Once the planning proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal's process.

Table 7 below outlines the anticipated timeframe for the completion of the planning proposal.

Table 7 – Anticipated timeframe to planning proposal process

MILESTONE	ANTICIPATED TIMEFRAME
Report to LPP on the assessment of the PP	16 June 2020
Report to Council on the assessment of the PP	27 July 2020
Referral to Minister for review of Gateway determination	August 2020
Date of issue of the Gateway determination	November 2020
Commencement and completion dates for public exhibition period	November/December 2021
Commencement and completion dates for government agency notification	November/December 2021
Consideration of submissions	January 2022
Consideration of planning proposal post exhibition and associated report to Council	February 2022
Submission to the Department to finalise the LEP	March 2022
Notification of instrument	March 2022

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

Appendix 1 – [Traffic Review]

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

Appendix 2 – [Economic Impact Assessment]

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

Appendix 3 – [Heritage Impact Assessment]

PLANNING PROPOSAL – 1 Windsor Road, North Rocks

Appendix 4 – [Overland Flow Report]

Voluntary Planning Agreement



Voluntary Planning Agreement

City of Parramatta Council

ABN 49 907 174 773

AND

FABCOT PTY LTD

ABN 55 002 960 983

AND

J.L. DUNROSE PTY LIMITED

ABN 62 000 038 059

Voluntary Planning Agreement



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Voluntary Planning Agreement



Date 2021

Parties

Council	City of Parramatta Council ABN 49 907 174 773
Address	126 Church Street Parramatta NSW 2150
Representative	Manager Land Use Planning – XX
Attention	Senior Development Manager – Annette Crkovski
Contact Telephone	9806 5050
Contact Email	XX / acrkovski@cityofparramatta.nsw.gov.au
First Applicant	Fabcot Pty Ltd ABN 55 002 960 983
Address	1 Woolworths Way Bella Vista NSW 2153
Attention	Company Secretary Woolworths Group Limited 1 Woolworths Way Bella Vista NSW
Second Applicant	J.L. Dunrose Pty Limited ABN 62 000 038 059
Address	'01' Suite 12 Level 12, 222 Pitt Street Sydney NSW 2000
First & Second Applicant	Nathan Dundovic
Contact Person	Regional Development Manager, Corporate Property, Woolworths Group Limited
Contact Telephone	0422 908 535
Contact Email	Ndundovic@woolworths.com.au

Background

- A The First Applicant is the Developer of the Land.
- B The Second Applicant is the registered proprietor of the Land.
- C For the purpose of this Deed, the First Applicant and Second Applicant are collectively referred to as 'The Applicant'.
- D The Land is zoned B6 Enterprise Corridor and SP2 Infrastructure (Public Transport Corridor) pursuant to the *Parramatta (former The Hills) Local Environmental Plan 2012* and currently comprises an existing warehouse building with a gross floor area of 7,405m².
- E The Land was previously used as a Bunnings Warehouse and is currently leased to the Developer.

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Voluntary Planning Agreement



- F On 28 October 2019, Planning Ingenuity Pty Ltd, on behalf of the Developer lodged the Planning Proposal with Council, which sought to amend Schedule 1 of the LEP by adding 'retail premises' as an additional permitted use (limited to a maximum of 3,800m²) to facilitate a supermarket.
- G On 1 July 2021, the Applicant made an offer to Council for the provision of a monetary contribution, Bridge Works, dedication of land and registration of an easement to facilitate the Planning Proposal and to be applied to a public purpose provided the Land is developed for use as a supermarket.

Operative Provisions

1 Planning Agreement under the EPA Act

1.1 Status of this Deed

- (a) The parties agree that this Deed is a planning agreement within the meaning given to that term in section 7.4(1) of the Environmental Planning and Assessment Act 1979.
- (b) The planning agreement constituted by this Deed applies to the Land and the Planning Proposal.

2 Operation

2.1 Commencement

- (a) The Parties agree that this Deed takes effect on the execution of this Deed by all of the Parties to it.
- (b) The party who executes this Deed last is to insert, on page 1, the date on which they did so and provide a copy of the fully executed and dated Deed to all other Parties to this Deed.

3 Definitions and Interpretation

3.1 Definitions

In this Deed, the following definitions will apply:

Applicant means the First Applicant (Fabcot Pty Ltd) and the Second Applicant (J.L. Dunrose Pty Limited) collectively.

Bridge Works means the construction of a lightweight steel bridge structure 3m wide that is to provide future pedestrian access to the Land from North Rocks Road. The approximate location of the footbridge is shaded in blue with red hatching in the plan at Schedule 3 to this Deed.

Voluntary Planning Agreement



Business Day means any day except a bank or public holiday throughout New South Wales or a Saturday or Sunday;

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Construction Certificate means a construction certificate as defined under section 6.4 of the EPA Act, or if the Former Building and Subdivision Provisions apply, section 109C of the EPA Act

Contribution means the monetary contribution in the sum of \$500,000.00 payable by the Applicant, as outlined at clause 6 of this Deed.

Council means City of Parramatta Council ABN 80 690 785 443.

Council Works means the design, specification and construction of the future footbridge connection facilitated by the Contribution. The approximate location of the footbridge is shaded in blue in the plan at Schedule 3 to this Deed.

Council Works Area means the part of the Land over which the Council Works will be carried out.

CPI means the Consumer Price Index (All Groups – Sydney) published by the Australian Bureau of Statistics.

Dedication Land means that part of the Land to be dedicated to Council in accordance with this Deed, marked as "Land to facilitate James Ruse Drive widening" on the plan at Schedule 2 of this Deed.

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

Development Consent means the Development Consent with respect to the application for development approval to be lodged with Council regarding the future development of the Land for use as a Woolworths supermarket .

Developer means Fabcot Pty Ltd ABN 55 002 960 983

Dispute means a dispute or difference between the parties under or in relation to this Deed.

Easement means the public access easement to be registered on title, over the part of the Land shown in pink on the plan at Schedule 4 of this Deed.

Easement Area means the part of the Land included within the Easement.

Easement Terms means the terms of the Easement to be provided as set out in Schedule 6 of this Deed.

EPA Act means the *Environmental Planning and Assessment Act 1979*.

Explanatory Note means an explanatory note prepared under clause 25E(1) of the Regulation.

Voluntary Planning Agreement



First Applicants Development Notice a notice from the First Applicants to the Second Applicant and Council, specifying the First Applicants intention to proceed with the development of the land in accordance with the terms of the Development Consent and Construction Certificate.

Land means the land comprised in Lot 61 in Deposited Plan 1264730 (formerly Lot 1 in Deposited Plan 112482 and Lot 6 in Deposited Plan 247452) and known as 1 Windsor Road, North Rocks, and includes any lot created by the consolidation or subdivision of those lots from time to time.

Land Owner means J.L.Dunrose Pty Limited ABN 62 000 038 059.

LEP means the *Parramatta (former The Hills) Local Environmental Plan 2012*.

Occupation Certificate means an occupation certificate as defined under section 6.4 of the EPA Act, or if the Former Building and Subdivision Provisions apply, section 109C of the EPA Act, and includes an interim Occupation Certificate, a final Occupation Certificate or a partial Occupation Certificate as the case may be.

Offer means the offer made on behalf of the Applicant (in the form of the letter from Woolworths Group dated 1 July 2021) to enter into this Deed for the Contribution, Bridge Works, dedication of the Dedication Land and registration of the Easement.

Owners Development Notice a notice from the Second Applicant to Council, issued in accordance with 6.1(i) with respect to the future development of the Land for the use of the land as a supermarket that is not operated by the First Applicant.

Parties means the parties to this Deed.

Planning Proposal means the document proposing amendments to the LEP, lodged by Planning Ingenuity Pty Ltd on behalf of the Developer with Council on 28 October 2019 and which is included under Schedule 1 of this Deed.

Public Purpose means the public purpose to which the Contribution will be applied and the Bridge Works constructed, subject to clause 6 of this Deed, to provide public pedestrian access.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

3.2 Interpretation

In this Deed, unless the context otherwise requires:

- (a) words denoting any gender include all genders;
- (b) headings are for convenience only and do not affect interpretation;
- (c) the singular includes the plural and vice versa;
- (d) any schedule or annexure attached to this Deed forms part of it;
- (e) a reference to a party includes its legal personal representatives, successors and permitted assigns;

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- (f) a reference to a person includes a corporation, trust, partnership, unincorporated body or other entity, whether or not it comprises a separate legal entity;
- (g) a reference to a statute or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (h) unless expressly stated to be otherwise, the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar inclusive expressions; and
- (i) a reference to this Deed means this Deed and includes any variation or replacement of this Deed.

3.3 No fettering clause

The Applicant acknowledges that Council cannot fetter in advance the exercise of any of its statutory discretions, whether by way of contract, estoppel or otherwise, in relation to any application relating to the Land to be lodged with the vendor in its capacity as a governmental authority nor pre-determine any decision in respect of any such application.

3.4 Warranties

The Parties warrant to each other that they:

- (a) have full capacity to enter into this Deed, and
- (b) are able to fully comply with their obligations under this Deed.

3.5 Further agreements

The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

3.6 Surrender of right of appeal

The Applicant is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed in so far as the subject-matter of the proceedings relates to this Deed, unless it is in exercising rights in accordance with clause 7.2(e) of this Deed.

4 Section 7.11, 7.12 and 7.24 of the EPA Act**4.1 Application of section 7.11, 7.12 and 7.24**

Voluntary Planning Agreement



This Deed does not exclude the application of sections 7.11, 7.12 and 7.24 of the EPA Act in respect of any development applications for the future redevelopment of the Land.

4.2 Benefits

Benefits obtained by Council under this Deed are not to be taken into consideration in determining any development contribution under section 7.11 of the EPA Act in respect of any development applications for the future redevelopment of the Land.

4.3 Offer by the Applicant

The Applicant acknowledges that this Deed is in the terms of the Offer made by the Applicant in connection with the Planning Proposal.

5 Planning Proposal

5.1 Lodgement of Planning Proposal

- (a) The Developer has lodged the Planning Proposal with Council.
- (b) The Planning Proposal seeks the following changes to the LEP in relation to the Land:
 - (i) Amending Schedule 1 of the LEP by adding 'retail premises' as an additional permitted use (limited to a maximum of 3,800m²).
- (c) As part of the Planning Proposal, and pursuant to section 7.4(1)(a) of the EPA Act, the First Applicant has made an offer to enter into this Deed to facilitate the Planning Proposal and to make provision for dedication of the Dedication Land and registration of the Easement following the amendment of the LEP, the Bridge Works following the issue of a Construction Certificate for the development of the Land (regardless of use) and a Contribution following the issue of a Construction Certificate for the development of the Land as a supermarket.
- (d) The Planning Proposal envisages the future redevelopment of the Land being the utilisation of the existing warehouse building to accommodate a full-line supermarket of 3,800m², the remainder of the existing warehouse building of 3,015m² to be developed for other uses permitted in accordance with the proposed changes to the LEP outlined under clause 5.1(b) of this Deed.
- (e) Nothing in this Deed relieves the Applicant of its statutory obligations under the EPA Act to obtain the necessary development consent/s for any such future redevelopment of the Land.
- (f) Nothing in this Deed fetters Council's discretion under the EPA Act in assessing and determining as it sees fit any future development applications for a future redevelopment of the Land, excluding clause 6.3(b) of this Deed and determining as it sees fit any future development applications for a future redevelopment of the Land.

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- (g) The Parties acknowledge that the future redevelopment of Land for a supermarket is subject to and conditional on the LEP being amended as sought under the Planning Proposal. The registration of the Easement and Dedication of Land is conditional on the LEP being so amended, the Bridge Works are conditional on the issue of a Construction Certificate for the development of the Land (regardless of use) and the Contribution is subject to and conditional on the issue of a Construction Certificate for development of the Land as a supermarket.
- (h) Notwithstanding clause 5.1(g) the First Applicant may notify Council in writing at any time following issue of the Planning Proposal that it does not intend to proceed with the future development of the Land as proposed in clause 5.1(d).
- (i) If the First Applicants serves the notice provided in clause 5.1(h) the Second Applicant agrees to fulfill all of the First and Second Applicants obligations under this Deed, where applicable and the First Applicant is released by Council and the Second Applicant from all further obligations, claims or rights as provided in this Deed

6 Contribution

6.1 Monetary Contribution

- (a) Subject to clause 6.1(d), the First or Second Applicant is to pay the Contribution in the amount of **\$500,000.00** or an amount calculated in accordance with the following formula, whichever is the greater:

$$\begin{array}{rcl}
 \$500,000.00 & \times & \frac{\text{The CPI at the time of payment}}{\text{The CPI at the date of this agreement}}
 \end{array}$$

- (b) The parties agree and acknowledge that the Contribution will be used by the Council towards the Public Purpose by facilitating construction of the future footpath connection and or other future works within the North Rocks vicinity.
- (c) Despite clause 6.1(b), the Council may apply the Contribution towards any other public purpose which satisfies section 7.4(2) of the Act, other than the Public Purpose, if the Council reasonably considers that the public interest would be better served by applying the Contribution towards that other public purpose.
- (d) The Contribution is to be paid either:
 - (i) by the First Applicant to Council in one instalment of \$500,000.00 with payment to be made within 14 days of:
 - (A) the issue of a valid tax invoice for the Contribution in the name of the First Applicant; and

Voluntary Planning Agreement



- (B) receipt by the First Applicant of the Construction Certificate for the Development Consent; and
 - (C) issue of the First Applicants Development Notice,
- or the Contribution is to be paid:
- (ii) by the Second Applicant to Council in one instalment of \$500,000.00 with payment to be made within 14 days of:
 - (A) the issue of a valid tax invoice for the Contribution in the name of the Second Applicant; and
 - (B) receipt by the Second Applicant of the Construction Certificate for the development of the Land for a supermarket that is not to be operated by the First Applicant; and
 - (C) issue of the Owners Development Notice.
 - (e) The Contribution is taken to have been made upon the receipt by Council of the full amount required under this Deed in cash or by unendorsed bank cheque or by the deposit via electronic funds transfer, and clearance of the full amount, into a bank account nominated by Council.
 - (f) The Contribution is to be paid by either the First Applicant or the Second Applicant, whichever is first in time to satisfy the requirements of 6.1(d) (i) or (ii).

6.2 Bridge Works

- (a) Subject to issue of the First Applicant's Development Notice or the Owners Development Notice, and the issue of a Construction Certificate with respect to development of the Land, the relevant Applicant will carry out the Bridge Works in accordance with this agreement and the Construction Terms in Schedule 5 and any future development consent granted for the Bridge Works.
- (b) The Bridge Works will be taken to have been completed for the purposes of this agreement when a Certificate of Practical Completion has been issued for the Bridge Works.
- (c) The Second Applicant is responsible for the ongoing maintenance of the Bridge Works, including all costs associated with maintenance
- (d) Practical Completion of the Bridge Works is to occur prior to the issue of the final occupation certificate for the future development of the Land. The Bridge Works will be carried out following the coming into force of the new LEP under the Planning Proposal and following the granting of development consent for the future development of the Land.
- (e) Council and the Second Applicant agree and acknowledge that the Bridge Works serve the Public Purpose.

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**6.3 Dedication of Land**

- (a) Upon the LEP being amended as sought in the Planning Proposal, the Second Applicant must dedicate or cause to be transferred to the Council, at no cost to the Council, the Dedication Land freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land, including but not limited to, municipal rates and charges, water rates and land tax, except as permitted by Council.
- (b) The Dedication Land is to be dedicated by the Second Applicant on the understanding that:
 - (i) Council agrees and acknowledges that the Dedication Land will be deemed and included as unimproved land and part of the Land for the purpose of calculating Floor Space Ratio associated with any future development application associated with the Land notwithstanding its dedication or transfer for public use.
- (c) The Second Applicant is responsible for the ongoing maintenance of the Dedicated Land, including all costs associated with the maintenance.
- (d) The documents to give effect to the dedication of the Dedication Land are to be lodged with NSW Land Registry Services within 28 days of the LEP being amended as sought in the Planning Proposal.

6.4 Public Access and Easements

- (a) Upon the LEP being amended as sought in the Planning Proposal, the Second Applicant will, at no cost to Council, register against the title to the Land, the Easement, being:
 - (i) an easement in gross burdening the Easement Area, being that part of the Land on which the Bridge Works will be located and that part of the Land on which the future footbridge connection facilitated by the Contribution will be constructed, as shown in the plan at Schedule 4 of this Deed, in favour of the Council permitting public pedestrian access over the Bridge Works and the future footbridge connection and generally in accordance with the Easement Terms.
- (b) Any requirement to register an easement, covenant or other instrument against the title to the Land will be satisfied when the Applicant provides to the Council a copy of the relevant title search showing the registration of the instrument.
- (c) Any easement, required under clause 6.4(a) must be registered prior to the issue of any Occupation Certificate for the future development of the Land.
- (d) The parties agree that the proposed easement under this clause will serve the Public Purpose.
- (e) The Applicant agrees and acknowledges that the obligations under this clause 6.4 are relevant considerations for the Council or any other consent authority

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when determining a development application or modification application relating to the Land and that a failure to comply with those obligations or any inconsistency with the requirements in those clauses may constitute a reason for refusal of such a development application or modification application.

- (f) The Applicant agrees to comply with and accept liabilities for the Council's obligations in clause 2 of Schedule 6 (Terms of Easement) until such time as the Council has commenced the Council Works.

6.5 Access to Applicant's Land

- (a) The Applicant acknowledges and agrees that Council will carry out the Council Works.
- (b) The Applicant grants the Council a licence to enter, pass through or occupy the Council Works Area to enable the Council to carry out the Council Works. Nothing in this clause creates or gives the Council any estate or interest in any part of the Land.
- (c) The Council will carry out the Council Works at its own costs.

7 Dispute Resolution

7.1 Dispute resolution – expert determination

- (a) This clause applies to a Dispute between the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if:
 - (i) the Parties to the Dispute agree that it can be so determined, and
 - (ii) the Chief Executive Officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.
- (b) Such a Dispute is taken to arise if one party gives another party a notice in writing specifying particulars of the Dispute.
- (c) If a notice is given under clause 7.1(b), the Parties are to meet within 14 Business Days of the notice in an attempt to resolve the Dispute. At every such conference, each party must be represented by a person having authority to agree to a resolution. All aspects of every such conference, except the fact of the occurrence, will be privileged.
- (d) If, within 28 Business Days of a notice being given, the Parties have not resolved the Dispute, the Dispute must be referred to expert determination and be determined by an expert. If, within a further 10 Business Days, the Parties have not agreed upon an expert, the expert must be nominated by the Australian Commercial Disputes Centre.

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- (e) The expert determination must be conducted in accordance with the Guidelines for Expert Determination of the Australian Commercial Disputes Centre. Except where the parties otherwise agree in writing or the Guidelines for Expert Determination of the Australian Commercial Disputes Centre otherwise provide:
 - (i) each party must bear its own costs and pay one half of the expert's fees and expenses;
 - (ii) the expert must not act as an arbitrator; and
 - (iii) the determination of the expert will be final and binding on the Parties.

7.2 Dispute Resolution – Mediation

- (a) This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 7.1 applies.
- (b) Such a Dispute is taken to arise if one party gives another party a notice in writing specifying particulars of the Dispute.
- (c) If a notice is given under clause 7.2(b), the Parties are to meet within 14 Business Days of the notice in an attempt to resolve the Dispute.
- (d) If, within 28 Business Days of a notice being given, the Parties have not resolved the Dispute, the Parties are to mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- (e) If the Dispute is not resolved by mediation within a further 28 Business Days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- (f) Each party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- (g) The Parties are to share equally the costs of the President, the mediator, and the mediation.

7.3 Nothing in this clause 7 will prejudice the right of a party to institute proceedings to enforce payment due under this Deed or to seek injunctive or urgent declaratory relief.

7.4 Notwithstanding the existence of a Dispute, the parties must continue to perform their respective obligations under this Deed unless excused from performance by another provision of this Deed.

Voluntary Planning Agreement



8 Enforcement

8.1 Breach of Deed

- (a) This clause applies to a breach of the Applicant's obligations under this Deed.
- (b) Council may give the Applicant written notice specifying the particulars of the breach, the means for rectifying the breach (if such exist), the reasonable timeframe for rectification of the breach or compensation Council will accept in a reasonable timeframe in lieu of the rectification of the breach.
- (c) Nothing in this clause prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Applicant, including but not limited to seeking relief in an appropriate court.

8.2 Compulsory Acquisition

- (a) If the Applicant does not dedicate the Dedication Land to Council as required by clause 6.3 of this Deed, the Council may compulsorily acquire the relevant land, in which case the Applicant consents to the Council compulsorily acquiring that land for compensation in the amount of \$1.00 without having to follow the pre-acquisition procedures in the Land Acquisition (Just Terms Compensation) Act 1991.
- (b) Clause 8.2(a) constitutes an agreement for the purposes of section 30 of the Land Acquisition (Just Terms Compensation) Act 1991.
- (c) Except as otherwise agreed between the Applicant and Council, the Applicant must ensure the Dedication Land is freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, except as may be permitted by this agreement on the date that the Council will acquire the land in accordance with clause 8.2(a).
- (d) The Applicant indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the relevant land under clause 8.2(a).
- (e) The Applicant must pay the Council, promptly on demand, an amount equivalent to all costs, including legal costs, incurred by the Council acquiring the whole or any part of the relevant land under clause 8.2(a).

9 Risk

9.1 Risk

The Applicant performs this Deed at its own risk and its own cost.

9.2 Release

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The Applicant releases Council from any Claim it may have against Council arising in connection with the performance of the Applicant's obligations under this Deed except if, and to the extent that, the Claim arises because of Council's negligence or default.

9.3 Indemnity

The Applicant indemnifies Council from and against all Claims that may be sustained, suffered, recovered or made against Council arising in connection with the performance of the Applicant's obligations under this Deed except if, and to the extent that, the Claim arises because of Council's negligence or default.

10 Registration and Caveat

10.1 Acknowledgment

The Land Owner (Second Applicant), being the registered proprietor at the time of execution of this Deed, acknowledges that Council requires the registration of this Deed (including any Variations pursuant to clause 12.9) on the folio of the Land under section 7.6 of the EPA Act and that, on registration by the Registrar-General, this Deed will be binding on and enforceable against the registered proprietor of the Land from time to time as if each registered proprietor for the time being had entered into this Deed.

10.2 Consents to registration

Not later than 10 Business Days after this Deed has been executed by the Parties, the Second Applicant must, at its cost, obtain the consents to the registration of this Deed from each and every person who has an estate or interest in the Land.

10.3 Developer and Landowner's obligations

The Land Owner (Second Applicant) (being the registered proprietor at the time of execution of this Deed) must:

- (a) not later than 10 Business Days after this Deed has been executed by the Parties:
 - (i) deliver to the Council in registrable form required by NSW Land Registry Services an instrument to procure the registration of this Deed on the title to the Land duly executed by the Land Owner (being the registered proprietor at the time of execution of this Deed) and any other person required by NSW Land Registry Services to execute such instrument; and,
 - (ii) provide all relevant consents to the registration (including the consents required under clause 10.2) to NSW Land Registry Services.
- (b) immediately upon receiving the registrable form instrument executed by the Council, lodge the instrument and all other necessary documents with the NSW Land Registry Services to enable this Deed to be registered, and

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- (c) do all other things reasonably necessary to enable this Deed to be registered pursuant to section 7.6 of the EPA Act

10.4 Release

Council must execute and give to the Applicant any forms required by NSW Land Registry Services to remove the registration of this Deed from the folio/s for the Land after the Applicant has complied with all its obligations under this Deed to Council's satisfaction.

10.5 Registration expenses

The Applicant must pay Council's expenses including registration fees, legal costs and disbursements in relation to the registration of this Deed and its subsequent removal from the title to the Land.

10.6 Caveatable interest

The Applicant acknowledges that the rights under this Deed give Council a caveatable interest in the Land and consents to the Council registering such a caveat.

10.7 Restriction on dealings

- (a) The Land Owner (Second Applicant) (being the registered proprietor at the time of execution of this Deed) must not:
 - (i) sell or transfer the Land or any part of it, or
 - (ii) assign the Applicant's rights or obligations under this Deed, or novate this Deed,
 to any person unless:
 - (iii) the Developer or the Land Owner (as the case may be) has, at no cost to the Council, first procured the execution by the person to whom the Land, or part thereof, is to be sold or transferred or the Applicant's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
 - (iv) the Council has given written notice to the Developer or the Landowner (as the case may be) stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and
 - (v) the Developer or the Landowner (as the case may be) is not in breach of this Deed, and
 - (vi) the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.
- (b) Subject to clause 10.7(c), the Developer and the Landowner (as the case may be) acknowledges and agrees that it remains liable to fully perform its

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obligations under this Deed unless and until it has complied with its obligations under clause 10.7(a).

- (c) Clause 10.7(a) does not apply in relation to any sale or transfer of the Land if this Deed is registered on the title to the Land at the time of the sale.

11 Notices

11.1 Notices given under this Deed:

- (a) must be in writing and clearly readable in the English language;
- (b) must be signed by the party giving or making it (or signed on behalf of that party by its authorised representative); and
- (c) may be delivered to a party by hand or by prepaid post to that party's address shown in page 1 of this Deed or to such other address or person as a party may specify by notice given in accordance with this clause.

11.2 A notice is taken to be duly given and received:

- (a) if delivered by hand, when delivered; or
- (b) if delivered by prepaid post, three Business Days after being deposited in the mail with postage prepaid.

11.3 Despite clause 11.2, notices received after 5.00pm in the place of receipt or on a non-Business Day are taken to be received at 9.00am on the next Business Day.

12 General

12.1 Relationship between the Parties

Except as expressly provided to the contrary in this Deed, nothing in this Deed will constitute the Parties as principal and agent, employer and employee, partners or otherwise liable for the acts or omissions of any other party.

12.2 Entire agreement

This Deed records the entire agreement between the Parties in relation to its subject matter. It supersedes all prior contracts, arrangements, understandings or negotiations by, or between, the Parties in relation to the subject matter of this Deed.

12.3 Further assurance

Each party must (at its own expense) do all things that any other party reasonably requires of it to give the other party the full benefit of any obligations owed to the other party and expressed in this Deed.

12.4 Counterparts

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This Deed and any variation of this Deed may be executed and take effect in two or more counterparts, each of which when taken together, will constitute one and the same instrument.

12.5 Survival

All warranties, releases, exclusions and limitations of liability, indemnities, terms with respect to intellectual property and confidential information in this Deed will remain valid and binding following expiry or termination of this Deed. Any other provision by its nature intended to survive expiry or termination of this Deed survives expiry or termination of this Deed.

12.6 No waiver

The failure, delay or omission by a party to exercise, or to partially exercise, a right, power or remedy under this Deed does not operate as a waiver of that right, power or remedy. A party which exercises, or partially exercises, a right, power or remedy maintains its right to further exercise the same right, power or remedy or to exercise another right, power or remedy. A party waives a right, power or remedy only by explicitly doing so in a written notice to the other party and the waiver is strictly limited to the matters specified in the notice.

12.7 Cumulative rights

The rights, powers, authorities, discretions and remedies of a party under this Deed do not exclude any other right, power, authority, discretion or remedy.

12.8 Severability

If any provision of this Deed is determined by a court or other competent tribunal or authority to be illegal, invalid or unenforceable then:

- (a) where the offending provision can be read down so as to give it a legal, valid and enforceable operation of a partial nature it must be read down to the extent necessary to achieve that result;
- (b) where the offending provision cannot be read down then that provision must be severed from the Deed in which event, the remaining provisions of this Deed operate as if the severed provision had not been included; and
- (c) the legality, validity or enforceability of that provision in any other jurisdiction or of the remaining provisions in that or any other jurisdiction is not affected,

but only to the extent that is consistent with giving substantial effect to the intentions of the parties under this Deed.

12.9 Variation

This Deed can only be amended, supplemented or replaced by another document publicly notified and signed by the Parties in accordance with the Regulation.

12.10 Governing law and jurisdiction

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This Deed is governed by the law of New South Wales. Each party submits to the jurisdiction of the courts in New South Wales in connection with matters concerning this Deed.

12.11 Explanatory Note

Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Deed.

13 Costs

- 13.1** The First Applicant agrees to pay Council's legal costs incurred to give effect to this Deed including but not limited to, the costs of preparing, negotiating and executing this Deed and any other related document within 28 Business Days of a written demand by Council for such payment.

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Schedule 1 – Planning Proposal

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Schedule 2 – Plan of Dedication Land

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Schedule 3 – Plan of Bridge Works and Council Works

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Schedule 4 – Plan of Easement Area

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Schedule 5 – Construction Terms

1 Interpretation

For the purposes of this Schedule 5, the definitions and Interpretation principles in clause 3 of this Deed will apply and, unless context indicates a contrary intention:

Applicant means the First Applicant if a Woolworths supermarket is to be constructed on the Land, otherwise it means the Second Applicant.

Builder means any entity contracted under the Construction Contract to carry out the Works.

Construction Contract means the contract to carry out the Works (whether or not that is a contract for the Works only or forms part of a contract for the building of other components of the Development).

Defects Liability Period means in respect of each item of building works which together comprise the Works the period of 12 months from the date on which the Certificate of Practical Completion is issued for the Works.

Detailed Design means the final specifications and finishes for the Works prepared in accordance with clause 5.2 of this Schedule 5 **Error! Reference source not found.** and will include the design of the Works, the location for the Works, installation specifications and estimated costs of construction and/or installation.

Services means all water, gas, electricity, television, drainage, sewerage, cable TV, data communications, telecommunications and other services which are required under a development consent within the meaning of the Act or an Approval and which are necessary or desirable for the construction or operation of the Development.

Superintendent means the Superintendent appointed under any Construction Contract.

Works means the Bridge Works.

2 Requirements of Authorities and Approvals

2.1 These Construction Terms must be read and construed subject to:

- (a) any requirements or conditions of any Development Consent;
- (b) the requirements of and conditions imposed by all relevant Authorities and all Laws relating to the Development and the construction of the Development.

2.2 If the Applicant requires any Approvals in order to carry out the obligations under this agreement, then the Applicant will acquire all Approvals necessary to carry out the Works at its own cost.

2.3 The Applicant must ensure that the Works carried out under this agreement are carried out:

- (a) in accordance with the relevant Development Consent for the Works and all Approvals and the requirements of all Laws, including without limitation, work health and safety legislation; and

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- (b) in a good and workmanlike manner and so that they are diligently progressed until completion;

AND it is acknowledged that to the extent that there is any inconsistency between this agreement and any Approval the terms of the Approval shall take precedence.

3 Costs of Works

All costs of the Works must be borne by the Applicant.

4 Project Management and Contractor Engagement

4.1 The Applicant will be responsible for managing the Works.

4.2 The Applicant will ensure that any contractor it engages to carry out the Works agrees to:

- (a) carry out the Applicant's obligations in these Construction Terms as part of any Construction Contract; and
- (b) request a Council representative to be present at each on-site meeting attended by the Superintendent and to ensure the Council representative is present at the meeting.

5 Design Development and Approvals

5.1 Concept Design

Council and the Applicant will work in consultation with each other to prepare and agree the concept plans for the Works.

5.2 Detailed Design

- (a) Prior to Works commencing the Applicant must provide a copy of the draft Detailed Design to the Council for approval.
- (b) Within 28 Business Days of receiving the Detailed Design, Council will respond to the Applicant with any suggested amendments to the Detailed Design.
- (c) Council and the Applicant must work in consultation with each other to prepare and agree the Detailed Design and must both act reasonably and with due expedition in their consultations with each other.
- (d) If the Detailed Design is not completed and agreed within 28 Business Days of Council providing its suggested amendments in accordance with clause 5.2(b) of this Schedule 5 to avoid possible delays to the issue of a Certificate of Practical Completion, the Council will, in its sole discretion, be entitled to decide on any outstanding or undecided matter or item relating to areas that are to be accessible to the public, provided that any decision made by Council under this clause:
 - (i) is consistent with the obligation to carry out the Works under this Deed; and
 - (ii) is consistent with the Development Consent; and
 - (iii) does not materially and adversely affect the Development; and

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- (iv) is not unreasonable.
- 5.3 Any acceptance by the Council of the Detailed Design under this clause 5 of Schedule 5 is not to be taken as approval of or to any Construction Certificate for the Works.
- 5.4 **Good faith**
The parties must act promptly and in good faith to consult in relation to the Detailed Design.
- 6 **Carrying out of Works**
- 6.1 **Communication**
The Applicant must keep Council reasonably informed of progress of the Works and provide to Council such information about the Works as Council reasonably requests.
- 6.2 **Standard of Works**
- (a) Unless otherwise provided, the Applicant shall, and must cause the Builder to, use suitable new materials and proper and tradesmanlike workmanship when carrying out the Works.
 - (b) The qualitative standard of the design and finishes for the Works must be no less than those described in the following documents:
 - (i) Any relevant Australian Standard;
 - (ii) Any relevant design standards or guidelines and any other requirements or policies applied by the Council from time to time in assessing the adequacy of any works or improvements proposed for the public domain or to be accessible to the public in accordance with this agreement.
 - (c) The Applicant will obtain any relevant standards (including design standards), specifications, or guidelines and any other requirements or policies referred to in clause 6.2(b)(ii) of this Schedule 5 from Council if the Council fails to deliver them to the Applicant.
 - (d) The Applicant may but is not obliged to reinstate any Works where damage or destruction is as a result of:
 - (i) Any act or omission of the Council or its employees, consultants or agents relating to any part of the Works under this agreement; or
 - (ii) The use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of the Council of any part of the Works.
- 6.3 **Damage to people, property & utilities**
- (a) The Applicant is to ensure to the fullest extent reasonably practicable that, in performing its obligations under this agreement:
 - (i) all necessary measures are taken to protect people and property;

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- (ii) unnecessary interference with the passage of people and vehicles is avoided; and
- (iii) nuisances and unreasonable noise and disturbances are prevented.
- (b) Without limiting clause 6.3(a) of this Schedule, the Applicant is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

7 Inspection

- (a) On completion of the Detailed Design, the Council will provide a schedule of inspections to be undertaken by Council (**Inspection Schedule**) to occur at specified stages of the construction of the Works (**Inspection Stage**). If the Council does not provide the Inspection Schedule, the Applicant must request the Inspection Schedule from the Council prior to the Works commencing.
- (b) Five Business Days prior to reaching an Inspection Stage as set out in the Inspection Schedule, the Applicant must notify the Council of the proposed inspection date (**Inspection Date**).
- (c) On the Inspection Date, or other agreed date, the Applicant must ensure that any employees, contractors, agents or representatives of Council have access to and may enter the Land to inspect the Works.
- (d) In addition to carrying out inspections in accordance with the Inspection Schedule, the Council may enter the Land or any part of the Land on which the Works are located to inspect the progress of the Works, subject to:
 - (i) the terms of the Construction Contract (save for any clause of the Construction Contract which prevents the Council from accessing the Land);
 - (ii) giving reasonable notice to the Applicant;
 - (iii) complying with all reasonable directions of the Applicant; and
 - (iv) being accompanied by the Applicant or a nominee, or as otherwise agreed.
- (e) The Council may, acting reasonably, within 5 Business Days of carrying out an inspection (either under clause 7(c) or 7(d) of this Schedule 5), notify the Applicant of any defect or non-compliance in the Works and direct the Applicant to carry out work to rectify that defect or non-compliance within a reasonable period of time. Such work may include, but is not limited to:
 - (i) removal of defective or non-complying material;
 - (ii) demolishing defective or non-complying work;
 - (iii) reconstructing, replacing or correcting any defective or non-complying work; and

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- (iv) not delivering any defective or non-complying material to the site of the Works.
- (f) If the Applicant is issued a direction to carry out further work under clause 7(e) of this Schedule 5, the Applicant must, at its cost, rectify the defect or non-compliance specified in the Notice within the time period specified in the Notice, provided that it is reasonable having regard to the nature of the works.
- (g) If the Applicant fails to comply with a direction to carry out work given under 7(e) of this Schedule 5, the Council will be entitled to refuse to accept that the Works (or the relevant part of the Works) meet the Council's standards and specifications and may refuse to issue a Certificate of Practical Completion, until the required Works have been completed to the Council's satisfaction, acting reasonably.
- (h) For the avoidance of doubt, any acceptance by the Council that the Applicant has rectified a defect or non-compliance identified in a notice issued under 7(e) of this Schedule 5 does not constitute:
 - (i) acceptance by the Council that the Works comply with all Approvals and Laws; or
 - (ii) an Approval by the Council in respect of the Works; or
 - (iii) an agreement or acknowledgment by the Council that the Works or the relevant part of the Works are complete and may be delivered to the Council in accordance with this agreement.

8 Completion

8.1 Practical Completion

- (a) When the Applicant considers that the Works, or any part of the Works, are complete, the Applicant must send a Notice to the Council accompanied by complete works as executed plans, any relevant certificates or consents of any public utility authority and a request for written certification from the Council that the Works are complete.
- (b) Within 10 Business Days of receipt of the notice under clause 8.1(a) of this Schedule 5, the Council will carry out an inspection of the Works and will, acting reasonably, either:
 - (i) provide written certification to the Applicant that the Works have been completed; or
 - (ii) notify the Applicant of any additional information required or matters which must be addressed by the Applicant prior to the certification being issued.
- (c) If Council does not attend to the inspection referred to in Cause 8.1(b) of this Deed within 10 Business Days, the Applicant may send a further Notice to the Council requesting an inspection.
- (d) If the Applicant is required to provide additional information or address any matters under clause 8.1(b)(ii) of this Schedule 5, the Applicant will provide that

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information to Council or address those matters within 10 Business Days of receiving the notice or within a reasonable period of time and make a further request under clause 8.1(a) of this Schedule 5 for written certification that the Works have been completed.

- (e) Practical completion will be achieved in relation to the Works or any part of the Works when a Certificate of Practical Completion has been issued for those Works.

8.2 Delivery of documents

- (a) The Applicant must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works deliver to the Council, complete and legible copies of:
 - (i) all "as built" full-sized drawings, specifications and relevant operation and service manuals;
 - (ii) all necessary certificates including the certificates of any consultants of the Applicant that the Council may reasonably require, and Approvals of any public utility authority (where relevant); and
 - (iii) copies of all Approvals required for use of the land subject to the Works.
- (b) The Applicant must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works, provide the Council with a tour of the land subject to the Works and provide reasonable instructions on the operation and use of the Services on that land.

8.3 Assignment of Warranties and Causes of Action

- (a) The Applicant must assign (as beneficial owner) or cause to be assigned to Council the benefit of any warranties and guarantees obtained by the Applicant and the Builder (and capable of assignment) with respect to any material or goods incorporated in or forming part of the Works.
- (b) To the extent that any such warranties or guarantees cannot be assigned, the Applicant must at the request of Council do anything reasonably required by Council to enforce such warranties or guarantees for the benefit of Council.

8.4 Defects Liability Period

- (a) During the Defects Liability Period, the Council (acting reasonably) may give to the Applicant a notice (**Rectification Notice**) in writing that identifies a defect in the Works and specifies:
 - (i) action required to be undertaken by the Applicant to rectify that defect (**Rectification Works**); and
 - (ii) the date on which the defect must be rectified (**Rectification Date**).

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- (b) The Applicant must comply with the Rectification Notice by:
 - (i) procuring the performance of the Rectification Works by the Rectification Date, or such other date as agreed between the parties;
 - (ii) keeping the Council reasonably informed of the action to be taken to rectify the defect; and
 - (iii) carrying out the Rectification Works.
- (c) The Council must give the Applicant and its contractors any access required to carry out the Rectification Works.
- (d) When the Applicant considers that the Rectification Works are complete, either the Applicant must notify the Council and provide documentation, plans or invoices which establish that the Rectification Works were carried out.
- (e) The Council may inspect the Rectification Works within 15 Business Days of receiving a Notice from the Applicant under clause 8.4(d) of Schedule 5 and, acting reasonably:
 - (i) issue a further Rectification Notice if it is not reasonably satisfied that the Rectification Works are complete; or
 - (ii) notify the Applicant in writing that it is satisfied the Rectification Works are complete.
- (f) The Applicant must meet all costs of and incidental to rectification of defects under this clause 8.4.
- (g) If the Applicant fails to comply with a Rectification Notice, then the Council may do such things or take such action as is necessary to carry out the Rectification Works, including accessing and occupying any part of the Land without further notice to the Applicant, and may:
 - (i) call upon any Bond or Bank Guarantee provided to the Council under clause 8.5 of this Schedule 5 to meet its costs of carrying out Rectification Works; and
 - (ii) recover as a debt due to the Council by the Applicant in a court of competent jurisdiction, any difference between the amount of the security deposit and the costs incurred by the Council in carrying out Rectification Works.
- (h) The Applicant must request that Council inspect the Works 28 days prior to the end of the Defects Liability Period. The Council must inspect the Works at any time after receiving the request from the Applicant and before to the end of the Defects Liability Period.
- (i) If, prior to the end of the Defects Liability Period:
 - (i) the Applicant fails to request the inspection, or
 - (ii) the Council does not carry out the inspection,

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the Council may extend the Defects Liability Period so that the inspection may be carried out.

8.5 Security for Defects Liability

- (a) Prior to the issue of a Certificate of Practical Completion for each item of the Works the Applicant must deliver to the Council Bonds or Bank Guarantees in an amount equivalent to 2.5% of the construction costs for the particular item of Works.
- (b) The Applicant advises and the Council acknowledges its awareness that the Bonds or Bank Guarantees may be supplied by the Builder and form a part of the security held by the Applicant from the Builder under the terms of the Construction Contract, provided that:
 - (i) any Bond or Bank Guarantee provided by the Builder benefits the Council and satisfies the requirements of this agreement; and
 - (ii) the Applicant procure an agreement from the Builder that the Council will be entitled to call on any Bond or Bank Guarantee provided by the Builder, in accordance with the terms of this agreement and the terms of any Construction Contract.
- (c) Within 10 Business Days after the Defects Liability Period for a particular item of Works has expired Council must (if it has not called on it) return the Bond or Bank Guarantee referred to in clause 8.5(a) of this Schedule 5 for that item of Works (or any remaining balance of it) to the Applicant.
- (d) Notwithstanding clause 8.4(c) of this Schedule 5, if during the Defects Liability Period for a particular item of Works, the Council issues a Rectification Notice and the Rectification Notice is not complied with, then the Council need not deliver the balance of any Bonds or Bank Guarantees provided to it until that defect has been rectified.
- (e) The Council must deliver the balance of any Bond or Bank Guarantee for the Defects Liability Period to the Applicant within 14 days after the Defects Liability Period has ended.

9 Risk

The Applicant undertakes the Works entirely at its own risk.

10 Insurance

- (a) Prior to the commencement of the construction of any of the Works, the Applicant must ensure the Builder effects and the Applicant must produce evidence to the Council of the following insurances issued by an insurer approved by the Council (acting reasonably) in a form approved by the Council (acting reasonably):
 - (i) construction works insurance for the value of the Works;
 - (ii) public risk insurance for at least \$20 million;
 - (iii) workers compensation insurance as required by Law.

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- (b) The Applicant must provide evidence of currency of insurance required by clause 10(a) of this Schedule 5 upon request by the Council, acting reasonably, throughout the term of this agreement.

11 Indemnities

The Applicant indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the carrying out by the Applicant of the Works except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

12 Intellectual Property Rights

The Council acknowledges that the Applicant or its contractors hold all rights to copyright and any intellectual property which may exist in the Works. To the extent the Applicant has or receives intellectual property rights for the Works, the Applicant shall assign those intellectual property rights to Council or permit use thereof.

13 Risk of contamination

- (a) The Applicant acknowledges and agrees:
 - (i) that it is responsible for the management and remediation of any contamination present upon or under the land on which the Works are to be carried out;
 - (ii) it will attend to any necessary remediation at its own costs; and
 - (iii) to the fullest extent permitted by Law indemnify and release the Council from any Claim which might arise from any contamination with respect to the land on which the Works are to be carried out.

14 Plans

The parties acknowledge and agree that further detail and refinement of plans and documents in connection with this agreement may be necessary having regard to the following matters:

- (a) matters affecting Works not capable of identification on or before the date of this agreement; or
- (b) by agreement between the parties.

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Schedule 6 – Easement Terms

- 1 The owner of the Easement Area grants to the Council and members of the public full and free right to go, pass and repass over the Easement Area at all times:
 - (a) with or without companion animals (as defined in the Companion Animals Act 1998) or other small pet animals; and
 - (b) on foot without vehicles (other than bicycles, wheelchairs or other disabled access aids), unless vehicles are being used to access the building on the Land via clearly identified entry and exit points;

for all lawful purposes.
- 2 The Council must, to the satisfaction of the owner of the Easement Area, acting reasonably:
 - (a) keep the Easement Area (including any services in, on or under the Easement Area) in good repair and condition suitable as a safe public right of way;
 - (b) maintain and repair the Easement Area and all improvements on the Easement Area;
 - (c) keep the Easement Area clean and free from rubbish; and
 - (d) maintain sufficient public liability insurance covering the use of the Easement Area in accordance with the terms of this Easement.
- 3 Council acknowledges that it is solely responsible for all aspects of public safety in respect of the use of the Easement Area over which the Council Works are located notwithstanding that it is not the owner of the Easement Area
- 4 The owner of the Easement Area must ensure that any rules made by an Owner's Corporation relating to the Easement Area have been approved by the Council, not to be unreasonably withheld or delayed.
- 5 If any member or members of the public loiter or congregate, for any purpose which the owner of the Easement Area, acting reasonably, considers to be a nuisance or a safety risk, the owner may either remove those members of the public, or arrange for their removal by an appropriate authority.
- 6 The Council or the owner of the Easement Area may erect safety signage and any other appropriate signage and may erect CCTV cameras in the Easement Area.
- 7 The Council or the owner of the Easement Area may engage security personnel to monitor and control the behaviour of the public including but not limited to prohibiting smoking, consumption of alcohol (except within licensed areas), passage of animals, bicycles and skateboards and the like in accordance with any rules made by an Owner's Corporation relating to the Easement Area.

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- 8 The owner of the Easement Area may with the Council's prior written consent (except in the case of an emergency, in which case the Council's prior written consent is not required) temporarily close or temporarily restrict access through all or part of the Easement Area for the time and to the extent necessary but only on reasonable grounds for the purposes of:
- (a) construction, construction access, repairs, maintenance, replacement and alteration to the Easement Area or any improvements in, on or under the Easement Area; or
 - (b) security, public safety or evacuation of the Easement Area and adjoining buildings.
- 9 Subject to ensuring the provision of access in accordance with above clause 1 of this Schedule, Council, subject to the consent of the owner of the Easement Area which may not be unreasonably withheld, and the owner of the Easement area, provided any necessary planning approvals are obtained, may:
- (a) Carry out works in the Easement Area for the purposes of enhancing the Easement Area;
 - (b) Install or erect works of art, street furniture, awnings, tables and chairs associated with ground floor commercial premises, notice boards or any other similar improvements at ground level within the Easement Area; and
 - (c) Use the Easement Area,
- in a manner consistent with Parramatta City Council Outdoor Dining Policy adopted 9 July 2012 and amended 25 February 2013, or any such policy of the Council that replaces that policy.
- 10 The Council is solely empowered to release this Easement.
- 11 This Easement may only be varied by written agreement between the Council and the owner of the Easement Area.

Voluntary Planning Agreement

**Executed as a Deed**

Executed by
City of Parramatta Council ABN 49
907 174 773 by its authorised officers:

 Signature of Authorised Officer

 Signature of Witness

 Name and Position of Authorised Officer

 Name of Witness

Executed by
Fabcot Pty Ltd
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 pursuant to Power of Attorney dated 17
 July 2016:

 Signature of Witness

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 Name of Attorney

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 in accordance with section 127(1) of the
Corporations Act 2001 (Cth):

 Signature of Director and Company Secretary

 Signature of Director

 Name of Director

 Name of witness



NORTH ROCKS WOOLWORTHS, SYDNEY

Economic Impact Assessment

Prepared for Woolworths Group
August 2019

LOCATION 

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INTRODUCTION

This report presents an independent assessment of the demand for a proposed Woolworths supermarket-based development at North Rocks in the Hills District of Sydney. The report also considers the likely economic impacts which would result from the proposed development. The proposal is referred to as the proposed North Rocks Woolworths or proposed development throughout the remainder of this report.

Woolworths are proposing to develop a Woolworths supermarket (including BWS) and a large format retail distribution warehouse (non-retail), permitted under the current zoning at the former Bunnings Warehouse site at 1 Windsor Road in North Rocks. Retail uses are currently prohibited based on the zoning of the site (B6 Enterprise Corridor) and an amendment to The Hills Local Environmental Plan 2012 is now required. As part of the planning proposal, an Economic Impact Assessment is now required with the specific focus as follows:

"Identifying market demand for retail land uses within the catchment. This assessment would also need to ensure there is no adverse impact on the retail hierarchy or impact on the provision of business enterprise land in North Rocks".

The report is structured and presented in **five (5) sections** as follows:

- **Section 1** details the location of the proposed North Rocks Woolworths site and discusses the context of the site within the Parramatta Local Government Area (LGA). The proposed development scheme is also reviewed.
- **Section 2** examines the resident trade area which is relevant for the proposed development, including current and projected population and retail spending levels. The socio-economic profile of the trade area population is also reviewed.
- **Section 3** provides an overview of the retail hierarchy in the surrounding region.
- **Section 4** outlines an assessment of the sales potential for the proposed North Rocks Woolworths and then presents an economic impact assessment. Likely trading impacts on other retailers throughout the surrounding region are considered, as are the employment and other economic impacts, both positive and negative, of the proposal.
- **Section 5** outlines the key findings of the analysis.



EXECUTIVE SUMMARY

The key points of this independent Economic Impact Assessment for the proposed North Rocks Woolworths development, include:

- i. Woolworths are proposing to develop a Woolworths supermarket (including BWS) and a potential large format retail distribution warehouse (non-retail) at the former Bunnings Warehouse site at 1 Windsor Road (Church Street) between North Rocks Road and Cumberland Highway in North Rocks.
- ii. The former Bunnings Warehouse site at North Rocks enjoys a high-profile location with significant exposure to passing traffic. A traffic lighted intersection at North Rocks Road provides ingress and egress to the site. Based on 2018 traffic counts from NSW Transport, some 30,418 vehicles travelled daily along Church Street (both directions) at the intersection of Daking Street. This equates to some 11.1 million vehicles over the year.
- iii. The proposed development would provide a modern full-size Woolworths supermarket of 3,800 sq.m (including BWS) and potential large format retail distribution warehouse (non-retail) of 3,015 sq.m. In total, 260 car spaces are planned.
- iv. The defined main trade area largely falls within a 2 - 3 km radius of the site, which is consistent with most full-line supermarkets across Australia in established residential areas, acknowledging that overlapping catchments are typical in any retail hierarchy, particularly in metropolitan areas.
- v. The proposed North Rocks Woolworths main trade area population is currently estimated at 44,420 (2019), including 17,510 persons within the primary sector. The main trade area population is projected to increase to 49,960 by 2031, including 21,210 persons in the primary sector.
- vi. In Australia, one major full-line supermarket is typically supportable for every 8,000 – 10,000 persons. On this basis, the main trade population (44,420 persons) could easily support five full-line supermarkets, with one currently provided, namely Entrada Coles. In the primary sector, the current population of some 17,510 persons is only served by a small IGA supermarket of 1,040 sq.m at Northmead.
- vii. The existing Northmead IGA, which is the only supermarket in the primary sector and one of only two supermarkets in the main trade area, is small by modern standards at 1,040 sq.m. Most modern full-line supermarkets which serve the weekly shopping needs of local residents are typically 3,200 sq.m in size and larger.



- viii. There are limited food and grocery tenants, and specifically supermarkets in the main trade area, to serve residents of the local and surrounding region. Assuming the Sydney benchmark of 263 sq.m of supermarket floorspace per 1,000 persons, there is a current indicative undersupply of some 7,114 sq.m of supermarket floorspace across the main trade area. Not all of this supermarket floorspace demand will be retained in the main trade area, however, there is considered to be significant demand for supermarket floorspace in this part of Sydney. Following the opening of the proposed North Rocks Woolworths of 3,800 sq.m in 2022/23, there would still be an under provision of supermarket floorspace across the main trade area of some 3,666 sq.m that would increase over time.
- ix. The proposed North Rocks Woolworths supermarket is projected to achieve sales of \$37.9 million in 2022/23, at an average of \$9,984 per sq.m, compared to the Australian average of \$9,000 - \$10,000 per sq.m. This indicates strong demand for the proposed supermarket.
- x. All supermarkets within the main trade area would still be viable. Key impacts on the surrounding competitive network are as follows:
- The highest impact in dollar terms would be on Westfield Parramatta, at around \$10.5 million, with most of this impact falling on the supermarkets, in particular, the relocated full-line Woolworths which is the closest Woolworths to the proposed development. All of these supermarkets are understood to trade strongly, at levels above the Australian benchmark. In percentage terms, however, the total impact is small at around 1.0%, with the impacted supermarkets to remain viable. Westfield Parramatta current records Moving Annual Turnover (MAT) of \$848.65 million, which is some 43% higher than the benchmark for the Regional Shopping Centres of \$593.7 million (Urbis Retail Averages 2017/18).
 - The highest impact in percentage terms would be on Entrada (20 Victoria Road, North Parramatta) at 10%, which is the closest full-line supermarket. This reflects a dollar impact of \$5.3 million. Coles is understood to trade strongly and would continue to be viable.
 - Northmead Shopping Centre would be impacted by around 9.0%, or \$2.2 million. This is the nearest supermarket and shopping centre to the site. Northmead Shopping Centre would continue to be viable with the IGA supermarket supported by a convenience range of 19 specialty shops (including four food retail specialty shops, three food catering operators, a newsagent, hairdresser, Australia Post and a medical centre) which would not be replicated at the proposed North Rocks Woolworths site. As such, residents would still have to frequent this centre for a wider range of facilities.
 - Coles Westmead is projected to be impacted by \$1.6 million (5%), reflecting its location, immediately west of the main trade area.



- Projected impacts on Stockland Baulkham Hills (2.5% or \$3.9 million) and Winston Hills Mall (2.8% or \$7.0 million) reflect the strong convenience focus and easy access to these centres from the main trade area;
 - Other impacts are each below 5%, well within the normal competitive range.
- xi. Overall, the proposed North Rocks Woolworths development would not impact on the viability or continued operation of any existing or proposed centres within the main trade area or the surrounding region, with all impacts within the normal competitive range of around 10% or less.
- xii. In total, there is 529,741 sq.m of B6 Enterprise Corridor zoned land in the City of Parramatta LGA and 239,133 sq.m of B6 Enterprise Corridor zoned land in the North Rocks/North Parramatta precinct.
- xiii. The proposed North Rocks Woolworths site of 20,655 sq.m would account for less than 4% of the total B6 Enterprise Corridor zoned land in the City of Parramatta LGA and less than 10% of B6 Enterprise Corridor zoned land in the precinct. On this basis, if the proposed North Rocks Woolworths development was to proceed, there would still be in-excess of 509,000 sq.m of B6 Enterprise Corridor zoned land in the City of Parramatta LGA and in-excess of 218,000 sq.m of B6 Enterprise Corridor zoned land in the North Rocks/North Parramatta precinct.
- xiv. The proposed North Rocks Woolworths site has significant exposure to three major roads, making it a unique site within the corridor. As such, the site would lend itself to a higher and better use such as the proposed development. The extent of retail to be provided at the site would be a modern, full-line supermarket and this would not create a centre but would promote a use that is demanded by the local population. There would still be significant B6 Enterprise Corridor zoned land in the area which would be better suited to the types of uses envisaged in this zoning than the unique 1 Windsor Road (Church Street) site.
- xv. It is the conclusion of this report that a substantial net community benefit would result from the development of the proposed North Rocks Woolworths. Offsetting the trading impacts on some existing retailers, there are very substantial positive impacts including the following:
- Significant improvement in the range of retail facilities that would be available to residents, particularly in terms of convenient supermarket retailing;
 - The proposed North Rocks Woolworths would improve choice of location and allow for price competition. The inclusion of a full-line supermarket would address some of the significant undersupply of supermarket floorspace within the main trade area;
 - The creation of additional employment which would result from the project, both during the construction period, and more importantly, on an ongoing basis once the development is



complete and operational. In total, some 652 jobs are likely to be created both directly and indirectly because of the proposed North Rocks Woolworths development. This includes a number of youth employment opportunities.

- xvi. It is concluded that the combination of the substantial positive economic impacts serves to more than offset the trading impacts that could be anticipated for a small number of existing and proposed retail stores, particularly supermarkets, in the region. Further, the impacts would not threaten the viability of any retail facilities.



1 SITE LOCATION & PROPOSED DEVELOPMENT

This section of the report reviews the regional and local context of the proposed North Rocks Woolworths site and provides an overview of the proposed development scheme.

1.1. Regional & Local Context

- i. North Rocks is an established residential suburb provided within the Hills District region of Sydney, some 3 km to the north of the Parramatta Central Business District (CBD) and 32 km to the west of the Sydney CBD (refer Map 1.1). North Rocks is provided as part of the City of Parramatta Local Government Area (LGA) with areas of the suburb to the north of the M2 Hills Motorway falling in The Hills Shire.
- ii. Parramatta City Council and the New South Wales State Government continue to promote development within the Parramatta area, with several key initiatives and precincts outlined, including:
 - **Parramatta Light Rail** is one of the New South Wales Government's latest major infrastructure projects in the region. Stage One will connect Westmead to Parramatta and Carlingford via Camellia by 2023, including a proposed 'Eat Street' stop.
 - **Height restrictions** on Parramatta CBD buildings were removed in 2015 to promote further commercial and residential density.
 - **Parramatta Square** is one of the largest urban renewal projects in Australia, located some 3 km south of the proposed Woolworths site. The development will aim to transform the site into a vibrant mixed-use hub, comprising public open space and more than 240,000 sq.m of mixed-use development.
 - **WestConnex:** The first major stage of WestConnex was officially opened to traffic on 13th July 2019 after three years of construction. The new M4 tunnels between Homebush and Haberfield are expected to save motorists some 20 minutes off a trip from Parramatta to the Sydney CBD, allowing drivers to bypass Parramatta Road. The 5.5 km twin tunnels run three lanes in each direction, bypassing 22 sets of traffic lights.

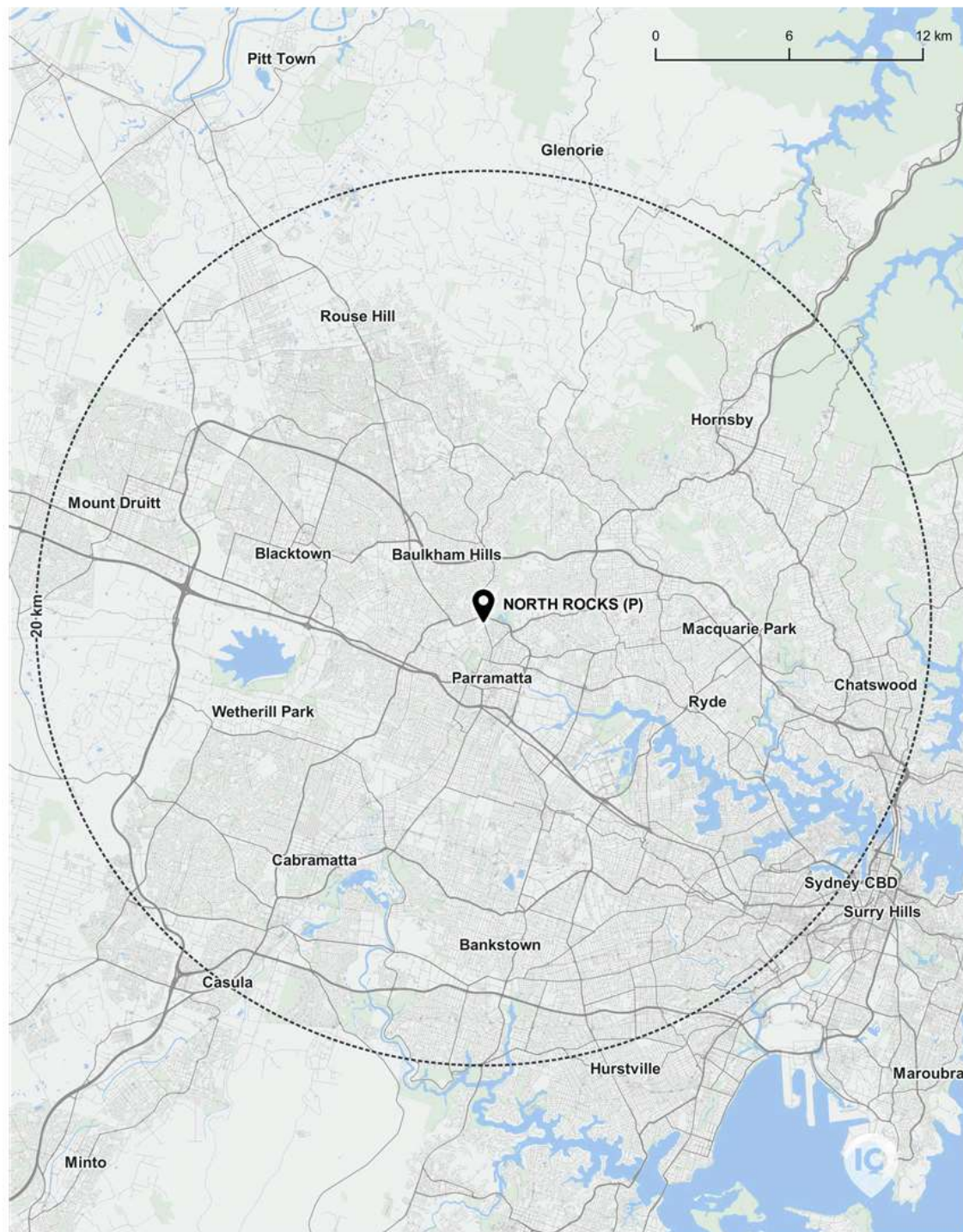


- iii. Woolworths is proposing to develop a Woolworths supermarket (including BWS) and a potential large format retail distribution warehouse (non-retail), which is permitted under the current zoning at the former Bunnings Warehouse site at 1 Windsor Road (Church Street) between North Rocks Road and Cumberland Highway in North Rocks. The former Bunnings Warehouse site at North Rocks enjoys a high-profile location with significant exposure to passing traffic. A traffic lighted intersection at North Rocks Road provides ingress and egress to the site.
- iv. Based on 2018 traffic counts from NSW Transport, 30,418 vehicles daily travelled along Church Street (both directions) at the intersection of Daking Street (refer Map 1.2). This equates to 11.10 million vehicles over the year.
- v. The site is also serviced by public transport with bus stops for route 549 on both sides of North Rocks Road to the south of the site. Route 549 connects the Parramatta CBD/Train Station to Epping via North Rocks.
- vi. The site for the proposed North Rocks Woolworths development at North Rocks is highlighted on Map 1.3, with other nearby facilities including:
 - Storage King North Parramatta as well as a range of other light industrial uses are generally provided around North Rocks Road and the James Ruse Drive intersection;
 - The Junction is located on the western side of Windsor Road/Church Street and include a mix of large format retailer such as Officeworks, King Living, Drummond Golf, Repco and Super Cheap Auto as well as some food catering tenants including Hog's Breath Café, Subway and Hungry Jacks.
 - With frontage along both sides of Windsor Road/Church Street there are a range of light industrial and large format retail developments. Some food catering tenants are also provided, taking advantage of this significant passing traffic flows. Some high-density residential buildings have been provided on the northern side of James Ruse Drive to the north of the site including Darling Mills and Northgate by Dylam;
 - In the precinct generally provided along both sides of Windsor Road to the south of James Ruse Drive/Cumberland Highway extending to Victoria Road in the south, there are over 6,000 workers (2016 Census);
 - St Monica's Primary School is situated on the southern side of North Rocks Road. Some 200 students attend this school.



- vii. Overall, the proposed North Rocks Woolworths site enjoys a high-profile location along a major road and would be well known and easily accessible to the local and wider region population as well as to passing traffic.



MAP 1.1. REGIONAL CONTEXT

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MAP 1.2. AVERAGE DAILY TRAFFIC COUNT 2018

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MAP 1.3. LOCAL CONTEXT



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1.2. Planning Environment

The Greater Sydney Region Plan - A Metropolis of Three Cities

- i. A Metropolis of Three Cities is a bold vision for three, integrated and connected cities that will rebalance Greater Sydney – placing housing, jobs, infrastructure and services within easier reach of more residents, no matter where they live. The Greater Sydney Region Plan, *A Metropolis of Three Cities* is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.
- ii. To meet the needs of a growing and changing population, the vision seeks to transform Greater Sydney into a metropolis of three cities:
 - Western Parkland City
 - Central River City
 - Eastern Harbour City.
- iii. The Plan is underpinned by four key pillars which outline specific objectives to be achieved, namely:
 - Infrastructure and Collaboration
 - Liveability
 - Productivity
 - Sustainability.
- iv. The Plan is supported by the NSW Long Term Transport Master Plan and a set of District Plans. The proposed North Rocks Woolworths site falls within the Eastern Harbour City region

Central City District Plan

- i. The Greater Sydney Commission's five District Plans are a guide for implementing *A Metropolis of Three Cities - the Greater Sydney Region Plan* at a District level. The Commission's District Plans were finalised in March 2018.
- ii. These 20-year plans are a bridge between regional and local planning and inform local environmental plans, community strategic plans and the assessment of planning proposals. The District Plans also help council to plan and deliver for growth and change and to align local planning strategies to place-based outcomes.



- iii. The proposed North Rocks Woolworths site falls within the Central City District which encompasses the following four LGA's (refer Figure 1.1):

- Parramatta
- Blacktown
- Cumberland
- The Hills

- iv. The vision for the Central City District is as follows:

"The vision for Greater Sydney as a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City and a 30-minute city – means residents in the Central City District will have quicker and easier access to a wider range of jobs, housing types and activities as part of the transformation of their District. The vision will improve the District's lifestyle and environmental assets."

- v. The vision will improve the District's lifestyle and environmental assets by:

- Developing the economy with jobs and skills growth from unprecedented city-scale infrastructure investments;
- Supporting cohesive and socially dynamic communities with new social infrastructure like schools and community services, new cultural and sporting facilities;
- Establishing transport connections north, south, east and west from Parramatta to optimise Greater Parramatta's location in the centre of Greater Sydney;
- Transforming Westmead health and education precinct to an innovation district with greater diversity of knowledge-intensive jobs;
- Retaining industrial and urban services land and creating new skills with a 21st century clean-tech and advanced manufacturing cluster around precincts such as Camellia, Rydalmere, Silverwater and Auburn;
- Linking parks, bushland, playgrounds and waterways through the Greater Sydney Green Grid with enhanced opportunities for safe walking and cycling paths;
- Enhancing the quality of, and access to, waterways such as Parramatta River, Duck River and South Creek.



vi. Priorities outlined for this Central City District include:

- Working together to grow a Greater Sydney;
- Infrastructure supporting new developments;
- Celebrating diversity and putting people at the heart of planning;
- Giving people housing choices;
- Designing places for people;
- Developing a more accessible and walkable city;
- Creating the conditions for a stronger economy;
- Valuing green spaces and landscapes;
- Adapting to a changing world;
- Using resources wisely

vii. In relation to future retail floorspace, the Plan states the following:

"Research has shown that the Central City District will need to accommodate more than 1.76 million square metres of additional retail floor space over the next 20 years.

In addition, there will be significant demand for additional office floor space. Creating the opportunities to attract retail and office development locally brings jobs closer to homes.

Rapid changes in technology and in retail trends, emerging night-time economies and population growth require councils to be agile and responsive in their planning for centres growth."

viii. Specifically, in relation to liveability

"Liveability is about people's quality of life. Maintaining and improving liveability requires housing, infrastructure and services that meet people's needs, and the provision of a range of housing types in the right locations with measures to improve affordability. This enables people to stay in their neighbourhoods and communities as they transition through life."



- ix. The proposed North Rocks Woolworths development will provide additional retail floorspace in the form of a full-line supermarket. This development would not create a centre to compete with other existing centres that provide a range of retail and non-retail uses. The development will provide for the weekly food and grocery shopping needs of the large population in the region where there is currently an undersupply of supermarket floorspace.

FIGURE 1.1. CENTRAL CITY DISTRICT



1.3. Planned Development Scheme

- i. Woolworths Group now propose a development across one level which would replace the former Bunnings Warehouse at 1 Windsor Road in North Rocks. The proposed development scheme is illustrated in Figure 1.1 and is described as follows:
 - The total development will encompass 6,815 sq.m of floorspace;
 - A full-line Woolworths supermarket of 3,800 sq.m (including BWS). Woolworths would be a modern supermarket offer catering to the weekly food and grocery shopping needs of the surrounding population;
 - A potential large format retail distribution warehouse of 3,015 sq.m (non-retail), permitted under the current zoning;
 - A total of 260 car spaces would be provided with ingress and egress from North Rocks Road.
- ii. The development is assumed to open in July 2022, meaning the first full year of trading would indicatively be 2022/23.
- iii. Supermarkets are typically defined in planning documents and Courts as:

“Grocery and dry goods stores of at least 500 sq.m, with smaller stores classified as food stores.”
- iv. Supermarkets offer a broad range of items not typically included in smaller sized stores such as a bakery, butcher, seafood and fresh produce segments.
- v. Table 1.1 provides a summary of the proposed development scheme for the North Rocks site. As shown, the total GLA is 6,815 sq.m with the Woolworths supermarket accounting for 55.8%.
- vi. Overall, the proposed development would provide a modern supermarket and a large format retail distribution warehouse (non-retail). As such, the retail component of the development will provide a destination convenience offer only.



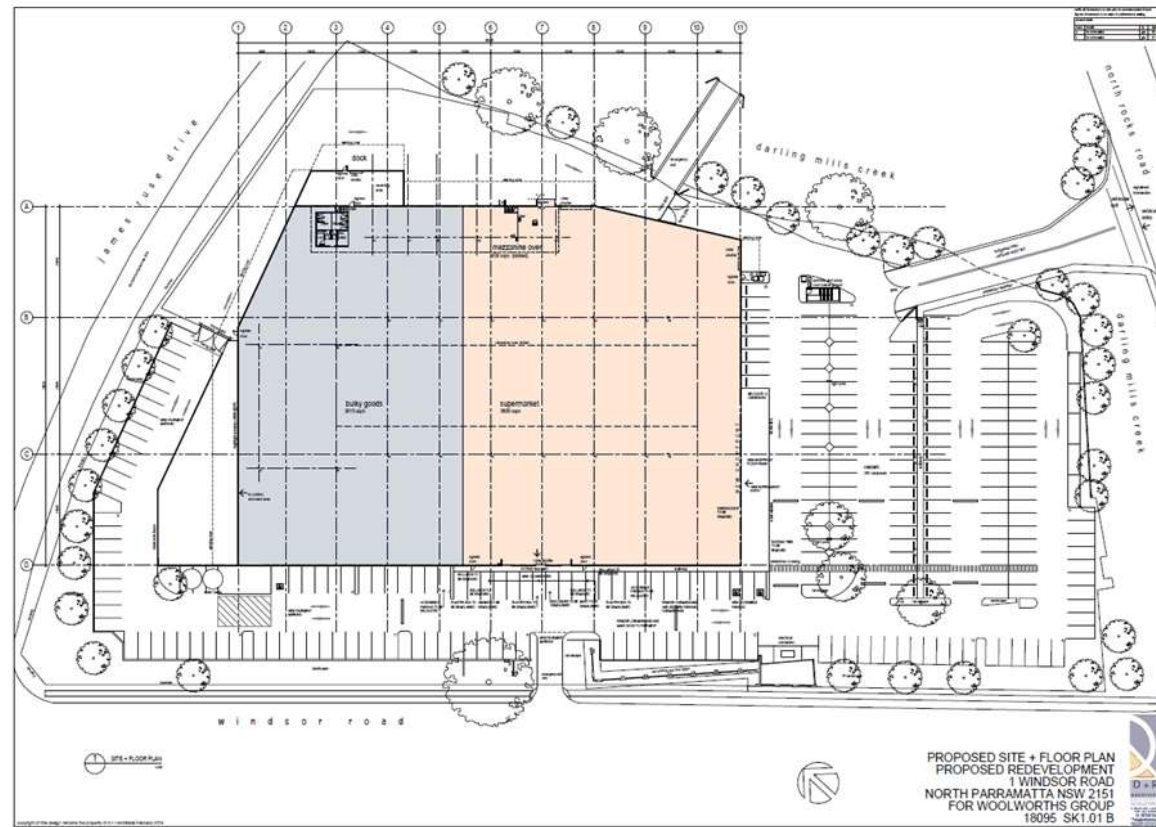
TABLE 1.1. PROPOSED NORTH ROCKS WOOLWORTHS DEVELOPMENT SCHEME

Component	GLA (sq.m)	% of Total
Retail		
Woolworths (inc. BWS)	<u>3,800</u>	<u>55.8%</u>
Total Retail	3,800	55.8%
Non-retail		
Large Format Retail Distribution warehouse	<u>3,015</u>	<u>44.2%</u>
Total Non-retail	3,015	44.2%
Total	6,815	100.0%

Source: Woolworths Group



FIGURE 1.2. NORTH ROCKS WOOLWORTHS PROPOSED DEVELOPMENT SCHEME



North Rocks Woolworths, Sydney
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2 TRADE AREA ANALYSIS

This section of the report outlines the trade area likely to be served by the proposed North Rocks Woolworths development, including current and projected population and retail spending levels. The socio-economic profile of the trade area population is also reviewed.

2.1. Trade Area Definition

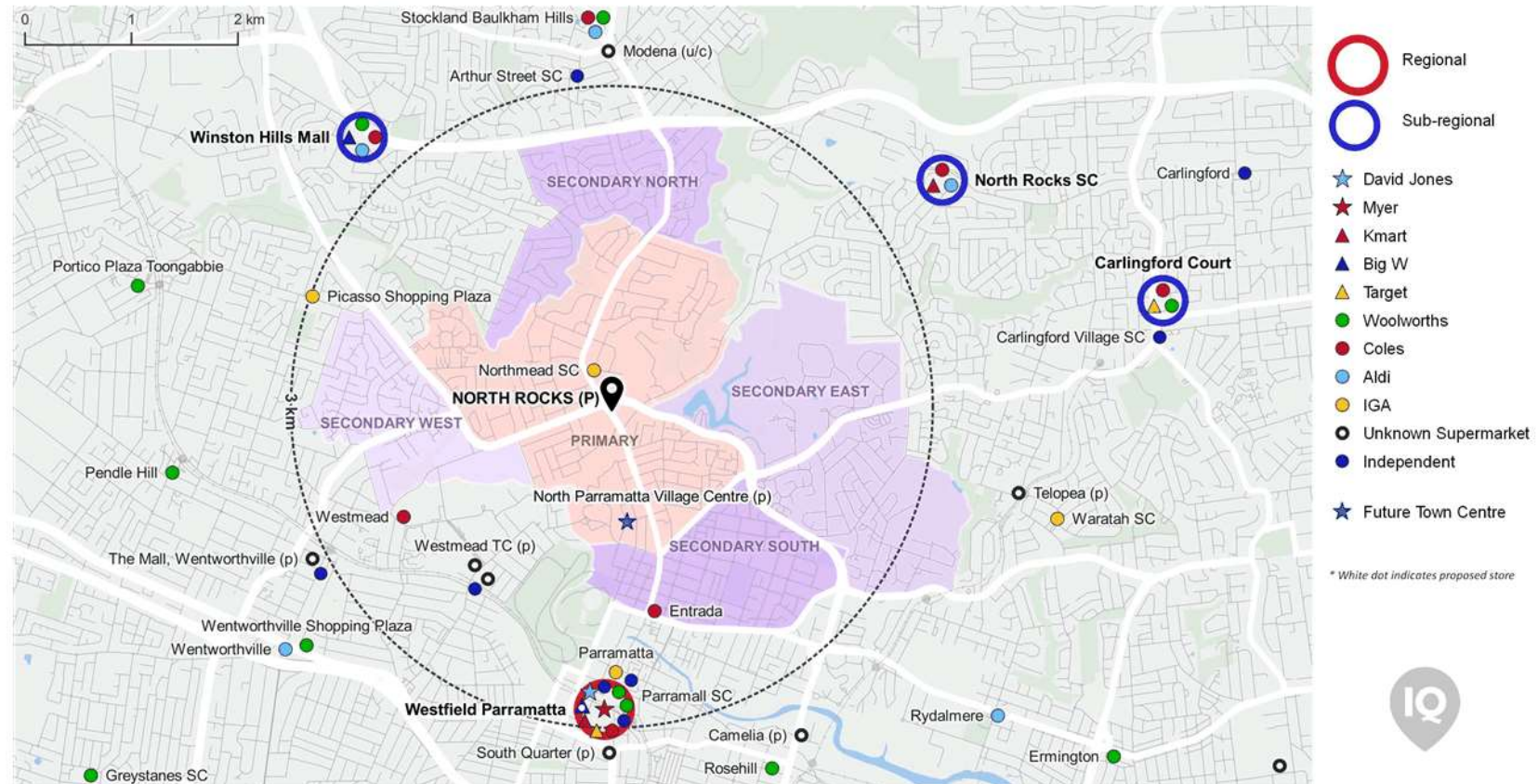
- i. The trade area for the proposed North Rocks Woolworths development has been defined considering the following:
 - The scale and composition of the proposed development, including a full-line supermarket and a large format retail tenant (non-retail).
 - The provision of existing and proposed retail facilities throughout the region.
 - Regional and local accessibility.
 - The pattern of urban development.
 - Significant physical barriers such as the river/waterways.
- ii. Map 2.1 illustrates the defined trade area for the proposed North Rocks Woolworths which includes one primary sector and four secondary sectors as follows (refer Map 2.1):
 - The **primary sector** generally extends some 2 km around the site and is limited by Northmead Gully to the north, the alignment of Old Windsor Road to the west, Albert Street and Pennant Hills Road in the south and North Rocks Road and James Ruse Drive in the east;
 - The **secondary north sector** stretches to the alignment of the M2 Motorway in the north and encompasses parts of Northmead;
 - The **secondary east sector** stretches some 3 km to the east following the alignment of Pennant Hills Road and encompassing parts of North Rocks and Oatlands;
 - The **secondary south sector** stretches to Victoria Road in the south to incorporate parts of North Parramatta;



- The **secondary west sector** falls to the western side of Old Windsor Road to capture parts of Constitution Hill and Old Toongabbie.
- iii. The combination of the primary sector and the four secondary sectors is referred to as the proposed North Rocks Woolworths main trade area throughout the remainder of this report. The defined main trade area largely falls within a 2 - 3 km radius of the site, which is consistent with most full-line supermarkets across Australia in established residential areas, acknowledging overlapping catchments are typical in any retail hierarchy.



MAP 2.1. MAIN TRADE AREA AND COMPETITION



2.2. Main Trade Area Population

- i. Table 2.1 details the current and projected population levels for the proposed North Rocks Woolworths main trade area, based on the following:
 - The 2011 and 2016 Census of Population and Housing undertaken by the Australian Bureau of Statistics (ABS);
 - New dwelling approval statistics sourced from the ABS over the period from 2011/12 – 2017/18 (refer Chart 2.1);
 - Population forecasts prepared at the small area level by .id Consulting;
 - Investigations by this office in relation to residential development within the trade area.
- ii. The proposed North Rocks Woolworths main trade area population is currently estimated at 44,420 (2019), including 17,510 persons within the primary sector. The main trade area population is projected to increase at an average rate of 1.0% per annum to 49,910 by 2031, including 21,210 persons in the primary sector.
- iii. In terms of future population growth, key developments throughout the main trade area, include:
 - Darling Mills by Silky Property Group (primary sector) has been recently completed and includes 150 units. The development is located some 450 metres to the east of the site.
 - The Parramatta North Urban Renewal Area comprises 32.6 hectares of land located at the western edge of the Parramatta City Centre (primary sector). Based on discussions with the Department of Planning and UrbanGrowth New South Wales, it is understood that rezoning approval has been granted for a large portion of the total area, which is expected to yield up to 2,700 dwellings (5,400 persons). Construction is to commence in 2020, with a projected 10-year timeline for development. The project is still in the early stages of planning, with residual land rezoning (that could yield a further 3,400 dwellings) deferred in the short term.
 - There are a number of private and public developments under construction, recently completed or planned within the secondary south sector. These are expected to yield over 600 dwellings combined upon completion. Developments at 470 Church Street (154 units), 464 Church Street (106 units) and 9 Albert Street (106 units) have been granted development approval and are assumed to be completed by 2022. A mixed used precinct in 355 Church Street, which will include 350 units, is in early stages of planning and assumed to be completed by 2024.



- iv. In addition to residents, in the immediate precinct that generally falls within a 0.5 – 1 km radius of the site, the worker population was approximately 1,750 in 2016.

TABLE 2.1. MAIN TRADE AREA POPULATION, 2011 – 2031

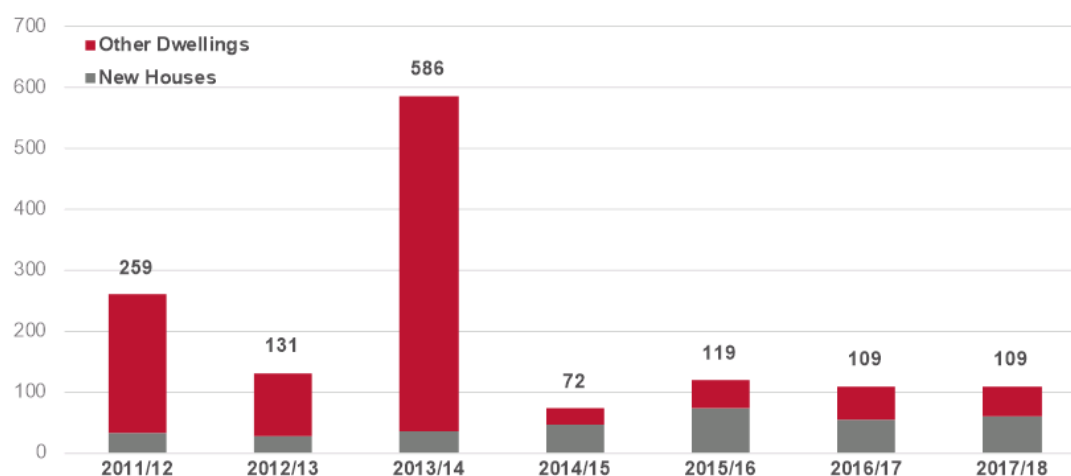
Population	Actual		2019	2021	Forecast	
	2011	2016			2026	2031
Primary Sector	16,020	17,210	17,510	17,710	18,960	21,210
Secondary Sectors						
• North	5,230	5,720	5,810	5,850	5,950	6,000
• East	5,290	5,460	5,580	5,640	5,740	5,840
• South	9,190	10,390	10,540	10,740	11,240	11,740
• West	<u>4,790</u>	<u>4,920</u>	<u>4,980</u>	<u>5,020</u>	<u>5,070</u>	<u>5,120</u>
Total Secondary	24,500	26,490	26,910	27,250	28,000	28,700
Main Trade Area	40,520	43,700	44,420	44,960	46,960	49,910

Average Annual Change (No.)	Actual		2016-19	2019-21	Forecast	
	2011-16	2016-19			2021-26	2026-31
Primary Sector		238	100	100	250	450
Secondary Sectors						
• North		98	30	20	20	10
• East		34	40	30	20	20
• South		240	50	100	100	100
• West		<u>26</u>	<u>20</u>	<u>20</u>	<u>10</u>	<u>10</u>
Total Secondary		398	140	170	150	140
Main Trade Area		636	240	270	400	590

Average Annual Change (%)	Actual		2016-19	2019-21	Forecast	
	2011-16	2016-19			2021-26	2026-31
Primary Sector		1.4%	0.6%	0.6%	1.4%	2.3%
Secondary Sectors						
• North		1.8%	0.5%	0.3%	0.3%	0.2%
• East		0.6%	0.7%	0.5%	0.4%	0.3%
• South		2.5%	0.5%	0.9%	0.9%	0.9%
• West		<u>0.5%</u>	<u>0.4%</u>	<u>0.4%</u>	<u>0.2%</u>	<u>0.2%</u>
Total Secondary		1.6%	0.5%	0.6%	0.5%	0.5%
Main Trade Area		1.5%	0.5%	0.6%	0.9%	1.2%
<i>Syd Metro</i>		1.9%	1.5%	1.5%	1.3%	1.2%
<i>Australian Average</i>		1.7%	1.4%	1.4%	1.4%	1.3%

All figures as at June and based on 2016 SA1 boundary definition.
Sources : ABS; SAFI by .id



CHART 2.1. MAIN TRADE AREA NEW DWELLING APPROVALS, 2011/12 – 2017/18

Source: ABS

2.3. Main Trade Area Socio-economic Profile

- i. Table 2.2 summarises the socio-economic profile of the main trade area population compared with the Sydney metropolitan and Australian benchmarks. This information is based on the 2016 Census of Population and Housing, with key points to note including:
 - **Income Levels:** The main trade area is characterised by a slightly less affluent population compared with the Sydney metropolitan benchmark. This trend is evident across all sectors, except for the secondary north sector where residents earn higher per capita and average household income levels compared to the benchmark.
 - **Age:** The main trade area population is slightly older than the benchmark, with an average age of 38.2 years.
 - **Birthplace:** The population is predominantly Australian born (60%). In the primary sector, the proportion of Australian born persons at 62.2% is slightly higher than the benchmark of 61.9%.
 - **Household Structure:** A review of the household structure of the main trade area population indicates most households comprise traditional families (i.e. couples with dependent children).
- ii. It is important that convenience-orientated retail facilities of an appropriate scale are provided within proximity to the homes of main trade area residents, with most households visiting supermarkets two to three times a week on average.



TABLE 2.2. MAIN TRADE AREA SOCIO-ECONOMIC PROFILE, 2016 CENSUS

Characteristics	Primary Sector	North	Secondary Sectors East South	West	Main TA	Syd Metro Average	Aust Average
Income Levels							
Average Per Capita Income	\$40,860	\$43,443	\$40,025	\$41,411	\$34,024	\$40,450	\$38,500
Per Capita Income Variation	-2.8%	3.3%	-4.8%	-1.5%	-19.1%	-3.8%	n.a.
Average Household Income	\$98,285	\$117,542	\$118,941	\$104,153	\$97,611	\$104,293	\$98,486
Household Income Variation	-14.6%	2.2%	3.4%	-9.5%	-15.2%	-9.4%	n.a.
Average Household Size	2.4	2.7	3.0	2.5	2.9	2.6	2.6
Age Distribution (% of Pop'n)							
Aged 0-14	17.8%	20.7%	19.1%	17.7%	19.8%	18.5%	18.5%
Aged 15-19	4.3%	4.5%	10.5%	4.3%	6.3%	5.3%	6.1%
Aged 20-29	13.2%	8.9%	11.6%	16.1%	14.3%	13.2%	13.9%
Aged 30-39	19.0%	15.7%	10.7%	22.8%	13.7%	17.8%	14.0%
Aged 40-49	13.5%	14.6%	13.9%	14.3%	14.3%	14.0%	13.6%
Aged 50-59	10.5%	10.8%	14.0%	10.9%	12.3%	11.3%	12.8%
Aged 60+	21.7%	24.8%	20.2%	13.9%	19.3%	19.8%	21.2%
Average Age	39.5	40.1	37.9	35.6	37.3	38.2	38.6
Housing Status (% of H'holds)							
Owner/Purchaser	57.2%	83.3%	72.0%	41.9%	62.3%	59.0%	67.9%
Renter	42.8%	16.7%	28.0%	58.1%	37.7%	41.0%	32.1%
Birthplace (% of Pop'n)							
Australian Born	62.2%	71.7%	63.1%	45.6%	63.6%	60.0%	72.9%
Overseas Born	37.8%	28.3%	36.9%	54.4%	36.4%	40.0%	27.1%
• Asia	20.1%	12.6%	22.8%	33.2%	18.7%	22.3%	10.7%
• Europe	5.1%	6.1%	4.0%	3.9%	4.7%	4.8%	8.0%
• Other	12.5%	9.6%	10.1%	17.3%	13.1%	13.0%	8.4%
Family Type (% of Pop'n)							
Couple with dep't children	44.5%	52.8%	55.5%	47.8%	45.7%	47.9%	45.2%
Couple with non-dep't child.	6.9%	10.0%	11.4%	6.4%	10.1%	8.2%	7.8%
Couple without children	22.1%	20.4%	16.9%	19.9%	17.8%	20.2%	23.0%
Single with dep't child.	7.9%	4.3%	5.8%	7.9%	11.8%	7.6%	8.9%
Single with non-dep't child.	4.4%	3.5%	3.2%	5.2%	6.3%	4.5%	3.7%
Other family	1.3%	0.5%	1.1%	1.8%	1.3%	1.3%	1.1%
Lone person	12.8%	8.7%	6.0%	10.9%	7.1%	10.3%	10.2%

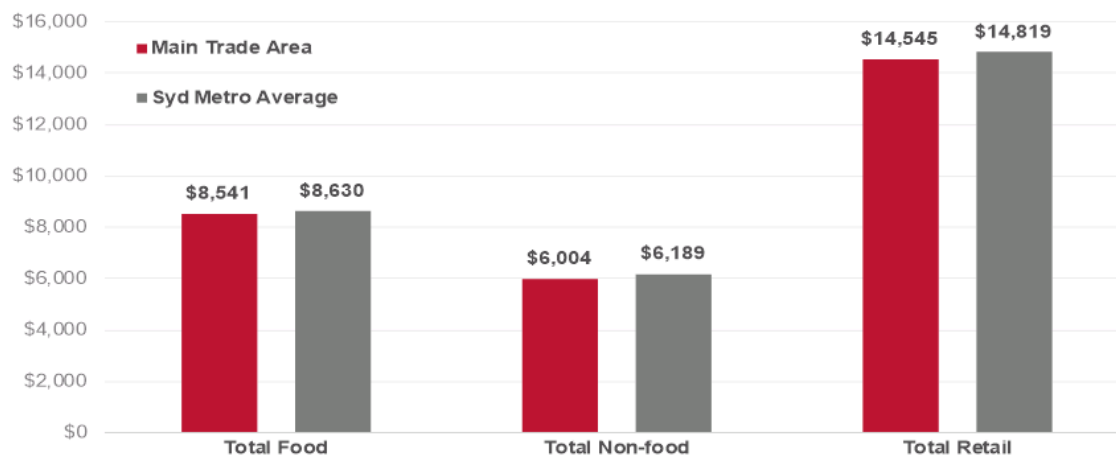
Sources: ABS Census of Population and Housing 2016



2.4. Main Trade Area Retail Expenditure Capacity

- i. The estimated retail expenditure capacity of the main trade area population is based on information sourced from MDS Market Data Systems. MDS utilises a detailed micro-simulation model of household expenditure behaviour for all residents of Australia.
- ii. The MDS model considers information from a wide variety of sources, including the regular ABS Household Expenditure Survey, National Accounts Data, Census Data and other information.
- iii. In New South Wales, Queensland, Victoria and Western Australia, the MarketInfo estimates of retail spending that are prepared independently by MDS are commonly used by all parties in Economic Impact or Retail Need and Sustainability Assessments.
- iv. Chart 2.2 illustrates the retail expenditure levels per person across the proposed North Rocks Woolworths main trade area, as compared with the Sydney metropolitan average.
- v. Main trade area retail expenditure is currently estimated at \$648.0 million and is projected to increase to \$802.7 million by 2031, representing an average annual growth rate of 1.8% (refer Table 2.3). All figures presented in this report are in constant 2019 dollars and include GST.
- vi. The projected growth rate of the main trade area retail spending market considers the following:
 - Real growth in retail spending per capita of 0.5% annually for food retail and 1.0% for non-food retail over the period to 2030/31. This is in-line with the national averages. Real growth in retail spending refers to the increase in retail sales consumption of a household adjusted for changes in prices;
 - Main trade area population growth of 1.0% per annum.
- vii. Table 2.4 presents a breakdown of retail spending by key commodity group, indicating the largest spending market is food and liquor at \$277.2 million, representing 42.8% of the total retail spending market. This is the most relevant market for supermarket spending.



CHART 2.2. MAIN TRADE AREA PER CAPITA SPENDING, 2018/19

Source: Marketinfo

TABLE 2.3. MAIN TRADE AREA RETAIL EXPENDITURE, 2019 – 2031

Y/E June	Primary Sector	North	Secondary Sectors East	South	West	Main TA
2019	255.9	90.1	84.2	151.4	66.4	648.0
2020	259.4	91.1	85.4	154.1	67.2	657.1
2021	264.0	92.1	86.4	156.7	67.9	667.1
2022	269.7	93.2	87.4	159.4	68.5	678.2
2023	275.6	94.2	88.4	162.1	69.2	689.5
2024	281.6	95.3	89.4	164.9	69.9	701.1
2025	287.7	96.4	90.4	167.7	70.6	712.8
2026	295.2	97.5	91.5	170.6	71.3	726.0
2027	304.3	98.6	92.5	173.4	72.0	740.8
2028	313.7	99.7	93.6	176.3	72.7	755.9
2029	323.3	100.8	94.7	179.3	73.4	771.4
2030	333.3	101.9	95.7	182.3	74.1	787.3
2031	343.0	102.9	96.9	185.1	74.8	802.7
Expenditure Growth						
2019-2021	8.1	2.1	2.2	5.3	1.5	19.1
2021-2026	31.2	5.3	5.1	13.9	3.4	58.9
2026-2031	47.8	5.5	5.4	14.5	3.5	76.7
2019-2031	87.1	12.8	12.7	33.7	8.4	154.6
Average Annual Growth Rate						
2019-2021	1.6%	1.1%	1.3%	1.7%	1.1%	1.5%
2021-2026	2.3%	1.1%	1.1%	1.7%	1.0%	1.7%
2026-2031	3.0%	1.1%	1.2%	1.6%	1.0%	2.0%
2019-2031	2.5%	1.1%	1.2%	1.7%	1.0%	1.8%

*Constant 2018/19 dollars & Including GST
Source : Marketinfo



TABLE 2.4. MTA RETAIL EXPENDITURE BY KEY COMMODITY GROUP, 2019 – 2031

Y/E June	Food & Liquor	Food Catering	Apparel	H'hold Goods	Leisure	General Retail	Retail Services
2019	277.2	103.4	67.7	109.6	25.1	44.6	20.4
2020	280.2	105.1	68.8	111.3	25.5	45.3	20.8
2021	283.7	106.9	70.0	113.3	26.0	46.1	21.1
2022	287.6	108.9	71.3	115.4	26.5	47.0	21.5
2023	291.6	111.0	72.7	117.6	27.0	47.9	21.9
2024	295.6	113.1	74.0	119.8	27.5	48.8	22.3
2025	299.7	115.3	75.4	122.0	28.0	49.7	22.8
2026	304.3	117.6	76.9	124.6	28.6	50.7	23.2
2027	309.6	120.3	78.7	127.4	29.2	51.8	23.8
2028	315.1	123.0	80.4	130.2	29.9	53.0	24.3
2029	320.6	125.8	82.2	133.2	30.6	54.2	24.9
2030	326.3	128.7	84.1	136.2	31.2	55.4	25.4
2031	331.7	131.5	85.9	139.2	31.9	56.6	26.0
Expenditure Growth							
2019-2021	6.5	3.5	2.3	3.7	0.9	1.5	0.7
2021-2026	20.6	10.7	6.9	11.3	2.6	4.6	2.1
2026-2031	27.3	13.8	8.9	14.6	3.3	5.9	2.7
2019-2031	54.5	28.1	18.1	29.6	6.8	12.0	5.6
Average Annual Growth Rate							
2019-2021	1.2%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%
2021-2026	1.4%	1.9%	1.9%	1.9%	1.9%	1.9%	1.9%
2026-2031	1.7%	2.2%	2.2%	2.2%	2.2%	2.2%	2.3%
2019-2031	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%

*Constant 2018/19 dollars & including GST
Source : Marketinfo



3 COMPETITIVE ENVIRONMENT

This section of the report reviews the competitive retail environment within which the proposed North Rocks Woolworths would operate to assist with the assessment of likely trading impacts for the proposed development on other competitive retailers.

TABLE 3.1. COMPETITIVE CENTRES

Centre	Shopfront GLA (sq.m)	Anchor Tenants	Dist. From Site (km)
Regional Shopping Centres			
<u>Parramatta</u>	<u>163,400</u>		<u>3.0</u>
• Westfield Parramatta	137,800	Myer (28,272), David Jones (12,905), Target (8,438), Kmart (6,592), Woolworths (4,622), Coles (2,637)	
• Entrada	5,600	Coles (3,529)	
• Other	20,000	IGA (1,500)	
Sub-regional Shopping Centres			
Winston Hills Mall	24,500	Big W (7,857), Woolworths (3,803), Coles (3,695), Aldi (1,261)	4.3
North Rocks SC	22,000	Kmart (7,070), Coles (4,358), Aldi (1,307)	4.6
<u>Carlingford</u>	<u>44,600</u>		<u>6.3</u>
• Carlingford Court	33,300	Target (8,009), Woolworths (3,869), Coles (3,500)	
• Carlingford Village SC	11,300	Independent Supermarket (1,000)	
Supermarket Based Shopping Centres			
Northmead SC	3,400	IGA (1,040)	0.6
Coles Westmead	4,800	Coles (4,002)	2.8
Picasso Shopping Plaza	600	IGA (500)	3.4
Stockland Baulkham Hills	18,000	Woolworths (3,855), Coles (3,034), Aldi (1,385)	4.3
Rosehill	5,000	Woolworths (2,343)	4.3
<u>Wentworthville</u>	<u>12,400</u>		<u>4.9</u>
• Wentworthville Shopping Plaza	6,400	Woolworths (3,851)	
• Other	6,000	Aldi (1,783), Udaya Supermart (1,600)	

Source: Australian Shopping Centre Council Database



3.1. Within the Main Trade Area

- i. Supermarkets within the defined main trade area include:
 - IGA of 1,040 sq.m at Northmead Shopping Centre (primary sector). Some 19 specialty shops are also provided. The mix of tenants includes a range of convenience and day to day retailers such as Northmead Growers Markets, Northmead Bakery & Cakes, MacFarlands Butcher and Northmead Fine Wine and Food as well as three food catering tenants. This offer allows for cross shopping between the supermarket and convenience tenants; providing a different offer to the standalone supermarket proposed at the subject site;
 - A full-line Coles supermarket (3,529 sq.m) anchors Entrada Shopping Centre at 20 Victoria Road in North Parramatta (secondary south sector). Some 10 specialty shops are also provided.
- ii. Small foodstores are also provided at Oatlands (IGA of 250 sq.m) and North Parramatta (SPAR of 250 sq.m). These foodstores serve the basic convenience needs of residents.
- iii. The remainder of the Church Street precinct in North Parramatta includes a collection of retail and non-retail shopfronts which generally extend from James Ruse Drive in the north to Victoria Road in the south. The majority of traditional retail tenants in this precinct are food catering operators. The Junction large format retail centre (5,770 sq.m) is also provided within this precinct, on the western side of Windsor Road, directly opposite the subject site.
- iv. Table 3.2 summarises the provision of shopfronts within the area. This information is based on a shopfront survey conducted in July 2019, with key points to note as follows:
 - In total, 81 specialty stores are provided within the main trade area. Only 15 specialty stores (19%) within the main trade area are in the food & liquor category;
 - Consequently, the proposed North Rocks Woolworths supermarket would not compete directly with more than 81% of shopfronts in the main trade area;
 - The vacancy level within the main trade area is very low, reflecting the lack of available retail floorspace.
- v. Based on discussions with UrbanGrowth NSW, construction of North Parramatta Village Centre is to commence in 2020, with a projected 10-year timeline for development. The area will comprise a Town Centre retail development of 4,000 sq.m at the intersection of Fleet Street and Factory Street, including a small-format supermarket of less than 1,000 sq.m offering aimed at serving the future population and workers on site. For the purposes of this analysis, the small format supermarket and retail



floorspace is assumed to open post the opening of the North Rocks Woolworths development. This Village Centre would serve the local needs of future residents.



TABLE 3.2. SHOPFRONT SURVEY

Categories	Within Main Trade Area						Beyond Main Trade Area					
	Northmead SC	Church St Precinct*	Entrada	SPAR N. Parramatta	Oatlands	Kleins Rd & James Ruse Dr.	Total MTA	Westfield Parramatta	Coles Westmead	Picasso Shopping Plaza	Winston Hills Mall	North Rocks SC
<u>Retail Specialty Stores</u>												
Food & Liquor	4	1	2	2	3	3	15	22	2	0	5	5
Food Catering	4	12	4	2	2	0	24	82	2	2	15	13
Apparel	0	0	0	0	0	0	0	127	0	0	14	10
Household Goods	0	0	0	0	0	0	0	10	0	0	1	1
Leisure	1	0	0	0	0	0	1	15	0	0	2	3
General Retail	3	4	0	0	1	0	8	41	2	0	7	5
Retail Services	<u>2</u>	<u>3</u>	<u>0</u>	<u>1</u>	<u>1</u>	0	7	<u>59</u>	<u>0</u>	<u>2</u>	<u>15</u>	<u>15</u>
Total Retail Specialties	14	20	6	5	7	3	55	356	6	4	59	52
Non-Retail	4	9	4	1	3	3	24	50	1	1	10	13
Total Specialties	19	29	11	6	10	6	81	410	8	6	72	67
Vacant	1	3	0	0	0	0	4					

* Within main trade area

Source: Site inspection, July 2019; Centre websites



North Rocks Woolworths, Sydney
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3.2. Beyond the Main Trade Area

i. Beyond the main trade area, supermarkets are described as follows:

- Most supermarkets beyond the main trade area are provided as part of large regional (i.e. based on at least one department store) and sub-regional (i.e. based on at least one discount department store) shopping centres. Woolworths, Coles and Aldi supermarkets are at a range of locations some 3 km or more from the site, including Westfield Parramatta/the Parramatta City Centre, Winston Hills Mall, North Rocks Shopping Centre and Carlingford Court. These locations are all large non-food-based shopping centres with limited convenience.
- Regional shopping centres include one or more department stores and are higher order non-food retail facilities that have a wider draw. The Parramatta CBD provides almost 200,000 sq.m of retail floorspace. The largest component is Westfield Parramatta which is the major non-food retail destination serving residents of Western Sydney.

Westfield Parramatta is a regional shopping centre which is anchored by Myer and David Jones department stores, Target and Kmart discount department stores and Woolworths and Coles supermarkets. Westfield Parramatta also includes some 27 mini-majors and in-excess of 400 specialty shops as well as a dining precinct.

Westfield Parramatta totals 138,000 sq.m in size with Moving Annual Turnover (MAT) of \$848.65 million. MAT for Westfield Parramatta has grown by almost \$200 million over the past decade. Westfield Parramatta MAT is some 43% higher than the benchmark for the Regional Shopping Centres of \$593.7 million (Urbis Retail Averages 2017/18).

As shown in Figure 3.1, the Westfield Parramatta total trade area is extensive, stretching to West Ryde, Auburn and Lidcombe in the east, to Rouse Hill in the North, to Green Valley in the south and to Mt Druitt in the west. The total trade area population is around 1 million persons with some 375,000 persons in the main trade area.

Westfield Parramatta serves as a major destination for non-food shopping throughout the western suburbs of Sydney. The proposed North Rocks Woolworths would serve a more convenience-based role in the retail hierarchy, primarily serving the immediate surrounding population base.

Westfield Parramatta has received development approval for a 31,000 sq.m expansion comprising a Big W discount department store, a relocated Woolworths supermarket, additional mini-major floorspace and shops. The relocation and expansion of the Woolworths supermarket at Westfield Parramatta is assumed to occur by 2021.



- Sub-regional shopping centres contain at least one discount department store and generally at least one supermarket.

A network of sub-regional shopping centres is provided in the surrounding area, including Winston Hills Mall, North Rocks Shopping Centre and Carlingford Court. These sub-regional shopping centres all encompass more than 20,000 sq.m of floorspace and are anchored by at least one discount department store and a range of supermarkets. Each of these three sub-regional shopping centres has more than 70 specialty shops and MAT higher than \$110 million.

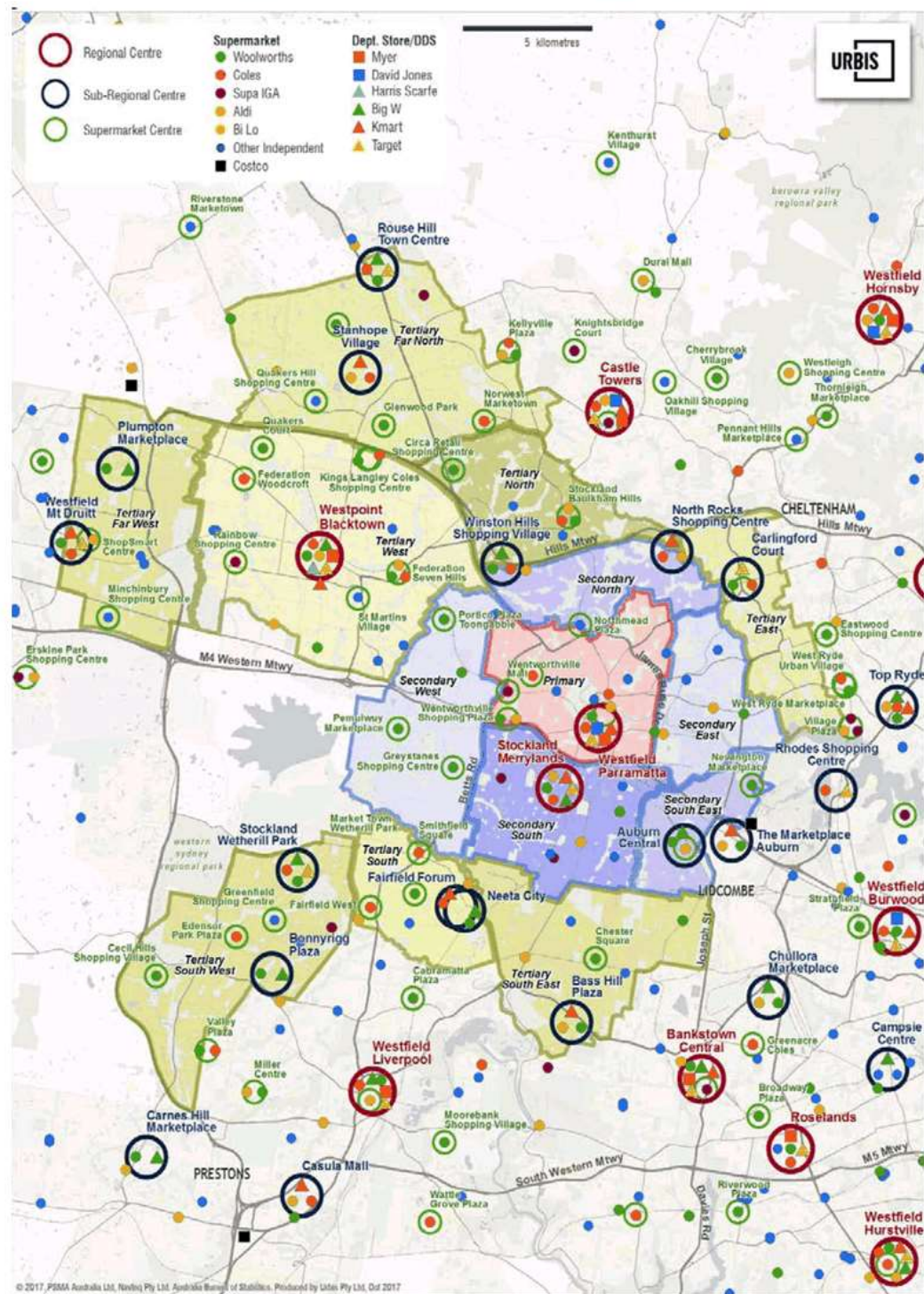
- Coles Westmead Shopping Centre (5,000 sq.m) is located near the intersection of Darcy Road and Briens Road. The centre is anchored by Coles (4,002 sq.m) and a small number of shops. The retail offer is served by a provision of basement level car parking.
- The Mall Wentworthville totals 5,400 sq.m, with the former IGA supermarket now closed. This centre is proposed for a redevelopment. Along Station Street, as part of the Wentworthville Town Centre, there are a range of retail and non-retail specialty shops that also extend along Dunmore Street. An independent Udaya supermarket is also provided of 1,500 sq.m.

A significant redevelopment is planned for the centre, providing an additional retail GLA of over 7,000 sq.m, including a full-line supermarket and specialty shops as well as health-related facilities and 460 apartments. The development has been granted rezoning approval.

- A development application has been submitted for a retail development at 24-26 Railway Parade at Westmead. The development is planned to contain a supermarket of 864 sq.m. specialty shops totalling 810 sq.m as well a gym, tavern, hotel and medical centre.
- Concept Plan approval was previously granted for a redevelopment of the Westmead Town Centre. The development was planned to incorporate 10,000 sq.m of additional retail floorspace, including a full-line supermarket and shops. Concept plan approval has subsequently been revoked with the land now forming part of the Greater Parramatta Growth Area. No finalised plans are available for the Westmead precinct, though it is likely to include a range of retail facilities.



FIGURE 3.1. WESTFIELD PARRAMATTA TOTAL TRADE AREA



3.3. Main Trade Area Supermarket Overview

- i. **Supermarket Floorspace Provision:** Table 3.2 provides a summary of the current provision of supermarket floorspace across the defined main trade area by sector, as compared with the City of Paramatta Local Government Area (LGA), as well as the Sydney metropolitan and Australian benchmarks.

As shown, across the main trade area, the provision of supermarket floorspace is currently 103 sq.m per 1,000 persons, well below benchmark levels. In the primary sector, the population of 17,510 results in a supermarket floorspace provision of 59 sq.m per 1,000 persons.

Table 3.3 shows the current and future supply/demand for supermarket floorspace within the main trade area, over the period to 2031. As shown, there is significant demand for supermarket floorspace both now and in the future, as a result of the significant existing under provision of floorspace as well as future population growth. It is important to note that this undersupply of supermarket floorspace will increase in the future if no additional supermarkets are provided across the main trade area.

Assuming the Sydney metropolitan benchmark of 263 sq.m per 1,000 persons, there is a current indicative undersupply of some 7,114 sq.m of supermarket floorspace across the main trade area that will increase to 7,466 sq.m by 2022/23 and further to 8,571 sq.m in 2030/31 if no new supermarkets are built.

- ii. **Supermarket Sales Performance:** Existing supermarkets within the surrounding region are understood to trade well.
- iii. **Major Brands:** The major supermarket chains, namely Woolworths and Coles, continue to search for new store opportunities, particularly throughout inner-metropolitan areas where traditionally, supermarket floorspace provision is lower than in outer-suburban areas.
- iv. **Store Size** The preferred store size for Woolworths and Coles has increased in recent years, with both chains now typically seeking stores of 3,500 sq.m and larger. The major supermarket chains target a population of 8,000 – 10,000 persons to support one large supermarket and will locate across a wide variety of centres including neighbourhood, sub-regional and regional centres, as well as (less commonly) free-standing locations.
- v. **Aldi:** The major supermarket chains are now competing with Aldi, which have opened in-excess of 500 stores across Australia and have expanded into South Australia and Western Australia in recent years. Aldi typically operate stores of around 1,650 sq.m in size, targeting a resident catchment of 15,000 – 20,000 persons and seeking development sites with ample and very convenient car parking.



- vi. Allowing for the opening of Woolworths of 3,800 sq.m at the North Rocks site by 2022/23, there would still be an under provision of 3,666 sq.m at this time, increasing to 4,771 sq.m by 2031. Not all of this supermarket floorspace demand will be retained in the main trade area, however, there is considered to be significant demand for supermarket floorspace in this location.
- vii. The planned North Parramatta Village Centre supermarket of around 1,000 sq.m would also clearly be supportable to serve the immediate future population.

TABLE 3.2. MAIN TRADE AREA SUPERMARKET PROVISION, 2018/19

Trade Area Sector	No. of Supermarkets*	GLA (sq.m)	2019 Population	GLA per 1,000 persons
Primary Sector	1	1,040	17,510	59
Secondary Sectors				
• North	0	0	5,810	0
• East	0	0	5,580	0
• South	1	3,529	10,540	335
• West	0	0	4,980	0
Total Secondary	1	3,529	26,910	131
Main Trade Area	2	4,569	44,420	103
<i>City of Parramatta LGA Average</i>				199
<i>Sydney Metro Average</i>				263
<i>Australian Average</i>				346

* Defined as 500 sq.m or larger

TABLE 3.3. SUPERMARKET DEMAND & SUPPLY, 2019 – 2031

Main Trade Area	2019	2021	Year 2023	2026	2031
Population	44,420	44,960	45,760	46,960	49,960
Supportable Smkt GLA (sq.m)*	11,682	11,824	12,035	12,350	13,139
Current & Proposed Smkt GLA (sq.m)**	4,569	4,569	8,369	8,369	8,369
Indicative Under/Over supply (sq.m)	7,114	7,256	3,666	3,982	4,771
<i>City of Parramatta LGA Average</i>					199
<i>Sydney Average</i>					263
<i>Australian Average</i>					346

** Allows for all main trade area supermarkets as well as the opening of Woolworths (3,800 sq.m) at the North Rocks site by 2023.

* At Sydney benchmark of 263 sq.m per 1,000 persons.

Supermarkets defined as 500 sq.m or larger.



3.4. Summary

- i. Overall, there are limited food and grocery tenants and specifically supermarkets to serve residents of the local and surrounding region. There is a low provision of supermarket floorspace currently provided for the large, established resident population.
- ii. Residents of the region should be provided with a wider range of food and grocery items within proximity to their homes. The proposed North Rocks Woolworths would provide the ability for the population to shop locally.
- iii. The only supermarket in the primary sector is small at around 1,040 sq.m in size. Modern full-line supermarkets which serve the weekly shopping needs of local residents are typically 3,200 sq.m in size and larger. The only other supermarket within the main trade area is Coles at Entrada at 20 Victoria Road in North Parramatta, at the southern fringe of the main trade area.
- iv. There is significant demand for supermarket floorspace both now and in the future, as a result of the significant existing under provision of floorspace as well as future population growth. It is important to note that this undersupply of supermarket floorspace will increase in the future if no additional supermarkets are provided across the main trade area.



4 ASSESSMENT OF POTENTIAL FOR RETAIL FACILITIES

This section of the report considers the sales potential for the proposed North Rocks Woolworths as well as the likely trading and other impacts that can be anticipated following the construction of the proposed development.

4.1. Sales Overview

- i. To assess the potential economic benefits and impacts that may arise from the development of the proposed North Rocks Woolworths, the sales level which the development is projected to achieve is outlined.
- ii. The sales performance of any retail facility, be it an individual store or a collection of stores provided in a shopping centre or precinct, is determined by a combination of the following critical factors:
 - The composition and quality of the facility, including the major trader or traders; the specialty mix; centre layout and configuration; ease of accessibility and parking; and the overall feel of the centre;
 - The size of the available catchment which the facility serves;
 - The location and strength of competitive retail facilities.

4.2. Supermarket Sales Potential

- i. The proposed North Rocks Woolworths supermarket will be 3,800 sq.m (including BWS). Supermarkets generate sales primarily from the food and groceries market, as discussed and measured in Section 2 of this report.
- ii. Table 4.1 details the potential sales for the proposed North Rocks Woolworths supermarket. The calculations in this Table go through a series of steps, commencing with the available expenditure that is of relevance to supermarkets, namely food and grocery spending; assessing the share of expenditure which all supermarkets are likely to achieve; and then concluding with the likely sales which main trade area supermarkets can expect to generate.



- iii. Projected sales are detailed for the proposed North Rocks Woolworths supermarket of 3,800 sq.m and other supermarkets in the main trade area, noting that supermarkets are defined as grocery and dry goods stores of at least 500 sq.m. Smaller foodstores less than 500 sq.m are excluded from this analysis.
- iv. The assessment detailed in Table 4.1 is based on the experience of many comparable analyses in locations throughout Australia, as follows:
- For the main trade area, the total food and grocery spending market is estimated at \$247.8 million for the year to June 2019. The food and grocery spending market for the main trade area population is projected to grow to \$260.6 million by 2022/23 and further to \$296.4 million by 2030/31 (constant 2019 dollars).
 - Typically, in Australia approximately 70% - 75% of food and grocery expenditure is directed to supermarkets, not including small corner stores, convenience stores and milk bars. This ratio varies from location to location depending on the provision of such facilities and the socio-economic profile of the main trade area population. In the defined main trade area, the proportion of spending to supermarkets is currently estimated at 63.0% and is projected to increase to 63.9% in 2022/23 with the addition of the Woolworths supermarket at the North Rocks site.
 - The next step in the analysis is to estimate the likely proportion of food and grocery expenditure which can be retained by main trade area supermarkets; specifically, the proportion of expenditure that can be retained by the proposed North Rocks Woolworths supermarket and the Northmead IGA and Entrada Coles (North Parramatta), as compared with spending directed to supermarkets beyond the main trade area.
 - The current retention of supermarket spending is estimated at 23.2%. Assuming the proposed North Rocks Woolworths, the level of retained spending is projected to increase to 36.6% in 2022/23, including 52.5% in the primary sector. Around 63% of the main trade area supermarket spending would still be escaping the main trade area.
 - Additionally, supermarket sales are likely to be attracted from beyond the defined main trade area, reflecting the high-profile location of the site.
- v. The steps detailed above generate the annual estimates of food and grocery spending available to supermarkets within the main trade area. On this basis, after the subject development, this figure is projected at \$61.0 million in 2022/23. This figure does not include retail inflation, thus the increase shown reflects real growth. By 2030/31, available food and grocery spending directed to main trade area supermarkets is projected to increase to \$71.1 million, expressed in constant 2019-dollar terms.



- vi. The proposed Woolworths at North Rocks would include a liquor component (BWS).
- vii. Finally, to estimate the total likely sales volume available to main trade area supermarkets, additional components of sales other than food and grocery is taken into account. The major component of sales other than food and grocery sales which supermarkets typically include are general merchandise and non-food items. Non-food items typically generate around 6% of total store sales for modern supermarket chains. On this basis, the total volume of sales available to main trade area supermarkets is estimated to increase to \$82.3 million in 2022/23.
- viii. The proposed North Rocks Woolworths supermarket is projected to achieve sales of \$37.9 million in 2022/23, at an average of \$9,984 per sq.m, compared to the Australian average of \$9,000 - \$10,000 per sq.m. This indicates strong demand for the proposed supermarket.
- ix. Existing supermarkets in the main trade area are estimated to be recording sales which are above the average sales level registered by major supermarkets throughout Australia of around \$9,000 - \$10,000 per sq.m. Supermarkets in the main trade area are understood to trade at levels higher than the Australian average reflecting the under provision of supermarket floorspace to serve these residents.
- x. Taking the above into account, there is clearly demand for an additional supermarket at North Rocks. The addition of a full-line Woolworths supermarket will provide a convenient supermarket that will allow residents to undertake a full weekly shop locally. The addition of Woolworths would result in the retention of spending currently being directed to other large supermarkets at the major shopping centres which can become quite congested during peak periods. Some \$84.3 million of main trade area food and grocery spending to supermarkets would still be directed to supermarkets outside the main trade area in 2022/23, post the opening of the proposed North Rocks Woolworths.
- xi. Projected impacts as a result of the proposed Woolworths supermarket would likely fall upon a range of supermarkets in the surrounding area, both within and beyond the main trade area. The impacts would be spread across a number of supermarkets, which would mean the impact on any one supermarket would not detrimentally affect the performance of any stores, which are all trading at above average volumes. All supermarkets serve significant and overlapping population catchments.



TABLE 4.1. SUPERMARKET SALES POTENTIAL, 2019 – 2031

	2019	Financial Year		
		2023	2026	2031
Total Food & Grocery (F&G) Spending				
Primary Sector	97.9	104.2	110.7	126.7
Secondary Sectors				
• North	34.1	35.2	36.1	37.6
• East	31.7	32.9	33.7	35.2
• South	57.3	60.6	63.2	67.6
• West	<u>26.9</u>	<u>27.7</u>	<u>28.3</u>	<u>29.3</u>
Total Secondary	149.9	156.4	161.4	169.7
Main Trade Area	247.8	260.6	272.0	296.4
F&G Spending to Supermarkets				
Primary Sector (@ 65% incr. to 66.5% in 22/23)	63.6	69.3	73.6	84.3
Secondary Sectors				
• North (@ 67.5% incr. to 68% in 22/23)	23.0	24.0	24.6	25.6
• East (@ 65% incr. to 66% in 22/23)	20.6	21.7	22.3	23.2
• South (@ 55%)	31.5	33.3	34.8	37.2
• West (@ 65% incr. to 66% in 22/23)	<u>17.5</u>	<u>18.3</u>	<u>18.7</u>	<u>19.3</u>
Total Secondary (@ 61.7% incr. to 62.2% in 22/23)	92.6	97.3	100.3	105.3
Main Trade Area (@ 63% incr. to 63.9% in 22/23)	156.2	166.6	173.9	189.6
F&G Spending Retained by TA Smkts				
Primary Sector (@ 35% incr. to 52.5% in 22/23)	22.3	36.4	38.6	44.2
Secondary Sectors				
• North (@ 5% incr. to 14.5% in 22/23)	1.1	3.5	3.6	3.7
• East (@ 7.5% incr. to 15% in 22/23)	1.5	3.3	3.3	3.5
• South (@ 30% incr. to 40% in 22/23)	9.4	13.3	13.9	14.9
• West (@ 10% incr. to 25% in 22/23)	<u>1.7</u>	<u>4.6</u>	<u>4.7</u>	<u>4.8</u>
Total Secondary (@ 15% incr. to 25.3% in 22/23)	13.9	24.6	25.5	26.9
Main Trade Area (@ 23.2% incr. to 36.6% in 22/23)	36.2	61.0	64.1	71.1
F&G Sales from Beyond MTA (@ 16.9%)	<u>7.4</u>	<u>12.4</u>	<u>13.1</u>	<u>14.5</u>
Total F&G Sales for TA Smkts	43.5	73.5	77.2	85.6
Packaged Liquor Sales (@ 5%)	<u>2.3</u>	<u>3.9</u>	<u>4.1</u>	<u>4.5</u>
Total FLG Smkt Sales	45.8	77.3	81.2	90.1
General Merchandise Sales (@ 6%)	<u>2.9</u>	<u>4.9</u>	<u>5.2</u>	<u>5.8</u>
Total TA Smkt Sales	48.7	82.3	86.4	95.9
Smkt Floorspace in TA (sq.m)**	4,569	8,369	8,369	8,369
Average Trading Level (\$/sq.m)	10,668	9,828	10,328	11,459
Distribution of TA Smkt Sales				
Woolworths North Rocks Smkt	0.0	37.9	39.9	44.6
Other TA Supermarkets**	<u>48.7</u>	<u>44.3</u>	<u>46.5</u>	<u>51.3</u>
Total TA Smkt Sales	48.7	82.3	86.4	95.9

*Constant 2018/19 dollars & including GST

**Existing supermarket in TA as at July 2019 are Coles at Entrada and IGA at Northmead Shopping Centre



4.3. Sales Impact

- i. This sub-section of the report outlines the likely sales impacts on competitive retail facilities because of the opening of the retail component of the proposed North Rocks Woolworths development.
- ii. It is important to note that impacts outlined in this report are indicative as it is difficult to precisely project the sales impact of the opening of a new store/centre on existing retail facilities. Several factors can influence the impact on individual centres/retailers, including but not limited to:
 - Refurbishment/improvements to existing centres;
 - Expansions to existing centres;
 - Loyalty programs of existing retailers;
 - The existing centre mix and how it competes with the proposed development.
- iii. For all these reasons and other similar factors, sales impacts outlined in this report should be used as a broad indication.
- iv. Table 4.2 outlines projected sales impacts from the proposed North Rocks Woolworths development. The steps involved in assessing the sales and impacts on competitive centres are presented as follows:
 - **Step 1:** Estimate sales levels for existing centres in the 2018/19 financial year;
 - **Step 2:** Projected sales are presented for existing and proposed developments in 2022/23, the first full year of trading for the proposed North Rocks Woolworths. These projections also allow for retail market growth and are presented in constant 2019 dollars (i.e. excluding inflation);
 - **Step 3:** Outline the change in sales at each centre in 2022/23 because of the development of the North Rocks Woolworths. Again, all sales are expressed in constant 2019 dollars;
 - **Step 4:** Show the impact on sales in 2022/23, both in dollar terms and as a percentage of sales.



TABLE 4.2. NORTH ROCKS WOOLWORTHS PROJECTED IMPACTS, 2019 – 2023

	Unit	Estimated 2019	Projected 2023 Pre Dev. Post Dev.		Impact 2023 \$M %	
Woolworths North Rocks Site	\$M	n.a.	n.a.	37.9	n.a.	n.a.
Regional Centres						
<u>Parramatta</u>	<u>\$M</u>	<u>1,003.8</u>	<u>1,212.7</u>	<u>1,196.7</u>	<u>-16.0</u>	<u>-1.3%</u>
• Westfield Parramatta**	\$M	848.7	1,048.1	1,037.6	-10.5	-1.0%
• Entrada	\$M	50.6	52.8	47.5	-5.3	-10.0%
• Other	\$M	104.5	111.8	111.6	-0.3	-0.2%
Sub-regional Shopping Centres						
Winston Hills Mall	\$M	238.0	254.7	247.7	-7.0	-2.8%
North Rocks SC	\$M	150.0	160.5	158.1	-2.4	-1.5%
<u>Carlingford</u>	<u>\$M</u>	<u>246.3</u>	<u>263.5</u>	<u>262.4</u>	<u>-1.1</u>	<u>-0.4%</u>
• Carlingford Court	\$M	187.0	200.1	199.1	-1.0	-0.5%
• Carlingford Village SC	\$M	59.3	63.4	63.3	-0.1	-0.2%
Supermarket Based Shopping Centres						
Northmead SC	\$M	22.7	24.3	22.1	-2.2	-9.0%
Coles Westmead	\$M	29.7	31.8	30.2	-1.6	-5.0%
Picasso Shopping Plaza	\$M	4.3	4.5	4.3	-0.2	-5.0%
Stockland Baulkham Hills	\$M	147.0	157.3	153.4	-3.9	-2.5%
<u>Wentworthville</u>	<u>\$M</u>	<u>107.1</u>	<u>144.6</u>	<u>142.7</u>	<u>-1.9</u>	<u>-1.3%</u>
• Wentworthville Shopping Plaza	\$M	59.0	63.1	61.6	-1.6	-2.5%
• Other**	\$M	48.1	81.5	81.2	-0.3	-0.4%

* Constant 2019 dollars and including GST

** Assumed expansion pre-2022/23

v. The key information outlined in Table 4.2 is summarised as follows:

- The proposed North Rocks Woolworths is projected to record sales of \$37.9 million in 2022/23.
- The highest impact in dollar terms would be on Westfield Parramatta at around \$10.5 million, with most of this impact falling on the supermarkets, in particular, the relocated full-line Woolworths which is the closest Woolworths to the proposed development. All of these supermarkets are understood to trade strongly, at levels above the Australian benchmark. In percentage terms, however, the total impact is small at around 1.0%, with the impacted supermarkets to remain viable. Westfield Parramatta current records Moving Annual Turnover (MAT) of \$848.65 million, which is some 43% higher than the benchmark for the Regional Shopping Centres of \$593.7 million (Urbis Retail Averages 2017/18).



- The highest impact in percentage terms would be on Entrada at 10%, which is the closest full-line supermarket. This reflects a dollar impact of \$5.3 million. Coles is understood to trade strongly and would still be viable.
 - Northmead Shopping Centre would be impacted by around 9.0%, or \$2.2 million. This is the nearest supermarket and shopping centre to the site. Northmead Shopping Centre would continue to be viable with the IGA supermarket supported by a convenience range of 19 specialty shops (including four food and liquor specialty shops, three food catering operators, a newsagent, hairdresser, Australia Post and a medical centre) which would not be replicated at the proposed North Rocks Woolworths site. As such, residents would still have to frequent this centre for a wider range of facilities.
 - Coles Westmead is projected to be impacted by \$1.6 million (5%), reflecting its location, immediately west of the main trade area;
 - Projected impacts on Stockland Baulkham Hills (2.5% or \$3.9 million) and Winston Hills Mall (2.8% or \$7.0 million) reflect the strong convenience focus and easy access to these centres from the main trade area;
 - Other impacts are each below 5%, well within the normal competitive range.
- vi. Overall, the proposed North Rocks Woolworths development would not impact on the viability or continued operation of any existing or proposed centre within the main trade area or the surrounding region, with all impacts within the normal competitive range of 10% or less. Given these projected impact levels, the viability of any centres or precincts would not be threatened.

4.4. Employment & Consumer Impacts

- i. The opening of the proposed North Rocks Woolworths development would result in a range of important economic benefits which will be of direct benefit to the local community. These key positive employment and consumer impacts include:
- The provision of a wider range of food and grocery shopping facilities (including a full-line supermarket), which would increase convenience and price competition for residents.
 - The retail component of the development is projected to employ around 190 persons as summarised in Table 4.4. Taking a conservative view and allowing for an estimated 10% of the total increase to be because of reduced employment at existing retail facilities, net additional retail jobs are estimated at 171. The large format retail warehouse is projected to employ some 109 persons. On this basis, some 280 on-going jobs are expected to be created.



- The additional 280 permanent employees would earn an average annual wage of around \$38,532, based on employee earnings data for the retail trade industry released by the ABS in May 2018. This represents an additional \$10.8 million in salary/wages for the local economy, as a direct result of the retail component of the proposed development.
- The development would create a substantial number of additional jobs for the construction and related industries during the building phase of the development and for the economy generally, once the development is complete.
- The estimated total capital costs for the construction phase of the development are \$10 million. By using the appropriate ABS Input/Output Multipliers that were last produced in 1996/97 and a deflated estimated total capital cost of construction of \$5.9 million (i.e. in 1996/97 dollars), it is estimated that the construction period of the proposed development would create some 41 jobs (refer Table 4.5).
- Further jobs would be created from the supplier induced multiplier effects as a result of retail jobs for the on-going running of the North Rocks Woolworths, which may include both full-time and part-time positions as well as from the construction phase. In total, some 331 jobs are projected to be created in the broader community, based on ABS Input/Output Multipliers (refer Table 4.6).
- As a result, in total some 1,196 jobs are likely to be created both directly and indirectly because of the proposed North Rocks Woolworths.



TABLE 4.3. ESTIMATED PERMANENT EMPLOYMENT

Component	Total Floorspace (sq.m)	Employment Potential		
		Employm. per 1,000 sq.m	Indic. Total Jobs	Net Increase ¹
Retail				
Supermarket	3,800	50.0	190	171
Total Retail	3,800		190	171
Complementary Non-retail				
Large Format Retail Warehouse	3,015	40.0	121	109
Total Complementary Non-retail	3,015		121	109
Total	6,815		311	280

1. Indicates the estimated number of net additional ongoing jobs as a result of the proposed development

Source : Australian National Accounts: Input-Output Tables 1996-97

TABLE 4.4. ESTIMATED CONSTRUCTION EMPLOYMENT IMPACT

Metric	Total
Estimated Capital Costs of Construction	
Estimated Capital Costs 2018/19 (\$M)*	\$10.0
Estimated Capital Costs 1996/97 (\$M)	\$5.9
Direct Employment Generation	
Construction Jobs per \$1 million (2017/18)	4.10
Total Construction Jobs¹	41

Source : Australian National Accounts: Input-Output Tables 1996-97

Employment totals include both full-time and part-time work. Indicates the estimated number of jobs over the life of the construction project plus ongoing multiplier effects, for the equivalent of one year



TABLE 4.5. ESTIMATED EMPLOYMENT IMPACT

Metric / Category	Est. Net Employment Increase ¹	Employment Multiplier Effects	Total Employment
Ongoing Employment from Planned Floorspace			
Supermarket	171	162	333
Large Format Retail Warehouse	109	103	212
Total	280	265	1,090
Construction Phase			
Direct Employment Generation	41	66	107
Net Additional Employment		331	1,196

Source: Australian National Accounts: Input-Output Tables 1996-97

1. Net increase includes an allowance for reduced employment levels at impacted centres estimated at 10% of the total increase



5 NEEDS ANALYSIS

The final section of this report summarises the key conclusions of the impact analysis for the proposed North Rocks Woolworths.

'Need' or 'Community Need' in a planning sense is a relative concept that relates to the overall wellbeing of a community. A use is needed, for example, if it would, on balance, improve the services and facilities available in a locality. The reasonable demands and expectations of a community are important, therefore, in assessing need.

Several important factors that relate to need, particularly economic need, include:

- Population and supermarket demand;
- Consumer trends;
- Location;
- Impacts on existing retail facilities;
- Impacts on retail hierarchy;
- Net community benefits.

5.1. Population and Supermarket Demand

- i. The proposed North Rocks Woolworths main trade area population is currently 44,420 (2019) and is projected to increase to 49,960 persons by 2031, representing an average annual growth rate of 1.0%.
- ii. In Australia, one major full-line supermarket is typically supportable for every 8,000 – 10,000 persons. On this basis, the main trade population could easily support five full-line supermarkets, with one currently provided, namely Entrada Coles. In the primary sector, the current population of some 17,510 persons is only served by a small IGA supermarket of 1,040 sq.m at Northmead.
- iii. The existing Northmead IGA, which is the only supermarket in the primary sector and one of only two supermarkets in the main trade area, is small by modern standards at some 1,040 sq.m in size. Most modern full-line supermarkets that serve the weekly shopping needs of local residents are typically 3,200 sq.m in size and larger.



- iv. Across the main trade area, the provision of supermarket floorspace is currently 103 sq.m per 1,000 persons; well below both the Sydney (263 sq.m) and Australian (346 sq.m) benchmarks. Importantly, in the primary sector, the current population of 17,510 persons is not served by a full-line supermarket.
- v. Reflecting the low provision of supermarket floorspace across the established main trade area population, existing supermarkets in the surrounding area are all understood to trade at levels above the Australian average.
- vi. The planned North Parramatta Village Centre supermarket of around 1,000 sq.m would also clearly be supportable to serve the immediate future population.

5.2. Consumer Trends

- i. Retail in Australia, plays fundamental roles in the economies of Australia's metropolitan areas, having developed around the need to meet consumer demand. The nature of consumer demand continues to develop and evolve, reflecting social changes within society, such as:
 - Increasing time pressures on working families;
 - Population and income growth;
 - The evolution of new retail formats and traders;
 - Competitive retail developments and precincts.
- ii. The demands of retailers, as well as consumers, combine to add pressure for additional retail floorspace in existing retail precincts.
- iii. There is a strong need for supermarket facilities within close proximity to the homes of primary sector residents and main trade area residents more generally, with consumers visiting supermarkets two to three times a week on average.
- iv. Over the past decade, there has been an increasing trend towards convenience shopping. This trend has been largely driven by broader social trends that have resulted in consumers becoming more time poor, such as longer working hours and an increase in the number of women in the labour force.
- v. Time pressures are ranked at the top of the list of issues that consumers face when undertaking their regular food and grocery shopping. As a result, there is growing demand for convenience shopping facilities to meet the needs of local residents.
- vi. The design of proposed development, including an easily accessible provision of car parking, would be highly convenient for local families who would visit on a regular basis.



5.3. Location

- i. The proposed Woolworths supermarket would enjoy a high-profile location, which would be very convenient and easily accessible for the local population and passing traffic via North Rocks Road. Currently, a traffic lighted intersection at North Rocks Road provides the only ingress and egress to the site. This is assumed to be the only ingress/egress in the future.
- ii. Based on 2018 traffic counts from NSW Transport, 30,418 vehicles daily travelled along Church Street (both directions) at the intersection of Daking Street. This equates to 11.10 million vehicles over the year.
- iii. The site is also serviced by public transport with bus stops for route 549 on both sides of North Rocks Road to the south of the site. Route 549 connects the Parramatta CBD/Train Station to Epping via North Rocks.
- iv. The vision for the Central City District is as follows:

"The vision for Greater Sydney as a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City and a 30-minute city – means residents in the Central City District will have quicker and easier access to a wider range of jobs, housing types and activities as part of the transformation of their District. The vision will improve the District's lifestyle and environmental assets."

- v. The vision will improve the District's lifestyle and environmental assets by:
 - Developing the economy with jobs and skills growth from unprecedented city-scale infrastructure investments;
 - Supporting cohesive and socially dynamic communities with new social infrastructure like schools and community services, new cultural and sporting facilities;
 - Establishing transport connections north, south, east and west from Parramatta to optimise Greater Parramatta's location in the centre of Greater Sydney;
 - Transforming Westmead health and education precinct to an innovation district with greater diversity of knowledge-intensive jobs;
 - Retaining industrial and urban services land and creating new skills with a 21st century clean-tech and advanced manufacturing cluster around precincts such as Camellia, Rydalmere, Silverwater and Auburn;



- Linking parks, bushland, playgrounds and waterways through the Greater Sydney Green Grid with enhanced opportunities for safe walking and cycling paths;
 - Enhancing the quality of, and access to, waterways such as Parramatta River, Duck River and South Creek.
- vi. Priorities outlined for this Central City District include:
- Working together to grow a Greater Sydney;
 - Infrastructure supporting new developments;
 - Celebrating diversity and putting people at the heart of planning;
 - Giving people housing choices;
 - Designing places for people;
 - Developing a more accessible and walkable city;
 - Creating the conditions for a stronger economy;
 - Valuing green spaces and landscapes;
 - Adapting to a changing world;
 - Using resources wisely
- vii. In relation to future retail floorspace, the Plan states the following:

"Research has shown that the Central City District will need to accommodate more than 1.76 million square metres of additional retail floor space over the next 20 years.

In addition, there will be significant demand for additional office floor space. Creating the opportunities to attract retail and office development locally brings jobs closer to homes.

Rapid changes in technology and in retail trends, emerging night-time economies and population growth require councils to be agile and responsive in their planning for centres growth."



viii. Specifically, in relation to liveability

"Liveability is about people's quality of life. Maintaining and improving liveability requires housing, infrastructure and services that meet people's needs, and the provision of a range of housing types in the right locations with measures to improve affordability. This enables people to stay in their neighbourhoods and communities as they transition through life."

- ix. The proposed North Rocks Woolworths development will provide additional retail floorspace in the form of a full-line supermarket. This would not create a centre to compete with other existing centres which provide a range of retail and non-retail uses. The development will provide for the weekly food and grocery shopping needs of the large population in the region where there is currently an undersupply of supermarket floorspace which will continue increase over time.
- x. As defined in the Parramatta Local Environmental Plan 2011, B6 Enterprise Corridor zoned land is as follows:

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Roads; Self-storage units; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water recycling facilities; Any other development not specified in item 2 or 4



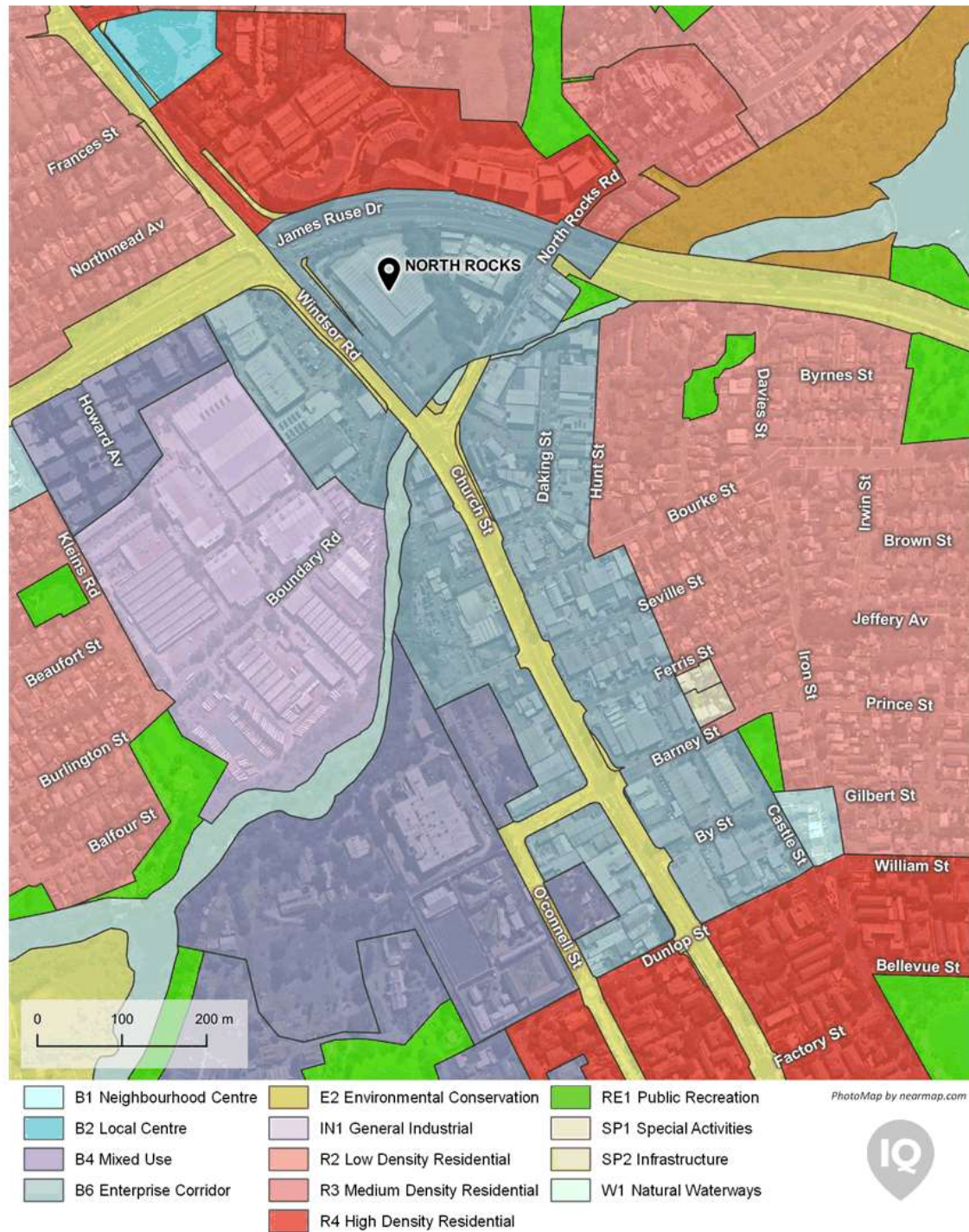
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

- xi. Maps 5.1 and 5.2 illustrate the B6 Enterprise Corridor zoned land in the surrounding area. As shown, this land is generally provided along both side of Windsor Road/Church Street.
- xii. In total, there is some 529,741 sq.m of B6 Enterprise Corridor zoned land in the City of Parramatta LGA and some 239,133 sq.m of B6 Enterprise Corridor zoned land in the North Rocks/North Parramatta precinct.
- xiii. The proposed North Rocks Woolworths site of 20,655 sq.m would account for less than 4% of the total B6 Enterprise Corridor zoned land in the City of Parramatta LGA and less than 10% of B6 Enterprise Corridor zoned land in the precinct. On this basis, if the proposed North Rocks Woolworths development was to proceed, there would still be in-excess of 509,000 sq.m of B6 Enterprise Corridor zoned land in the City of Parramatta LGA and in-excess of 218,000 sq.m of B6 Enterprise Corridor zoned land in the North Rocks/North Parramatta precinct.
- xiv. The proposed North Rocks Woolworths site has significant exposure to three major roads, making it a unique site within the corridor. As such, the site would lend itself to a higher and better use such as now proposed. The extent of retail to be provided at the site would be a modern, full-line supermarket and this would not create a centre but would promote a use that is demanded by the local population. There would still be significant B6 Enterprise Corridor zoned land in the area that would be better suited to the types of uses envisaged in this zoning than the unique 1 Windsor Road (Church Street) site.



MAP 5.1. LAND ZONING



North Rocks Woolworths, Sydney
Economic Impact Assessment
August 2019

MAP 5.2. B6 ENTERPRISE CORRIDOR ZONED LAND

 Enterprise Corridor Zoned Land

PhotoMap by nearmap.com



North Rocks Woolworths, Sydney
Economic Impact Assessment
August 2019

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5.4. Impacts on Existing and Proposed Retailers

- i. The proposed North Rocks Woolworths would provide a full-line supermarket. As such, residents will continue to frequent other centres/shops in the surrounding area. Projected impacts on these businesses are likely to be limited, given the supermarket and associated specialty shops would not compete directly with the vast majority of these offers.
- ii. Residents of the region should be provided with a wider range of food and grocery items within proximity to their homes. The proposed North Rocks Woolworths would provide a key anchor tenant that would benefit most shopfronts in the immediate areas by increasing the ability of the population to shop locally, while not impacting the future viability of current and proposed centres in the surrounding area. In addition, increased competition between supermarkets is beneficial to consumers and will not adversely affect the balance of the centre hierarchy.
- iii. Overall, there are limited food and grocery tenants and specifically supermarkets to serve residents of the local and surrounding region. There is only one full-line supermarket in the main trade area; namely Entrada Coles with the only other supermarket in the main trade area being Northmead Shopping Centre IGA of 1,040 sq.m, which is provided in a dated and fragmented centre. Supermarkets in the surrounding area are understood to trade at levels above the Australian average, reflecting the low provision of supermarket floorspace currently provided for the large, established resident population.
- iv. As outlined previously in this report, there is a current indicative undersupply of 7,114 sq.m of supermarket floorspace across the main trade area that will increase to 7,466 sq.m if no new supermarkets are built over the forecast period to 2031. Allowing for the opening of Woolworths of 3,800 sq.m at North Rocks by 2023, there would still be an under provision of 3,666 sq.m at this time, increasing to 4,771 sq.m by 2031. The analysis of impacts provided in the previous section of this report shows the projected impacts on other retailers throughout the area from the proposed development would not threaten the viability or continued operation of any centre/precinct. The future North Parramatta Town Centre would also be supportable by the future population as part of the site.
- v. Overall, the proposed North Rocks Woolworths development would not impact on the viability or continued operation of any existing or proposed centre within the main trade area or the surrounding region, with all impacts within the normal competitive range of 10% or less.



5.5. Net Community Benefits

- i. It is the conclusion of this report that a substantial net community benefit would result from the development of the proposed North Rocks Woolworths. Offsetting the trading impacts on some existing retailers, there are very substantial positive impacts including the following:
 - Significant improvement in the range of retail facilities that would be available to residents, particularly in terms of convenient supermarket retailing;
 - The proposed North Rocks Woolworths would improve choice of location and allow for price competition. The inclusion of a full-line supermarket would satiate some of the significant undersupply of supermarket floorspace within the main trade area;
 - The creation of additional employment which would result from the project, both during the construction period, and more importantly, on an ongoing basis once the development is complete and operational. In total, some 1,196 jobs are likely to be created both directly and indirectly because of the proposed North Rocks Woolworths development. This includes a number of youth employment opportunities.
- ii. It is concluded that the combination of the substantial positive economic impacts serve to more than offset the trading impacts that could be anticipated for a small number of existing and proposed retail stores, particularly supermarkets, in the region. Further, the impacts would not threaten the viability of any retail facilities.





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Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2020_COPAR_009_00): to amend Schedule 1 of the Parramatta (former The Hills) Local Environmental Plan (LEP) 2012 by adding 'retail premises' as an additional permitted use (limited to a maximum of 3,800m²) to facilitate a supermarket and liquor store at 1 Windsor Road, North Rocks.

I, the Executive Director, Central River City and Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta (former The Hills) Local Environmental Plan (LEP) 2012 to facilitate a supermarket and liquor store should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to consult with Caltex seeking their comments and update the planning proposal, if required.
2. Prior to public exhibition, Council is to amend the planning proposal to:
 - (a) update the Explanation of Provisions to require that 'retail premises' may only be permitted as an additional permitted use in conjunction with an existing permissible use under the B6 Enterprise Corridor zone;
 - (b) include a proposed Additional Permitted Use map; and
 - (c) update the response and justification in relation to Section 9.1 Directions 1.1 Business and Industrial Zones, 2.6 Remediation of Contaminated Land, 4.1 Acid Sulfate Soils, 6.2 Reserving Land for a Public Purpose, 6.3 Site Specific Provisions.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Heritage;
- NSW State Emergency Services; and
- Transport for NSW.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 3rd day of November 2020.



Catherine Van Laeren
Executive Director, Central River City
and Western Parkland City
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2020_COPAR_009_00 (IRF20/4720)



Planning,
Industry &
Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2020_COPAR_009_00)

I, Director, Central (GPOP) at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 3 November 2020 for the proposed amendment to the Parramatta (former The Hills) Local Environmental Plan 2012 as follows:

1. Delete "condition 7":

Replace with a new condition 7:

"The LEP shall be completed by 31 March 2022."

2. Insert condition 8:

"The planning proposal must be exhibited by 30 November 2021."

3. Insert condition 9:

"The planning proposal must be reported to Council for final consideration by 28 February 2022."

Dated 27th day of October 2021.

A handwritten signature in blue ink, appearing to read 'C Gough'.

Christine Gough
Director, Central (GPOP)
Central River City and Western
Parkland City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2020_COPAR_009_00 (IRF21/4343)

INNOVATIVE

ITEM NUMBER	6.2
SUBJECT	Post-Exhibition: 85-91 Thomas Street, Parramatta - Planning Proposal, Draft Site-Specific Development Control Plan and Draft Planning Agreement
REFERENCE	RZ/11/2016 -
APPLICANT/S	Think Planners
OWNERS	Century 888 Pty Ltd
REPORT OF	Project Officer Land Use Planning

PURPOSE

The purpose of this report is to seek the Local Planning Panel's advice to Council on the outcome of the public exhibition of a Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement for land at 85-91 Thomas Street, Parramatta.

RECOMMENDATION

The Local Planning Panel, support the following Council Officer recommendations in the Panel's advice to Council:

- (a) **That** Council receives and notes the submissions made during the public exhibition of the Planning Proposal, draft site-specific Development Control Plan (DCP) and draft Planning Agreement for 85-91 Thomas Street, Parramatta. A summary of submissions is provided at **Attachment 1**.
- (b) **That** Council approve for finalisation the Planning Proposal for land at 85-91 Thomas Street, Parramatta (provided at **Attachment 2**), which seeks to amend Parramatta Local Environmental Plan 2011 as follows:
 - i. Maintaining the R4 High Density Residential zone for the developable part of the site (3,825sqm) and extending the RE1 Public Recreation zone for the undevelopable land (1,200sqm) affected by the Natural Resources - Biodiversity control;
 - ii. Increasing the maximum Height of Building (HOB) control from 11 metres to 22 metres across the R4 High Density Residential zoned part of the site, and removing the HOB control from the RE1 Public Recreation zoned part of the site;
 - iii. Increasing the Floor Space Ratio (FSR) control from 0.8:1 to 1.3:1 across the R4 High Density Residential zoned part of the site, and removing the FSR control from the RE1 Public Recreation zoned part of the site;
 - iv. Removing No.85 Thomas Street from the Land Reserved for Acquisition Map, subject to execution of the Planning Agreement; and
 - v. Amending the Minimum Lot Size control to apply to the proposed R4 High Density Residential land only and remove this control from the proposed RE1 Public Recreation zoned land.
- (c) **That** Council approve the site-specific Development Control Plan (DCP) at **Attachment 3** for finalisation and insertion into the Parramatta Development Control Plan (PDCP) 2011.

- (d) **That** Council delegate authority to the Chief Executive Officer to finalise the draft Planning Agreement at **Attachment 4**, and to sign the Planning Agreement on Council's behalf.
- (e) **That** Council authorise the Chief Executive Officer to exercise the plan-making delegations as granted by the Gateway Determination for this Planning Proposal once the Planning Agreement has been executed by Council.
- (f) **Further**, that Council delegate authority to the Chief Executive Officer to make any minor, administrative and/or non-policy amendments to the Planning Proposal, site specific DCP and Planning Agreement.

PLANNING PROPOSAL TIMELINE



SUMMARY

1. This report seeks the Local Planning Panel's (LPP) advice to Council when it considers the outcomes of the public exhibition of a Planning Proposal, draft Site-Specific DCP and draft Planning Agreement 85-91 Thomas Street, Parramatta.
2. The Planning Proposal seeks to amend the Parramatta Local Environmental Plan (LEP) 2011 to amend the zoning, height, and floor space ratio controls on the site to facilitate development of two 6-storey apartment buildings, including land dedication of environmentally sensitive land along the river foreshore to Council at nil cost.
3. The Planning Proposal, draft DCP and Planning Agreement were placed on public exhibition from 26 August 2021 to 23 September 2021 during which time twenty-three (23) submissions were received comprising twenty-one (21) from the community, with the remaining two (2) from public agencies. A summary of the key issues raised in the submission is provided in this report, with further details and responses provided at **Attachment 1** to this report. In summary, all

of the 21 resident submissions objected to the proposal and the two agency submissions raised no objection.

SITE DESCRIPTION

4. The site at 85-91 Thomas Street, Parramatta is 6,321sqm in area and contains four separate lots (85, 87, 89 and 91 Thomas Streets). The site currently contains detached single dwelling houses facing Thomas Street and bushland to the rear. The site is shown below in **Figure 1**.



Figure 1 – Location Map - Subject site outlined in yellow

5. The site is situated within a currently zoned R4 High Density Residential zoned area between Parramatta River, Macarthur Street, Victoria Road and James Ruse Drive. The surrounding area currently has a mix of low-rise residential flat buildings and detached single dwelling houses, but this is expected to change over time considering the high-density residential zoning.

BACKGROUND

6. On 19 May 2020, the Local Planning Panel provided advice to Council recommending it endorse a Planning Proposal for the purposes of requesting a Gateway Determination for the site with a maximum floor space ratio of 1.3:1, a maximum height control of 22 metres, land use zoning and land acquisition map changes.
7. At its meeting on 9 June 2020, Council resolved to endorse the Planning Proposal for the purpose of requesting a Gateway Determination and to amend the height of buildings and floor space ratio controls, land use zoning and land acquisition map consistent with the recommendation of the Council officers and Local Planning Panel. Council also resolved to prepare a draft site-specific Development Control Plan (DCP) and draft Planning Agreement to be exhibited with the Planning Proposal. A more detailed summary of the Planning Proposal is provided in the following section of this report.

8. On 18 August 2020, the Department of Planning and Environment (DPE) issued a Gateway Determination which allowed the Planning Proposal to proceed to public exhibition. The Gateway determination stipulated an expiry date of 18 August 2021, and requested the Planning Proposal be amended to update the explanation of provisions to outline the intended outcomes regarding the proposed changes to the minimum lot sizes. The Gateway determination authorises Council's Chief Executive Officer to exercise the plan-making delegations for this Planning Proposal.
9. On 15 June 2021, Council resolved to endorse for the purposes of public exhibition the draft site-specific DCP for the site and authorised the commencement of the legal drafting of the Planning Agreement. Council also resolved that the draft DCP and draft Planning Agreement be placed on exhibition concurrently with the Planning Proposal. A more detailed summary of the draft DCP and draft Planning Agreement is provided in the following section of this report.
10. The Planning Proposal, draft site specific DCP and Planning Agreement were publicly exhibited from 26 August 2021 to 23 September 2021. This report addresses the outcomes of that exhibition and makes recommendations for progressing the matter.
11. On 27 October 2021, the DPE issued a revised Gateway determination extending the timeframe for completing the LEP to 28 February 2022.

PLANNING PROPOSAL

12. The Planning Proposal seeks to amend the planning controls in the *Parramatta Local Environmental Plan (LEP) 2011* for 85-91 Thomas Street as described below in **Table 1**.
13. A key outcome of the Planning Proposal is to adjust the land use zoning boundaries, reduce the developable portion of the land and increase the land dedicated to public recreation. As such the maximum building height and floor space ratio within the proposed R4 High Density Residential portion for the site are proposed to increase to the same densities as what was allowable under the planning controls that were in place when the Planning Proposal was lodged in June 2016 as noted in **Table 1**.
14. The Council initiated Planning Proposal to amend the Land Reservations Acquisition and Natural Resources Maps to various properties across the LGA known as 'Parramatta LEP 2011 - Amendment 20', introduced RE1 zoning, land acquisition and riparian and biodiversity controls on the site. The gazettal of Amendment 20 on 28 July 2017 reduced the development potential on the site and as such, the subject Planning Proposal is seeking to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site.

Table 1 – Current and proposed controls

Parramatta LEP 2011	Planning Controls before 28 July 2017	Current Controls	Planning Proposal Recommendation
---------------------	---------------------------------------	------------------	----------------------------------

	(before 'Amendment 20')		
Land Use Zoning	R4 – High Density Residential (6,321sqm)	Part R4 High Density Residential (5,025sqm), Part RE1 Public Recreation (1,296sqm)	Part R4 High Density (developable portion approx. 3,825sqm), Part RE1 Public Recreation (undevelopable portion approx. 2,496sqm)
Maximum HOB	11 metres (3 storeys)	Part 11 metres (3 storeys) (R4 land) and part no HoB (RE1 land)	22 metres (6 storeys) (R4 land only) and part no HoB (RE1 land)
Maximum FSR	0.8:1 (entire site area)	0.8:1 (R4 land only) and part no FSR (RE1 land)	1.3:1 on R4 land (with land dedication) and part no FSR (RE1 land)
Maximum GFA	5,057sqm (based on the total site area)	4,020sqm (based on R4 High Density Residential only)	Approx. 4,973sqm (based on developable site area)
FSR on Developable Portion	1.32:1	1.05:1	1.3:1
Maximum Dwelling yield <i>Council Calculation= (Maximum GFA / 85sqm for high density dwellings)</i>	59 dwellings	47 dwellings	59 dwellings

15. **Figures 2 to 13** illustrate the current controls and proposed amendments to height of buildings, floor space ratio and additional local provisions as part of this Planning Proposal.





Figure 4 – Existing Maximum Building Heights



Figure 5: Proposed Maximum Building Heights



Figure 6 – Existing Maximum Floor Space Ratio

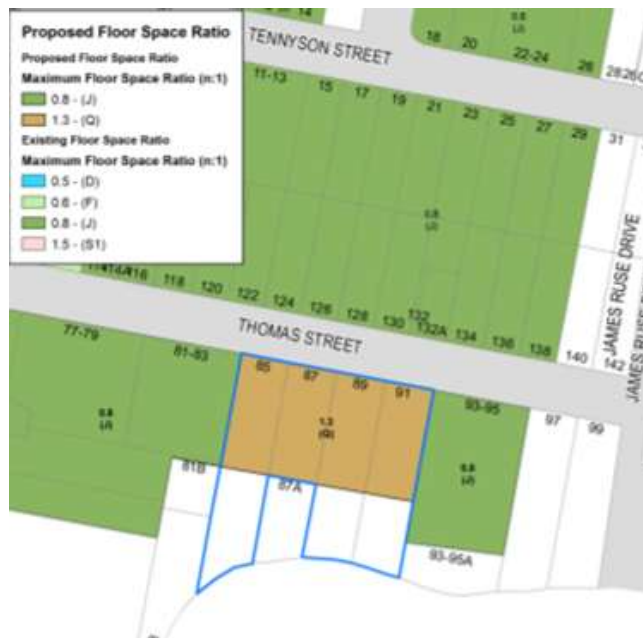


Figure 7 – Proposed Maximum Floor Space Ratio

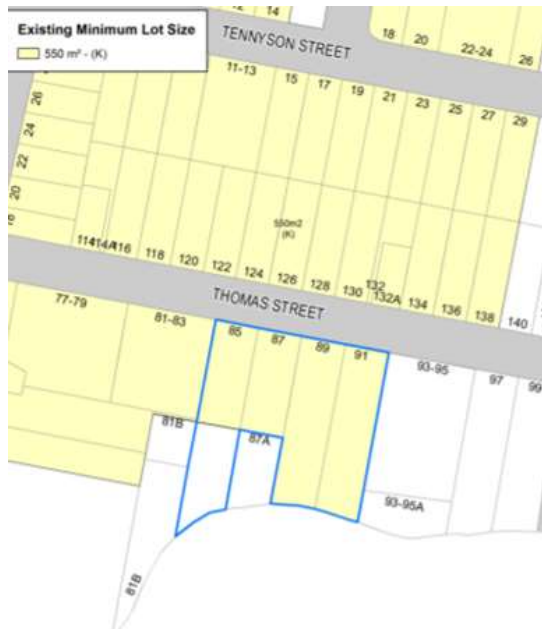


Figure 8 – Existing Minimum Lot Size Map



Figure 9 – Proposed Minimum Lot Size Map



Figure 10 – Existing Land Reservation Map

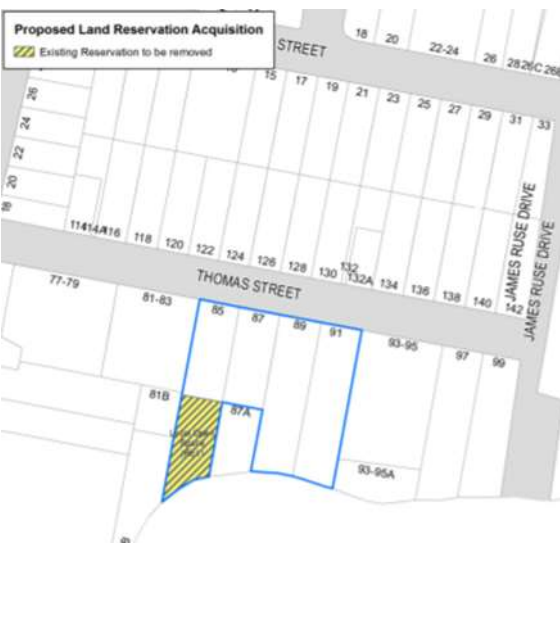


Figure 11 – Proposed Land Reservation Map

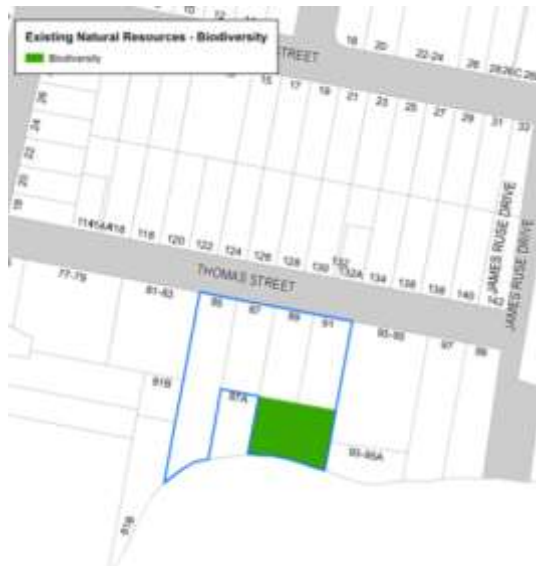


Figure 12 – Existing Natural Resources Biodiversity Map

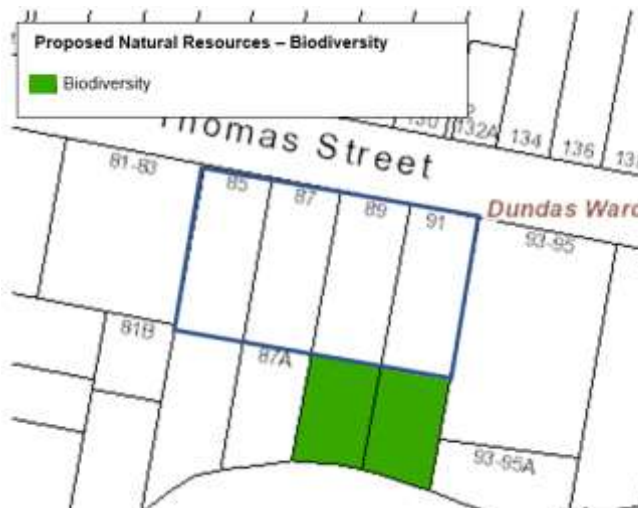


Figure 13 – Proposed Natural Resources Biodiversity Map

DEVELOPMENT CONTROL PLAN

16. The Planning Proposal is accompanied by a site-specific DCP which is a draft amendment to the Morton Street section of Parramatta DCP 2011 as shown in **Attachment 3**. The draft amendment proposes to include a new “Area 5 – 85-91 Thomas Street” as shown in **Figure 14** below. This section includes specific controls in relation to:

- Building height and massing
- Streetscape, building setbacks and separation
- Deep soil, landscaping and future open space
- Ecology and river foreshore.



Figure 14 - Map of Morton Street Precinct DCP and Indicative Building Envelope for ‘Area 5’

17. The draft DCP details controls that ensure that any increases in height or density facilitated by the Planning Proposal can be properly managed and future development appropriately considers its surrounding context.

18. A key objective of the proposed built form controls contained in the draft DCP is that the building envelope and footprint appropriately distributes the residential floorspace generated from the undevelopable land in a sensitive manner. Building footprints have also been reduced resulting in greater setbacks and separation distances to neighbouring development (**Figure 15**).

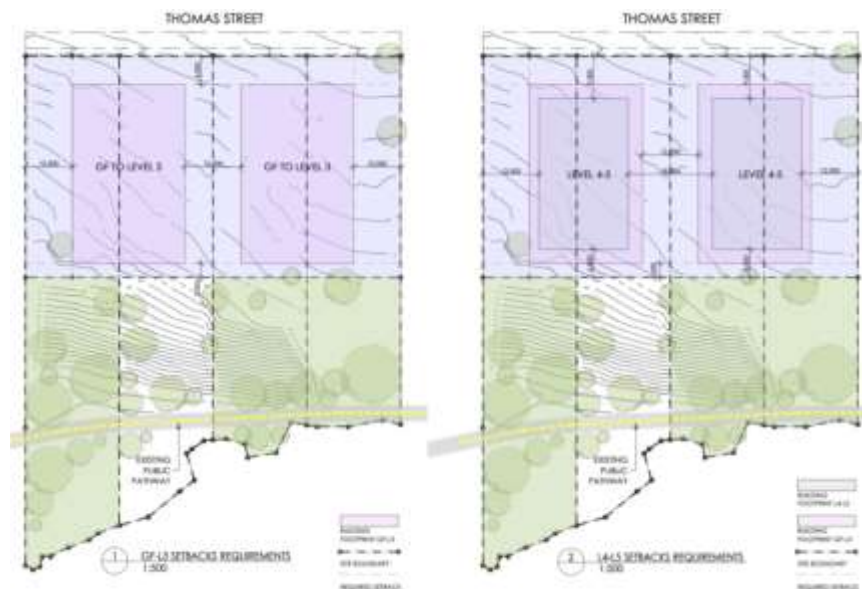


Figure 15 – Area 5 Indicative building footprints (Extract from draft DCP)

19. Furthermore the proposed draft DCP controls require basement car parking access to be located wholly within the building footprint. Therefore, maximising deep soil provisions to allow for landscaping.
20. Saltmarshes and wetlands are located in close proximity to the site and are protected by the proposed amendments to the PLEP 2011 controls relating to the Foreshore Building Line, Natural Resources – Biodiversity and local heritage listing of Parramatta River (Wetlands). To further protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off, overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.

PLANNING AGREEMENT

21. The Draft Planning Agreement is for the dedication to Council at no cost a total of 2,496sqm (approximately 0.25 hectares) of open space and ecologically sensitive land. The land dedication is in connection with the proposed Parramatta LEP 2011 amendments under the Planning Proposal and comprises of two parts (refer **Figure 16**).
- 1,296sqm of land at the rear of No.85 currently zoned RE1 Public Recreation and shown as land reserved for acquisition for local open space, and
 - 1,200sqm of land at the rear of Nos.89-91 currently zoned R4 High Density Residential identified to be zoned RE1 Public Recreation with associated natural resources - biodiversity provisions.

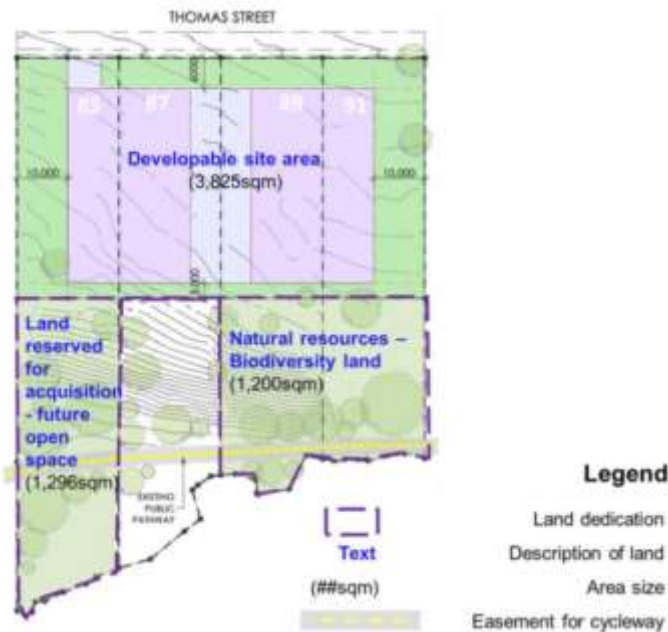


Figure 16 – Land dedication in Planning Agreement

22. The draft Planning Agreement also includes the erection of residential fencing, to a height of no more than 1.5 metres, between the developable (zoned R4 High Density Residential) and dedication (zoned RE1 Public Recreation) areas of the land prior to the issue of an occupation certificate on the developable land.
23. The proposed land dedication allows Council to offer better protection of the biodiversity land and to potentially ensure the river foreshore land is publicly accessible at nil cost to Council. The proposed land dedication reflects the intended use of the site by clearly delineating the developable portion of the site from the portion of the site that is currently zoned open space or has been identified as having ecological value.
24. The land dedication is provided on the basis that there is no decrease in density within the proposed R4 High Density Residential portion for the site compared to the density allowable under the planning controls when the Planning Proposal was lodged in 2016, that is prior to Parramatta LEP 2011- Amendment 20 coming into force (as detailed in paragraph 14 above).
25. Under Council's Planning Agreements Policy (2018), planning proposals outside the CBD seeking uplift in density need to be supported by a planning agreement that is valued at 50% of the resulting land value uplift. At the 9 June 2020 Council Meeting, Council endorsed the officer recommendation which varies Council's planning agreements policy for this Planning Agreement which means the Planning Agreement is line with the DPE infrastructure provision approach precluding Council supporting a value capture approach and as such the parameters for negotiating the land dedication offer for the reasons set out below:
 - a) The planning proposal is only seeking to recoup the residential density potential which may have been able to be achieved under the planning controls in place on the site when the Planning Proposal was lodged in June 2016.

- b) The Draft Planning Agreement Offer moves away from a value capture approach and towards an infrastructure needs approach as required by the Planning Agreements Practice Note (the then Department of Planning, Industry and Environment, February 2021).
- c) Furthermore, Council's City Planning & Design and Property & Place directorates are satisfied that the draft Planning Agreement does not require a land value uplift assessment given there is no uplift being sought by the Planning Proposal (as per PLEP 2011 controls as they applied when the Planning Proposal was lodged) and that the undevelopable land is being dedicated at no cost.

CONSULTATION

- 26. The Planning Proposal, draft DCP and draft Planning Agreement and supporting documents were publicly exhibited from 20 October 2021 to 17 November 2021. Notification methods used in the exhibition included:
 - Letters to surrounding landowners;
 - Dedicated exhibition page on Council's Participate Parramatta website;
 - Advertisement on Council's website; and
 - Posting on City of Parramatta Facebook page.
- 27. Public agencies were also notified in writing of the public exhibition in accordance with the Gateway determination, with the following agencies consulted:
 - Heritage NSW;
 - Environment, Energy and Science Group of DPE; and
 - Transport for NSW.
- 28. A total of twenty-three (23) submissions were received comprising twenty-one (21) from the community and two (2) from public agencies (details in provided in **Attachment 1**). All twenty-one (21) community submissions objected to the proposal, and the agency submissions raised some issues, however neither stated objection nor support.

KEY ISSUES RAISED IN SUBMISSIONS

- 29. Below are the key issues raised in the submission and a brief Council Officer response is provided. A more detail assessment of all the issues raised in submissions, and officer responses are provided in **Attachment 1** to this report.

Building Heights and Overshadowing

- 30. Twelve of the submissions raised concern over the proposed building heights being excessive and impacts on local character. In addition, the potential overshadowing impacts of increased height on the neighbourhood and foreshore.
- 31. The proposed building heights are a result of extensive urban design testing and are considered to enable an appropriate built form in relation to surrounding development as well as to address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3 storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could

be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.

32. The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgment of the application (and prior to Amendment 20 coming into force).
33. The proposed orientation of the buildings to the south as per the controls under the draft site-specific DCP, allows for reasonable solar access to be maintained. There will be no overshadowing impacts on the adjacent property as seen in the concept plans (**Attachment 5**) to the west of the site, and the overshadowing to the east is considered minimal with the overall impact being less than 14% at midwinter and only between 2pm and 3pm (see **Figure 15** and **16**), and as such within an acceptable standard as measured by the Parramatta DCP 2011. The increased height is considered to produce a better design outcome for a better built form.
34. It is also considered that the proposed site specific DCP includes controls that will improve amenity and impacts to surrounding residential development in relation to generous side setbacks and deep soil to facilitate landscaping. Overshadowing analysis will need to be further assessed as part the detailed design provided at the DA stage and will need to address Council's DCP controls and Apartment Design Guide requirements relating to overshadowing.
35. The NSW Government's Apartment Design Guide (ADG) and State Environment Planning Policy 65 (SEPP 65) sets the minimum standards for building separation and setbacks for any residential flat building development on the site. Currently, the ADG would require a minimum of 9 metres separation between habitable and non-habitable rooms for buildings up to 4 storeys however the draft DCP increases this by requiring a 10m minimum side setback and 12m building separation. The ADG requires a minimum of 12m for buildings 5 to 8 storeys and the draft DCP meets this requirement for side setbacks and exceeds this with an 18m building separation. Although the upper levels will be visible from the street the modulation of the facade will also be supported by landscaping and further design detail at Development Application stage.
36. Although the proposed 6 storey building heights are not consistent with the 1 to 3 storey residential building heights that currently exist on Thomas Street, extensive urban design testing indicates that the proposed heights enable an appropriate built form in relation to surrounding development as well as address amenity concerns. This subject site is not able to achieve the proposed FSR

within the existing building height as it needs to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area.

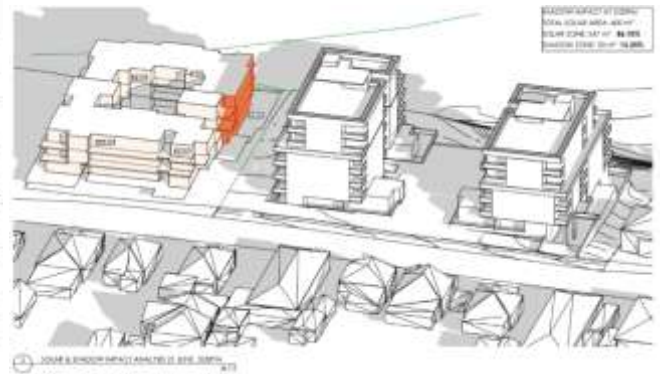
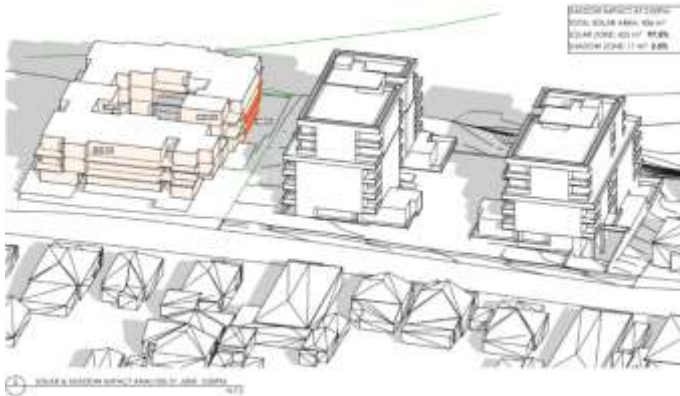


Figure 15 – Overshadowing at 2pm midwinter **Figure 16 – Overshadowing at 3pm midwinter**

37. As such, no amendments are proposed to the proposed maximum heights in the Planning Proposal or the Draft DCP controls.

Amenity and Privacy

38. A number of submissions raised concerns over the impact of future development on privacy, potential safety issues and waste and impact on local character.
39. The proposed site specific DCP includes controls that will maintain a 10m setback from the existing neighbouring properties on both sides. Landscaping controls will also help to create a buffer between the development and neighboring properties. Further, privacy and amenity issues will be a matter that will also be addressed as part of detailed design at the DA stage.
40. It is acknowledged that the proposed redevelopment will change the existing character of the neighborhood, however the proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns.
41. Issues relating to waste and safety and design of the development will be considered as part of the development application and be assessed in accordance with Parramatta DCP 2011.

Traffic and Parking Impacts

42. Multiple submissions raised concern regarding the potential traffic impacts on the existing road network and questioned if the development would generate too much traffic and add additional pressure on on-street parking. Further concerns were raised around traffic safety from an increase in cars.
43. The planning proposal seeks an increase in density compared to the current controls, but is in line with the density achievable under the planning controls which were in place when the Planning Proposal was lodged (prior to Amendment 20 coming into force). Council's Development and Traffic unit

advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances.

44. The traffic report dated 2016 (**Attachment 6**) which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council officers do not deem it necessary for an additional traffic study to be provided. The Planning Proposal was referred to Transport for NSW (TfNSW) during the exhibition period and TfNSW raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at the development application stage.
45. Any future development application would be required to satisfy off street parking and traffic safety requirements in line with Parramatta DCP 2011 and relevant traffic regulations, and would be assessed as to its impact on street parking and traffic safety.
46. As such, no amendments are proposed to the controls proposed in the Draft DCP and the Planning Proposal.

Impacts on Biodiversity

47. Several submissions raised concern over the impacts of any future development on the adjacent natural area and biodiversity.
48. The applicant's ecological assessment (**Attachment 7**) states the proposed development will not have a significant impact upon either mangroves or saltmarsh. The Planning Proposal was also provided to Environment, Energy and Science (EES) which is part of the DPE as part of the public exhibition process. EES had no comments on the Planning Proposal.
49. To protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off, overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.
50. As such, no amendments are proposed to the controls proposed in the draft DCP and the Planning Proposal.

Boarding House Development Application

51. Several submissions raised concern over approval of a boarding house development application which has been lodged on the site (DA/312/2021). These include concerns relation to population density, height, health and safety, development precedent.
52. The boarding house application (reference DA/312/2021) is being assessed by Council under the current planning controls that apply to the site. The development application is also being reported to the 15 February 2022 LPP meeting for determination, the same meeting this report is being put to the LPP. However, the development application process is different to and separate from the Planning Proposal process. The intended outcome of the Planning

Proposal is to amend the existing Parramatta LEP 2011 planning controls. The boarding house development application does not rely on the Planning Proposal and is not connected to it. The boarding house application does not include building on the proposed RE1 land.

Flooding Impacts

53. Several submissions raised concerns that future development will increase the risk of flooding impacts on adjacent properties.
54. The site does include flood prone land. Whilst flooding does impact the site, the proposed building footprint is outside the land affected at the rear on the southern side of the site. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage, particularly for basement parking. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.

Planning Agreement

55. Several submissions raised concerns in relation to the draft planning agreement and its relationship to the Planning Proposal, some submissions asserting that "the planning agreement facilitates the dedication of land at nil cost. This is a conflict of interest as it is an incentive for Council to approve the development."
56. The negotiation of the draft planning agreement has been carried out in accordance with the City of Parramatta's *Planning Agreements Policy 2018*. It states that "Council's negotiation system for planning agreements aims to be transparent, consistent, efficient, fair, and accountable." The NSW legislative framework allows for the negotiation of planning agreements to run in parallel with planning proposals and that they must be publicly exhibited.
57. It is reasonable and appropriate for Council to seek contributions towards local infrastructure from a proponent to support a proposal that has been subject to a merit-based assessment. The Planning Proposal was subject to an extensive merit-based assessment by Council Officers and was subsequently endorsed by both the Local Planning Panel and Council to be submitted to the DPE for a Gateway determination. Furthermore, the land dedication is consistent with the current *Parramatta LEP 2011* and *Parramatta (Outside CBD) Contributions Plan 2021* which is identified for acquisition.

AGENCY SUBMISSIONS

Heritage NSW

58. Heritage NSW believe that there are no identified impacts on any items listed on the State Heritage Register or state significant historical archaeology. They requested prior to finalisation of the proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed.

59. The subject site is affected by the heritage associated with the Parramatta River Wetlands. This item is located within the undevelopable portion of the site and relates principally to the adjacent Parramatta River. The land identified as heritage will be dedicated to Council ownership. The Planning Proposal seeks that the building envelope is located outside the area affected by heritage to resolve the heritage and ecological concerns. Heritage impacts will be further considered at development application stage. The DCP controls ensure that the *“development is to demonstrate no significant impact to saltmarsh and mangrove ecological communities as a result of stormwater run-off or overshadowing”*.

Transport for NSW

60. Transport for NSW raised no objections to the abovementioned amendments to the planning controls associated with the Planning Proposal.

FINANCIAL IMPLICATIONS FOR COUNCIL

61. Any work to progress the finalisation of the Planning Proposal would be prepared by Council Officers and therefore within the existing City Planning budget. Should this matter progress, a Planning Agreement will be entered into between the applicant and Council.
62. The planning agreement will facilitate the proposed land dedication at nil cost to Council. The future maintenance will be budgeted through Council's Operational Plan and Budget and the Parramatta River Foreshore Contract.
63. If the 1,296sqm of privately owned RE1 zoned, affected by the land acquisitions at No.85 Thomas Street is not dedicated at no cost as part of Planning Agreement negotiations, Council officers estimate this land could cost approximately \$1.3 million. If the remaining 1,200sqm of privately owned, R4 zoned land affected by the Natural Resources – Biodiversity control, at numbers 89 and 91 Thomas Street is not dedicated to Council, given that the current proposal seeks to extract the FSR from this portion of the site and redistribute it on the developable site area, it is estimated that this land holds nominal to no monetary value as a result.

CONCLUSION AND NEXT STEPS

64. It is recommended that the Local Planning Panel support the Council Officer recommendation that Council approve the Planning Proposal for 85-91 Thomas Street Parramatta as exhibited and for Council to exercise its plan-making delegations as granted by the Gateway Determination and work with Parliamentary Counsel Office on the legal drafting and mapping of the amendment. The LEP amendment will then be signed by the CEO before being notified on the NSW Legislation website.
65. Council officers recommend that the Local Planning Panel support the Council officer recommendation to finalise the draft site-specific DCP which provide detailed design controls in support of the Planning Proposal and are intended to improve interpretation of controls and better reflect the intended outcomes detailed in the objectives.

66. Council officers recommend that the Local Planning Panel support the Council officer recommendation to delegate authority to the Chief Executive Officer to finalise the draft Planning Agreement which is the mechanism for Council to acquire the subject land for future open space and biodiversity protection at nil cost.
67. Following Local Planning Panel consideration of the recommendations of this report, the outcomes of the exhibition period for the Planning Proposal, draft DCP and the Planning Agreement will be reported to an upcoming Council meeting along with the Panel's advice.








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ATTACHMENTS:

1		Submissions Table	37 Pages
2		Planning Proposal	59 Pages
3		Draft Site-Specific DCP	7 Pages
4		Draft Planning Agreement	33 Pages
5		Concept Plans	27 Pages
6		Traffic Report	47 Pages
7		Ecological Report	97 Pages

REFERENCE MATERIAL

Attachment 1: Responses to Submission Table

Community Member Submissions		
Submission #	Summary	Council Officer Response
Submission 1	<p>Accepting that Thomas Street is zoned R4 high density and that high rise development in Parramatta CBD or the high-rise developments already near the old Parramatta Council Depot.</p> <p>Concern that the proposal:</p> <ul style="list-style-type: none"> • Is too high. • will cause traffic impacts and the traffic data is outdated. • The developer's profit is placed above the public interest setting a precedent for similar development. <p>Furthermore, the landowner does not maintain this property to a satisfactory standard such as mowing the grass.</p>	<p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage.</p> <p>The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application.</p> <p>Council Officer's assessment of any future Planning Proposals is against potential impact and Council and state planning strategies. Any potential development of surrounding properties in the future will be subject to a similar merit-based assessment and is not based on any potential profit the developer could make.</p> <p>Any complaints regarding satisfactory maintenance can be directed to Council's Customer Contact Centre.</p>
Submission 2	<p>Query as to how was the decision made to get the planning proposal to this point and the gains `by Council from potentially approving the development.</p> <p>Concerns relate to:</p> <ul style="list-style-type: none"> • cause traffic impacts. • The increase in parked cars will make driveway access difficult. • The increase height will cause overshadowing. 	<p>The Planning Proposal was lodged by the applicant on June 2016. Council then undertook a technical assessment on July 2016 it was considered by both the Local Planning Panel and Council in seeking a request from the Department of Planning, Industry and Environment for a Gateway Assessment. The DPIE issued a Gateway Determination on August 2020 after their own assessment. Between June 2020 and August 2020 it was placed on public exhibition. This process is in line with the Section 55 of the <i>Environmental Planning and Assessment Act 1979</i> and the Department of Planning and Environment's, 'A Guide to Preparing Local Environment Plans' (April 2013) and 'A Guide to Preparing Planning Proposals' (October 2012).</p> <p>The negotiation of the draft planning agreement has been carried out in accordance with the City of Parramatta's Planning Agreements Policy 2018. It states that "Council's negotiation system</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>for planning agreements aims to be transparent, consistent, efficient, fair, and accountable." The NSW legislative framework allows for the negotiation of planning agreements to run in parallel with planning proposals and must be publicly exhibited. It is reasonable and appropriate for Council to seek contributions towards local infrastructure from a proponent to support a proposal that has been subject to a merit-based assessment. The Planning Proposal was subject to an extensive merit-based assessment by Council Officers and was then the Planning Proposal subsequent endorsed by both the Local Planning Panel and Council to be submitted to the DPIE. Furthermore, the land dedication is consistent with the current Parramatta LEP 2011 and Parramatta (Outside CBD) Contributions Plan 2021 which is identified for acquisition.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage</p> <p>Any future development application would be required to satisfy off street parking requirements in line with Paramatta DCP 2011 and would be assessed as to its impact on street parking.</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>The orientation of the buildings to the south allows for reasonable solar access to be maintained. There will be no overshadowing impacts on the adjacent property to the west of the site, and the overshadowing to the east is considered minimal with the overall impact being less than 15% at midwinter and only between 2pm and 3pm, and as such within an acceptable standard as measured by the Parramatta DCP 2011. The increased height is considered to produce a better design outcome for a better built form. It is also considered that proposed site specific DCP includes controls that will improve amenity and impacts to surrounding residential development in relation to generous side setbacks and deep soil to facilitate landscaping. Overshadowing analysis will need to be further assessed as part the detailed design provided at the DA stage and will need to address Council's DCP controls and ADG requirements relating to overshadowing.</p>
Submission 3	<p>Concerns raised in this submission in relation to the development include:</p> <ul style="list-style-type: none"> • will cause traffic impacts. • will reduce street parking for residents. • is too high. • will create inconsistency with the landscape of the area, privacy issues and overshadowing issues. • will obscure the Parramatta CBD and the Parramatta River view from neighbouring properties. • will increase the population density in the area. • may result in flooding to the neighbouring properties due to the drastic increase in impervious areas. • will create a lot of safety concerns for the residents in the local community. 	<p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage</p> <p>Any future development application would be required to satisfy off street parking requirements in line with Paramatta DCP 2011 and would be assessed as to its impact on street parking.</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>The draft DCP proposes a 10m setback from the existing neighbouring properties which will be required as deep soil to accommodate trees and landscaping. Landscaping controls proposed in the draft DCP will require future development to create a buffer between the development and neighbouring properties. Further, privacy and amenity issues will be a matter that will also be addressed as part of detailed design at the DA stage.</p> <p>The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application.</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>The site is already zoned R4 – High Density Residential. This Planning Proposal aims to redistribute that available floorspace within the developable portion of the site in an increased height limit of 22m and increase FSR of 1.3:1 applying to the R4 land.</p> <p>The orientation of the buildings to the south allows for reasonable solar access to be maintained. There will be no overshadowing impacts on the adjacent property to the west of the site, and the overshadowing to the east is considered minimal with the overall impact being less than 15% at midwinter and only between 2pm and 3pm, and as such within an acceptable standard as measured by the Parramatta DCP 2011. The increased height is considered to produce a better design outcome for a better built form. It is also considered that proposed site specific DCP includes controls that will improve amenity and impacts to surrounding residential development in relation to generous side setbacks and deep soil to facilitate landscaping. Overshadowing analysis will need to be further assessed as part the detailed design provided at the DA stage and will need to address Council's DCP controls and ADG requirements relating to overshadowing</p> <p>The site does include flood prone land. Whilst flooding does impact the site, proposed building footprint is outside the land affected and is at the rear on the southern side of the site. Any potential impacts as a result of future development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage, particularly for basement parking. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.</p> <p>The Parramatta DCP 2011 contains safety and security measures that must be addressed at DA stage.</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
Submission 4	The proposed development is too high.	<p>The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application.</p>
Submission 5	<p>Concerns raised include:</p> <ul style="list-style-type: none"> • The development will create a lot of safety concerns for the residents in the local community. • The development will result in traffic impacts. • The development will reduce street parking for residents. • The proposed development is too high. 	<p>The future design of the development will need to address pedestrian and road safety issues as part of the DA and will need to comply with the Council's development controls and Australian Standards.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
	<ul style="list-style-type: none"> The development will create inconsistency with the landscape of the area, privacy issues and overshadowing issues. The development will damage the economic value of the neighbouring properties. The development will increase the population density in the area. The development may result in flood to the neighbouring properties due to the drastic increase in impervious areas. 	<p>arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage.</p> <p>Any future development application would be required to satisfy off street parking requirements in line with Paramatta DCP 2011 and would be assessed as to its impact on street parking.</p> <p>The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application</p> <p>The orientation of the buildings to the south allows for reasonable solar access to be maintained. There will be no overshadowing impacts on the adjacent property to the west of the site, and the overshadowing to the east is considered minimal with the overall impact being less than 15% at midwinter and only between 2pm and 3pm, and as such within an acceptable standard as measured by the Parramatta DCP 2011. The increased height is considered to produce a better design outcome for a better built form. It is also considered that proposed site specific DCP includes controls that will improve amenity and impacts to surrounding residential development in relation to generous side setbacks and deep soil to facilitate landscaping. Overshadowing analysis will need to be further assessed as part the detailed design provided at the DA stage and will need to address Council's DCP controls and ADG requirements relating to overshadowing</p> <p>There is no evidence to suggest that the planning proposal will lead to a decrease in surrounding property values. The site is already zoned for high density residential development. It is anticipated that the proposal will result in an improvement to surrounding residential amenity by securing land for future public open space along the Parramatta River Foreshore and biodiversity protection.</p> <p>The site does include flood prone land. Whilst flooding does impact the site, proposed building footprint is outside the land affected and is at the rear on the southern side of the site. Any potential impacts as a result of future development on the site, such as stormwater</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		runoff, will be considered and addressed appropriately at DA stage, particularly for basement parking. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.
Submission 6	<p>Concerns raised include:</p> <ul style="list-style-type: none"> - The development will result in traffic impacts. - Increased traffic could lead to personal and property damage. - Cycling and crossing the road for pedestrians will be more dangerous because of the development due to increased traffic. - The proposed development will be visually unappealing and would cause overshadowing. - The proposed development will cause parking issues. - Relocation of rubbish bins to the road as on street parking restricts collection. This is dangerous as they are obstacles which can harm pedestrians and cyclists. - Cars parked partly across driveways or so close to the edge of driveways, prohibit the clear view of passing traffic, hindering drivers attempting to enter and leave their homes safely. - There is not enough infrastructure to support the increase in density the rezoning would bring. - Rezoning Thomas Street would be an overdevelopment of an area of Parramatta already struggling to cope. An overdevelopment of the area would have an impact on the environment. - Approving the development would set a precedent. - The Planning Proposal should be dismissed and the boarding house DA should be rejected. 	<p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided.</p> <p>There is no evidence to suggest that any traffic generated by the development would lead damage personal and property damage. The future design of the development will need to address pedestrian and road safety issues as part of the DA and will need to comply with the Council's development controls and Australian Standards.</p> <p>The orientation of the buildings to the south allows for reasonable solar access to be maintained. There will be no overshadowing impacts on the adjacent property to the west of the site, and the overshadowing to the east is considered minimal with the overall impact being less than 15% at midwinter and only between 2pm and 3pm, and as such within an acceptable standard as measured by the Parramatta DCP 2011. The increased height is considered to produce a better design outcome for a better built form. It is also considered that proposed site specific DCP includes controls that will improve amenity and impacts to surrounding residential development in relation to generous side setbacks and deep soil to</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>facilitate landscaping. Overshadowing analysis will need to be further assessed as part the detailed design provided at the DA stage and will need to address Council's DCP controls and ADG requirements relating to overshadowing</p> <p>Any future development application would be required to satisfy off street parking requirements in line with Paramatta DCP 2011 and would be assessed as to its impact on street parking.</p> <p>Issues regarding waste disposal and management will be dealt with at DA stage.</p> <p>The future design of the development will need to address pedestrian and road safety issues as part of the DA and will need to comply with the Council's development controls and Australian Standards.</p> <p>Council will receive land for future public open space and diversity because of the planning proposal. Any future development proposals in the area will be subject to planning agreement negotiations with Council to support infrastructure in the local area.</p> <p>The applicant's ecological assessment states the proposed development will not have a significant impact upon either mangroves or saltmarsh. The planning proposal was also submitted to Environment, Energy and Science (EES) as part of the public exhibition process. EES made had no comments on the planning proposal. To protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off, overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.</p> <p>Council Officer's assessment of any future Planning Proposals will be based on what can be achieved under existing controls and in line with local and state planning strategies. Any potential</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>development of surrounding properties in the future will be subject to a similar merit-based assessment and not based on any potential profit the developer could make.</p> <p>The boarding house application (reference DA/312/2021) is being assessed by Council under the current planning controls that apply to the site. The DA will go to the 15 February LPP Meeting as Council Officers are recommending refusal. The DA process is a different process to the Planning Proposal process. The intend outcome of the Planning Proposal is to amend existing Parramatta LEP 2011 planning controls. The submission has issue with the DA, however there is a misunderstanding that the subject planning proposal is linked to the boarding house development application.</p>
Submission 7	<p>It is noted that the submission included a submission from May 2021 relating to the boarding house DA which has been forwarded to Council's Development Assessment team.</p> <p>The submission directly relating to the planning proposal raises the following concerns:</p> <ul style="list-style-type: none"> - The development is not in close proximity to public transport - There are problems with population density in the local area. - The proposal is to height. - The development will cause traffic impacts. - The development will cause further parking issues. - The development will have an environmental impact. - The development will cause the risk of flooding. 	<p>The boarding house application (reference DA/312/2021) is being assessed by Council under the current planning controls that apply to the site. The DA will go to the 15 February LPP Meeting as Council Officers are recommending refusal. The DA process is a different process to the Planning Proposal process. The intend outcome of the Planning Proposal is to amend existing Parramatta LEP 2011 planning controls. The submission has issue with the DA, however there is a misunderstanding that the subject planning proposal is linked to the boarding house development application.</p> <p>The site is located within the GPOP corridor and in a location near local bus routes, local cycleways that supports the 30- minute city.</p> <p>Local and State planning strategies note that high density residential development is needed in this area.</p> <p>The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any</p>

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		<p>future development on the site will also be subject to further detailed traffic and transport assessment at DA stage.</p> <p>Any future development application would be required to satisfy off street parking requirements in line with Paramatta DCP 2011 and would be assessed as to its impact on street parking.</p> <p>The applicant's ecological assessment states the proposed development will not have a significant impact upon either mangroves or saltmarsh.</p> <p>The planning proposal was also submitted to Environment, Energy and Science (EES) as part of the public exhibition process. EES made had no comments on the planning proposal. To protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off, overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.</p> <p>The site does include flood prone land. Whilst flooding does impact the site, proposed building footprint is outside the land affected and is at the rear on the southern side of the site. Any potential impacts as a result of future development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage, particularly for basement parking. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.</p>
Submission 8	<p>Overshadowing caused by the proposed development will cause a biodiversity impact.</p> <p>The development will cause traffic impacts.</p> <p>The increased height will change the landscape of the street.</p>	<p>The applicant's ecological assessment states the proposed development will not have a significant impact upon either mangroves or saltmarsh. The planning proposal was also submitted to Environment, Energy and Science (EES) as part of the public exhibition process. EES made had no comments on the planning proposal. To protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off,</p>

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	Council are not acting in the interest of the residents considering the petition lodged for the boarding house DA.	<p>overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage</p> <p>The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it</p>

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		<p>only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application</p> <p>The site is already zoned for high density residential development. It is anticipated that the proposal will result in an improvement to surrounding residential amenity by securing land for future public open space along the Parramatta River Foreshore and biodiversity protection</p>
Submission 9	<p>The submission considers that:</p> <ul style="list-style-type: none"> - this part of Paramatta does not have the infrastructure to support the proposal. - the proposed 6 storey height is out of character for the neighbourhood. - the proposal will cause traffic impacts. - the proposal will cause traffic safety impacts to the nearby residents of the aged care facility. 	<p>Any future development application for the site would be subject to local infrastructure levy, known as development contributions. These contributions are towards improvement to local infrastructure, including local roads and improvements to open space.</p> <p>It is acknowledged that the proposed redevelopment will change the existing character of the neighbourhood. The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the</p>

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		<p>subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage</p> <p>The future design of the development will need to address pedestrian and road safety issues as part of the DA and will need to</p>

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		comply with the Council's development controls and Australian Standards.
Submission 10	<p>The development height should be limited to the height of the surrounding properties to avoid overshadowing and amenity issues.</p> <p>Prior to approving development Council should consider local road improvements.</p> <p>The development will cause road safety and traffic issues.</p>	<p>It is acknowledged that the proposed redevelopment will change the existing character of the neighbourhood. The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application</p> <p>The orientation of the buildings to the south allows for reasonable solar access to be maintained. There will be no overshadowing impacts on the adjacent property to the west of the site, and the</p>

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		<p>overshadowing to the east is considered minimal with the overall impact being less than 15% at midwinter and only between 2pm and 3pm, and as such within an acceptable standard as measured by the Parramatta DCP 2011. The increased height is considered to produce a better design outcome for a better built form. It is also considered that proposed site specific DCP includes controls that will improve amenity and impacts to surrounding residential development in relation to generous side setbacks and deep soil to facilitate landscaping. Overshadowing analysis will need to be further assessed as part the detailed design provided at the DA stage and will need to address Council's DCP controls and ADG requirements relating to overshadowing.</p> <p>Any future development application for the site would be subject to local infrastructure levy, known as development contributions. These contributions are towards improvement to local infrastructure, including local roads.</p> <p>The future design of the development will need to address pedestrian and road safety issues as part of the DA and will need to comply with the Council's development controls and Australian Standards.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and</p>

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		raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage
Submission 11	<p>Concerns raised in relation to the proposal include:</p> <ul style="list-style-type: none"> - change the neighbourhood character due to the height. - will have an ecological impact. - Should be more sensitive to historical/indigenous significance of the Buludarri Wetland. - The planning agreement facilitates the dedication of land at nil cost. This is a conflict of interest as it is an incentive for Council to approve the development. <p>Council needs to allocate more resources to weed management of the Baludarri wetlands.</p> <p>As the development is a proposed boarding house there should be adequate space for bicycle parking and landscaping.</p>	<p>The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application</p> <p>The applicant's ecological assessment states the proposed development will not have a significant impact upon either mangroves or saltmarsh. The planning proposal was also submitted to Environment, Energy and Science (EES) as part of the public</p>

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		<p>exhibition process. EES made had no comments on the planning proposal. To protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off, overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.</p> <p>The current R4 zoning already allows for redevelopment of the industrial site to high density residential and the planning proposal is considered to be consistent with the objectives of the zone. The proposal was referred to Heritage NSW as part of the public exhibition process. Heritage NSW have no issues or comment on the proposal.</p> <p>The negotiation of the draft planning agreement has been carried out in accordance with the City of Parramatta's Planning Agreements Policy 2018. It states that "Council's negotiation system for planning agreements aims to be transparent, consistent, efficient, fair, and accountable." The NSW legislative framework allows for the negotiation of planning agreements to run in parallel with planning proposals and must be publicly exhibited. It is reasonable and appropriate for Council to seek contributions towards local infrastructure from a proponent to support a proposal that has been subject to a merit-based assessment. The Planning Proposal was subject to an extensive merit-based assessment by Council Officers and was then the Planning Proposal subsequent endorsed by both the Local Planning Panel and Council to be submitted to the DPIE. Furthermore, the land dedication is consistent with the current Parramatta LEP 2011 and Parramatta (Outside CBD) Contributions Plan 2021 which is identified for acquisition.</p> <p>Weed management of the wetlands is outside the scope of this Planning Proposal.</p>

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		The boarding house application (reference DA/312/2021) is being assessed by Council under the current planning controls that apply to the site. The DA will go to the 15 February LPP Meeting as Council Officers are recommending refusal. The DA process is a different process to the Planning Proposal process. The intend outcome of the Planning Proposal is to amend existing Parramatta LEP 2011 planning controls. The submission has issue with the DA, however there is a misunderstanding that the subject planning proposal is linked to the boarding house development application.
Submission 12	<p>The following concerns were raised:</p> <ul style="list-style-type: none"> - The planning proposal is not in line with the zoning in the area. - The proposed development will have traffic impacts. - The proposed developing will cause overshadowing impacts on neighbouring properties. 	<p>The site is already zoned for high density residential development. It is anticipated that the proposal will result in an improvement to surrounding residential amenity by securing land for future public open space along the Parramatta River Foreshore and biodiversity protection.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage</p> <p>The orientation of the buildings to the south allows for reasonable solar access to be maintained. There will be no overshadowing impacts on the adjacent property to the west of the site, and the overshadowing to the east is considered minimal with the overall</p>

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		<p>impact being less than 15% at midwinter and only between 2pm and 3pm, and as such within an acceptable standard as measured by the Parramatta DCP 2011. The increased height is considered to produce a better design outcome for a better built form. It is also considered that proposed site specific DCP includes controls that will improve amenity and impacts to surrounding residential development in relation to generous side setbacks and deep soil to facilitate landscaping. Overshadowing analysis will need to be further assessed as part the detailed design provided at the DA stage and will need to address Council's DCP controls and ADG requirements relating to overshadowing.</p>
Submission 13	<p>The submission raises concerns that the exchange of land to Council would compromise the independence of Council and is not worth the environmental impact it would cause.</p> <p>The planning proposal is not inline with the boarding house DA proposal.</p> <p>The proposal will have traffic impacts.</p>	<p>The negotiation of the draft planning agreement has been carried out in accordance with the City of Parramatta's Planning Agreements Policy 2018. It states that "Council's negotiation system for planning agreements aims to be transparent, consistent, efficient, fair, and accountable." The NSW legislative framework allows for the negotiation of planning agreements to run in parallel with planning proposals and must be publicly exhibited. It is reasonable and appropriate for Council to seek contributions towards local infrastructure from a proponent to support a proposal that has been subject to a merit-based assessment. The Planning Proposal was subject to an extensive merit-based assessment by Council Officers and was then the Planning Proposal subsequent endorsed by both the Local Planning Panel and Council to be submitted to the DPIE. Furthermore, the land dedication is consistent with the current Parramatta LEP 2011 and Parramatta (Outside CBD) Contributions Plan 2021 which is identified for acquisition.</p> <p>The boarding house application (reference DA/312/2021) is being assessed by Council under the current planning controls that apply to the site. The DA will go to the 15 February LPP Meeting as Council Officers are recommending refusal. The DA process is a different process to the Planning Proposal process. The intend</p>

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		<p>outcome of the Planning Proposal is to amend existing Parramatta LEP 2011 planning controls. The submission has issue with the DA, however there is a misunderstanding that the subject planning proposal is linked to the boarding house development application.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage</p>
Submission 14	Query in relation to the expiration of the Gateway Determination on August 2021 and to why Council continuing with the proposal.	The NSW Department of Planning, Industry and Environment has issued an amended Gateway Determination for the Planning Proposal on 27 October 2021 which expires on 28 February 2022.
Submission 15	Query in relation to the expiration of the Gateway Determination on August 2021 and to why Council continuing with the proposal.	The NSW Department of Planning, Industry and Environment has issued an amended Gateway Determination on the 27 October 2021 for the Planning Proposal which expires on 28 February 2022.
Submission 16	<p>Concerns raised relate to the proposal:</p> <ul style="list-style-type: none"> - set a precedent for height requirements. - A height increase would make the community unliveable. - will have traffic impacts. - will have biodiversity impacts. - will impact the local character of the neighbourhood. 	It is accepted the proposed development will impact on the local character of the neighbourhood. The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential

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		<p>development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and</p>

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		<p>raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage</p> <p>The applicant's ecological assessment states the proposed development will not have a significant impact upon either mangroves or saltmarsh. The planning proposal was also submitted to Environment, Energy and Science (EES) as part of the public exhibition process. EES made had no comments on the planning proposal. To protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off, overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.</p>
Submission 17	<p>The height of the proposed development is too high.</p> <p>Council should not favour developers interests.</p> <p>Is not supportive of the Boarding house development application.</p>	<p>The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the</p>

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		<p>site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application.</p> <p>The negotiation of the draft planning agreement has been carried out in accordance with the City of Parramatta's Planning Agreements Policy 2018. It states that "Council's negotiation system for planning agreements aims to be transparent, consistent, efficient, fair, and accountable." The NSW legislative framework allows for the negotiation of planning agreements to run in parallel with planning proposals and must be publicly exhibited. It is reasonable and appropriate for Council to seek contributions towards local infrastructure from a proponent to support a proposal that has been subject to a merit-based assessment. The Planning Proposal was subject to an extensive merit-based assessment by Council Officers and was then the Planning Proposal subsequent endorsed by both the Local Planning Panel and Council to be submitted to the DPIE. Furthermore, the land dedication is consistent with the current Parramatta LEP 2011 and Parramatta (Outside CBD) Contributions Plan 2021 which is identified for acquisition.</p> <p>The boarding house application (reference DA/312/2021) is being assessed by Council under the current planning controls that apply to the site. The DA will go to the 15 February LPP Meeting as Council Officers are recommending refusal. The DA process is a different process to the Planning Proposal process. The intend outcome of the Planning Proposal is to amend existing Parramatta LEP 2011 planning controls. The submission has issue with the DA, however there is a misunderstanding that the subject planning proposal is linked to the boarding house development application.</p>

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Submission 18	Query in relation to the expiration of the Gateway Determination on August 2021 and to why Council continuing with the proposal.	The NSW Department of Planning, Industry and Environment has issued an amended Gateway Determination on 27 October 2021 for the Planning Proposal which expires on 28 February 2022.
Submission 19	<p>The submission contained a number of issues related to the boarding house DA:</p> <ul style="list-style-type: none"> • Council is facilitating developer property units which means first home buyer cannot purchase houses. • Developers are constructing boarding houses to make money. • This development will set a precedent in the neighbourhood. • The proposed boarding house will cause a problem in the area due to additional health and safety issues. • The historic nature of Parramatta will be ruined by development approved by Council. • These types of developments are stopping young people buying houses as they are being replaced by high rise development. • Concrete from the development will increase temperature. <p>Concerns relating to the Planning Proposal include:</p> <ul style="list-style-type: none"> • The developer has made the offer of free land to Council which is a conflict of interest. This should be a transparent process. • The development would impact the landscape and neighbourhood character of Parramatta. • The development will overshadow the foreshore and is dangerous to endangered species. • The development will have a traffic and parking impact on the local area. 	<p>The boarding house application (reference DA/312/2021) is being assessed by Council under the current planning controls that apply to the site. The DA will go to the 15 February LPP Meeting as Council Officers are recommending refusal. The DA process is a different process to the Planning Proposal process. The intended outcome of the Planning Proposal is to amend existing Parramatta LEP 2011 planning controls. The submission has issue with the DA, however there is a misunderstanding that the subject planning proposal is linked to the boarding house development application.</p> <p>Agreements Policy 2018. It states that "Council's negotiation system for planning agreements aims to be transparent, consistent, efficient, fair, and accountable." The NSW legislative framework allows for the negotiation of planning agreements to run in parallel with planning proposals and must be publicly exhibited. It is reasonable and appropriate for Council to seek contributions towards local infrastructure from a proponent to support a proposal that has been subject to a merit-based assessment. The Planning Proposal was subject to an extensive merit-based assessment by Council Officers and was then the Planning Proposal subsequently endorsed by both the Local Planning Panel and Council to be submitted to the DPIE. Furthermore, the land dedication is consistent with the current Parramatta LEP 2011 and Parramatta (Outside CBD) Contributions Plan 2021 which is identified for acquisition.</p> <p>It is acknowledged that the development will impact on the local character of the area however the proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The</p>

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	<ul style="list-style-type: none"> It will increase the likelihood of residents throwing rubbish out of their cars. The development will cause overshadowing on neighbouring development. 	<p>adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application.</p> <p>The planning proposal was also submitted to Environment, Energy and Science (EES) as part of the public exhibition process. EES made had no comments on the planning proposal. To protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off, overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage.</p> <p>The future design of the development will need to address pedestrian and road safety issues as part of the DA and will need to comply with the Council's development controls and Australian Standards.</p> <p>Waste disposal and management will be dealt with at DA stage.</p> <p>The orientation of the buildings to the south allows for reasonable solar access to be maintained. There will be no overshadowing impacts on the adjacent property to the west of the site, and the overshadowing to the east is considered minimal with the overall impact being less than 15% at midwinter and only between 2pm and 3pm, and as such within an acceptable standard as measured by the Parramatta DCP 2011. The increased height is considered to produce a better design outcome for a better built form. It is also considered that proposed site specific DCP includes controls that will improve amenity and impacts to surrounding residential development in relation to generous side setbacks and deep soil to facilitate landscaping. Overshadowing analysis will need to be further assessed as part the detailed design provided at the DA stage and will need to address Council's DCP controls and ADG requirements relating to overshadowing.</p>
Submission 20	Concerns raised in relation to the proposal include:	Local and State planning strategies note that high density residential development is needed in this area. The proposed building heights

Community Member Submissions		
Submission #	Summary	Council Officer Response
	<ul style="list-style-type: none"> - impacts of overcrowding, noise pollution, privacy issues and overshadowing - Will cause flooding. - The proposed development will cause illegal dumping of rubbish. - will cause negative impacts on native wildlife. - out of character on the foreshore. - parking issues and traffic impacts. - will be a precedent to future rezoning. <p>There is a lack of transparency with the process as the planning proposal will now facilitate a boarding house. Why didn't the notification letter mention the boarding house?</p> <p>If Council were to pay for the land then they would not feel obliged to support the planning proposal.</p>	<p>are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p> <p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application.</p> <p>The orientation of the buildings to the south allows for reasonable solar access to be maintained. There will be no overshadowing impacts on the adjacent property to the west of the site, and the overshadowing to the east is considered minimal with the overall impact being less than 15% at midwinter and only between 2pm and 3pm, and as such within an acceptable standard as measured by the Parramatta DCP 2011. The increased height is considered to produce a better design outcome for a better built form. It is also</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>considered that proposed site specific DCP includes controls that will improve amenity and impacts to surrounding residential development in relation to generous side setbacks and deep soil to facilitate landscaping. Overshadowing analysis will need to be further assessed as part the detailed design provided at the DA stage and will need to address Council's DCP controls and ADG requirements relating to overshadowing.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage</p> <p>Any future development application would be required to satisfy off street parking requirements in line with Paramatta DCP 2011 and would be assessed as to its impact on street parking.</p> <p>The site does include flood prone land. Whilst flooding does impact the site, proposed building footprint is outside the land affected and is at the rear on the southern side of the site. Any potential impacts as a result of future development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage, particularly for basement parking. This will also include any design</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.</p> <p>Noise issues, waste disposal and management will be dealt with at DA stage.</p> <p>The applicant's ecological assessment states the proposed development will not have a significant impact upon either mangroves or saltmarsh. The planning proposal was also submitted to Environment, Energy and Science (EES) as part of the public exhibition process. EES made had no comments on the planning proposal. To protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off, overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.</p> <p>Council Officer's assessment of any future Planning Proposals will be based on what can be achieved under existing controls and in line with local and state planning strategies. Any potential development of surrounding properties in the future will be subject to a similar merit-based assessment and not based on any potential profit the developer could make.</p> <p>The boarding house application (reference DA/312/2021) is being assessed by Council under the current planning controls that apply to the site. The DA will go to the 15 February LPP Meeting as Council Officers are recommending refusal. The DA process is a different process to the Planning Proposal process. The intend outcome of the Planning Proposal is to amend existing Parramatta LEP 2011 planning controls. The submission has issue with the DA, however there is a misunderstanding that the subject planning proposal is linked to the boarding house development application.</p> <p>The negotiation of the draft planning agreement has been carried out in accordance with the City of Parramatta's Planning</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>Agreements Policy 2018. It states that "Council's negotiation system for planning agreements aims to be transparent, consistent, efficient, fair, and accountable." The NSW legislative framework allows for the negotiation of planning agreements to run in parallel with planning proposals and must be publicly exhibited. It is reasonable and appropriate for Council to seek contributions towards local infrastructure from a proponent to support a proposal that has been subject to a merit-based assessment. The Planning Proposal was subject to an extensive merit-based assessment by Council Officers and was then the Planning Proposal subsequent endorsed by both the Local Planning Panel and Council to be submitted to the DPIE. Furthermore, the land dedication is consistent with the current Parramatta LEP 2011 and Parramatta (Outside CBD) Contributions Plan 2021 which is identified for acquisition.</p>
Submission 21	<p>Council should not amend the planning controls to support developer interests over the public interest.</p> <p>Concerns in relation to the proposal include:</p> <ul style="list-style-type: none"> - height proposed is excessive - lack of traffic infrastructure to support increased development - will have traffic impacts. - Is the traffic study valid as the data is more than 5 years old? - will cause issues with street parking. <p>Concern that notification about the previous outcomes of the objections to the boarding house DA were not considered.</p>	<p>Council does not seek to support developer interests over public interests as decisions are transparent, consistent, efficient, fair, and accountable. The Planning Proposal was subject to an extensive merit-based assessment by Council Officers and was then the Planning Proposal subsequent endorsed by both the Local Planning Panel and Council to be submitted to the DPIE.</p> <p>The proposed building heights are a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. The existing building height control allows for high-density residential development of a maximum of 3-storeys to be accommodated on the site. The adjoining 3 storey property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls. This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>The recommended changes to the FSR control seek to redistribute the FSR that could be achieved across the whole site and apply it only to the developable portion of the site. Therefore, in order to maintain the same approximate yield, this results in the FSR increasing from 0.8:1 across the whole site to 1.3:1 for the developable portion of the site. This approach is recommended given the potential dedication of the non-developable portion of the site to Council. The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no net increase in high density residential GFA compared to what was previously permissible under planning controls for the site at lodgement of the application.</p> <p>Any future development application for the site would be subject to local infrastructure levy, known as development contributions. These contributions are towards improvement to local infrastructure, including local roads.</p> <p>The current application proposes an increase in density compared to the current controls, but in keeping with the density achievable under the planning controls which were in place when the Planning Proposal was lodged. Council's Traffic section advised that this arrangement does not require a precinct wide traffic and parking analysis to be completed given the circumstances. The traffic report dated 2016 which was lodged with the applicants initial planning proposal relates to a larger development scheme. The current scheme is significantly reduced (124 dwellings to 59 dwellings) and Council's Traffic section does not deem it necessary for an additional traffic study to be provided. Transport for NSW (TfNSW) were referred the Planning Proposal during the exhibition period and raised no issues regarding traffic arrangements for the site. Any future development on the site will also be subject to further detailed traffic and transport assessment at DA stage.</p>

Community Member Submissions		
Submission #	Summary	Council Officer Response
		<p>Any future development application would be required to satisfy off street parking requirements in line with Paramatta DCP 2011 and would be assessed as to its impact on street parking.</p> <p>The boarding house application (reference DA/312/2021) is being assessed by Council under the current planning controls that apply to the site. The DA will go to the 15 February LPP Meeting as Council Officers are recommending refusal. The DA process is a different process to the Planning Proposal process. The intend outcome of the Planning Proposal is to amend existing Parramatta LEP 2011 planning controls. The submission has issue with the DA, however there is a misunderstanding that the subject planning proposal is linked to the boarding house development application.</p>

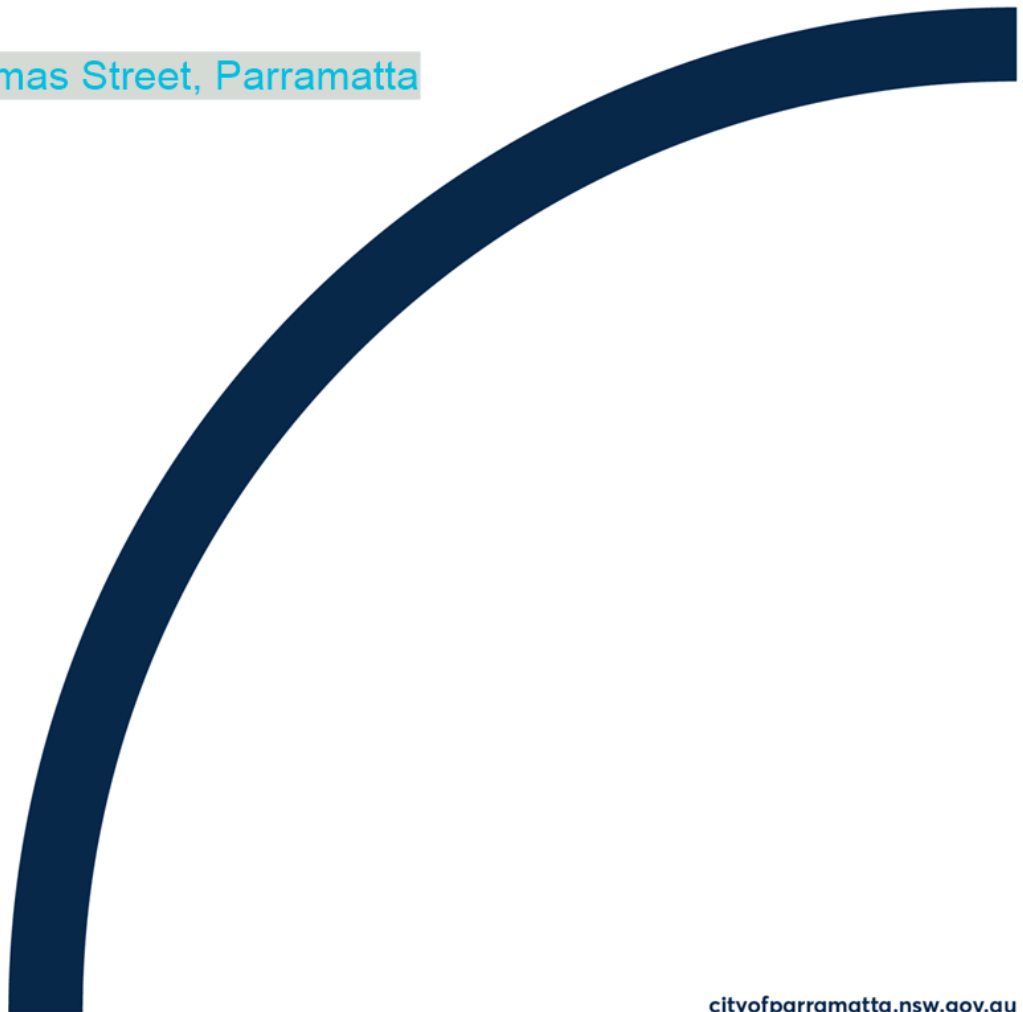
Agency Submissions		
Submission	Summary	Response
Heritage NSW	<p>There are no identified impacts on any items listed on the State Heritage Register or state significant historical archaeology.</p> <p>Prior to finalisation of the proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed.</p>	<p>Noted.</p> <p>The subject site is affected by the heritage associated with the Parramatta River Wetlands. This item is located within the undevelopable portion of the site and relates principally to the adjacent Parramatta River. The land identified as heritage will be dedicated to Council ownership. The Planning Proposal proposes that the building envelope is located outside the area affected by Heritage to resolve the heritage and ecological concerns. Heritage impacts will be further considered at DA stage. The DCP controls ensure that the <i>“development is to demonstrate no significant impact to saltmarsh and mangrove ecological communities as a result of stormwater run-off or overshadowing”</i>.</p>
Transport for NSW	The relevant Planning Proposal documentation has been reviewed and no objections to the amendments to the planning controls associated with the Planning Proposal.	Noted.



PLANNING PROPOSAL

[Subject]

85-91 Thomas Street, Parramatta



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**CITY OF
PARRAMATTA**

PLANNING PROPOSAL

[Subject]

85-91 Thomas Street, Parramatta

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PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	ThinkPlanners	June 2016 – Initial Proposal
2.	ThinkPlanners	August 2018 – Former Revision
3.	ThinkPlanners	March 2020 – Current Scheme

Council versions:

No.	Author	Version
1.	City of Parramatta Council	Report to Local Planning Panel and Council on the assessment of planning proposal
<u>2.</u>	<u>City of Parramatta Council</u>	<u>Report to Council reflecting Gateway Conditions for public exhibition purposes</u>

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (DP&E) guides, 'A Guide to Preparing Local Environment Plans' (August 2016) and 'A Guide to Preparing Planning Proposals' (August 2016) and 'Guidance for merged councils on planning functions' (May 2016).

Background and context

On 6 June 2016, Council received a Planning proposal application from Think Planners which sought to amend the planning controls applicable to the site at 85-91 Thomas Street, Parramatta under Parramatta Local Environmental Plan 2011 (PLEP 2011). The land at 85-91 Thomas Street includes 4 Torrens title land parcels that are shown below and legally described as follows:

- Lot 13 DP 1239, known as No. 85 Thomas Street
- Lot 142 DP 537053 known as No. 87 Thomas Street
- Lot 15 DP 1239 known as No. 89 Thomas Street
- Lot 16 DP 1239 known as No 91 Thomas Street



Figure 1 – Sites at 85-91 Thomas Street subject to the planning proposal

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

Under *Parramatta Local Environmental Plan 2011* the site:

- is zoned part R4 – High Density Residential, part RE1 – Public Recreation
- has a minimum Lot Size of 550 sqm;
- has a maximum Building Height of 11 metres;
- has a maximum Floor Space Ratio (FSR) of 0.8:1;
- has a land acquisition for local open space applying to 1,296sqm of privately owned RE1 zoned land at No.85;
- 30m wide Foreshore Building Line
- Acid Sulfate Soils,
- Heritage,
- Land Reserved for Acquisition,
- Natural Resources – Biodiversity,
- Natural Resources – Riparian Lands and Waterways

An extract of each the above maps is provided in Part 4 – Mapping; specifically, Section 4.1 Existing controls.

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to adjust the land use zoning, building height and floor space ratio on the site at 85-91 Thomas Street to accommodate a residential flat building development within the developable portion of the site. In order to accommodate the gross floor area of 0.8:1 across the privately owned site, there will be an adjustment in land use zoning boundaries, increase in maximum building height and maximum floor space ratio for the proposed R4 land.

The owners of the subject site (Century 888 Pty Ltd) authorised ThinkPlanners to submit the original Planning Proposal in June 2016 to coordinate the matters relating to the subject site and this rezoning application.

The Planning Proposal intends to deliver the following outcomes for the site:

- Accommodate high-density residential development up to 4,973sqm outside the undevelopable portions of the site
- Locate the building envelope and mass the Gross Floor Area within the developable portion of the site,
- Accommodate similar amount of GFA on the site as permitted by the planning controls prior to *Parramatta LEP 2011 – Amendment No.20* Review
- Dedicate land identified for acquisition, public open space and natural resources.

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta LEP 2011 (PLEP 2011)* in relation to the zoning and height controls.

In order to achieve the desired objectives the following amendments to the *PLEP 2011* would need to be made:

1. Amend the **Land Zoning Map** to maintain the R4 – High Density Residential zone for the developable part of the site (3,825sqm) and extending the RE1 – Public Recreation zone for the undevelopable land affected by the Natural Resources - Biodiversity controls. (Sheet LZN_[010]).
2. Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB_010) from 11 metres to 22 metres that equates to 6 storeys for the proposed R4 land within the developable area of the site. Removing the Height of Buildings control for the proposed RE1 land.
3. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_010) from 0.8:1 to 1.3:1 for the proposed R4 land within the developable area of the site. Removing the Floor Space Ratio control for the proposed RE1 land.
4. Amend the **Minimum Lot Size Map** (Sheet LSZ_010) to retain the existing minimum lot size of 550sqm for the proposed R4 zoned land and remove the Minimum Lot Size control for the 1,200sqm of undevelopable land at the rear affected by the proposed extension of the RE1 zone and existing Natural Resources – Biodiversity control.
- 4.5. Remove the **land reserved for acquisition which applies to the 1,296sqm of land at the rear of No.85 Thomas** should this **land** be dedicated to Council **as part of an executed Planning Agreement**.

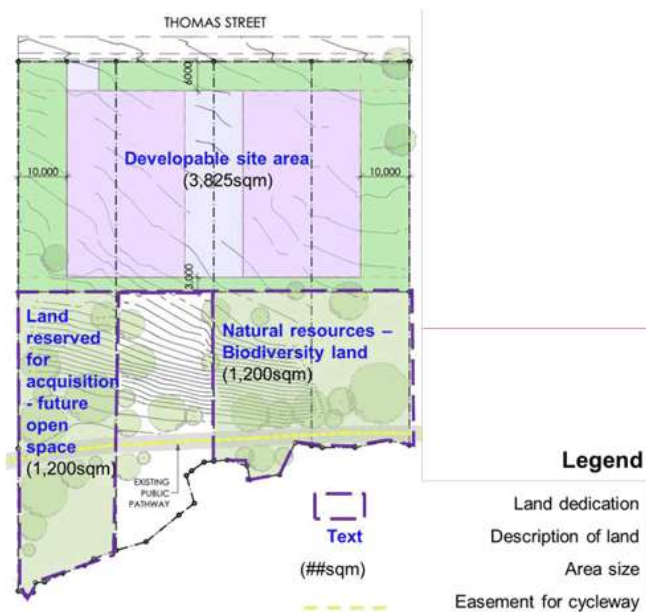
2.1. Other relevant matters

2.1.1. Voluntary Planning Agreement

The subject site and proposed development uplift being sought lends itself to the provision of public benefits, consistent with Council's Planning Agreements policy. The proponent expressed interest into entering a Voluntary Planning Agreement consistent with the policy. The applicant submitted an updated Letter of Offer on 8 March 2021 to reflect the detailed terms of the Planning Agreement and gateway assessment of the Planning Proposal. The applicant is currently proposing the following VPA item:

- Dedication of 2,496sqm of privately owned land to Council within the undevelopable part of the site at the south **which comprises of:**
- 1,296sqm of privately owned land zoned RE1 and identified for land acquisition for open space at No.85 Thomas Street,
- 1,200sqm of privately owned land identified under the Natural Resources – Biodiversity map and proposed for RE1 zoning as part of this Planning Proposal.

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta



Under Council's Planning Agreements Policy, planning proposals outside the Parramatta CBD seeking uplift in density need to be supported by a planning agreement that is valued at 50% of the resulting land value uplift. It is acknowledged that the gazettal of Amendment 20 reduced the development potential on the site and the planning proposal is only seeking to recoup the density potential it may have been able to achieve under the planning controls in place prior to this amendment. Based on an acceptance of this approach, it is not considered necessary to seek a planning agreement achieving 50% land value uplift, as there is effectively no increase in overall development potential of the site. It is also acknowledged that the site may not have been able to achieve the full density potential under the previous planning controls due to the constrained nature of the southern portion of the site, however the previous controls did allow development on this part of the site and the gazettal of Amendment 20 removed that potential.

In addition, the Planning Agreement is proposing to dedicate land that is identified for acquisition under PLEP 2011 free of cost, thereby removing an acquisition burden on Council. Without the Planning Proposal and associated Planning Agreement, Council would ultimately be required to purchase the land from the owner. The Planning Agreement is also proposing to dedicate the undevelopable portion of the R4 High Density Residential zoned land to Council free of cost. This land is intended to provide a contiguous vegetation buffer along the rear of the site with the adjacent RE1 Public Recreation land. It is therefore recommended that this portion of the R4 High Density Residential zoned be rezoned to RE1 Public Recreation to match the adjoining land and to properly reflect its intended use.

The proposed mechanism for the land dedication has been negotiated with the applicant, Councils Planners, Property and Operations teams. The VPA will be drafted so that execution of the agreement and registration on title occurs prior to making of the future LEP amendment. The land dedication can occur prior to issue of Construction Certificate as required by a DA conditions of consent. It is recommended that Council authorise the CEO to prepare the legal drafting of the agreement for the purposes of public exhibition..

2.1.2. Draft Development Control Plan

Given the nature of redevelopment proposed on the site, a site-specific Development Control Plan (DCP) will be required to support any future development on the site. The

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

site-specific DCP would amend the existing Part 4.1.9 of the Morton Street Precinct, Parramatta DCP 2011 to guide the redevelopment of the site through a new 'Area 5', which will have regard to the local context and detailed design requirement for the site.

This new section will be informed by new DCP controls in relation to:

- Building height and massing
- Streetscape, building setbacks and separation
- Deep soil, landscaping and future open space,
- Ecology and river foreshore

Both the draft Voluntary Planning Agreement and draft Development Control Plan will be exhibited concurrently as part of the public exhibition stage following Gateway Determination.

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

3.1 Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

3.1.1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes, the Planning Proposal responds to the State Government's initiatives for growth in the Greater Sydney Commission's Greater Parramatta and Olympic Peninsula (GPOP) area and Department of Planning Industry and Environment's (DPIE) draft Greater Parramatta Growth Area which is in close proximity to the site. The GPOP area is an approximate area which will broadly experience significant growth and change over the next 20 years (see Figure 2).

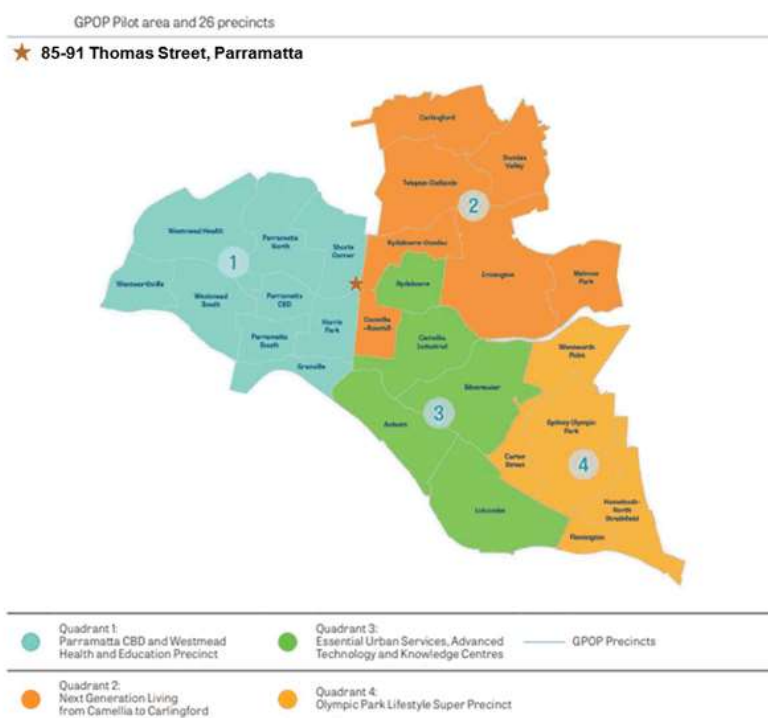


Figure 2– Subject site within GPOP

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

3.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Redevelopment of the site for the site under the Planning Proposal reinstates the amount of permissible high-density floor space permitted on the site when the Planning Proposal was lodged in June 2016, and prior to *Parramatta LEP 2011 – Amendment No.20 Review of Land Reserved for Acquisition* which was gazette on 28 July 2017. This amendment rezoned R4 land at No.85 Thomas Street to RE1 – public recreation with a Land Acquisition affection for local open space. No.89 and No.91 were also affected by Amendment No.20 which identified 1,200sqm of R4 land for Natural Resources controls, making this portion of the site undevelopable, but able to be used for calculating FSR.



Figure 3 - Zoning of site prior to PLEP 2011 Amendment No.20

Prior to this amendment, 5,057sqm of GFA was permitted under 0.8:1 FSR across the site. The current planning controls allow a maximum of 4,020sqm of GFA is permitted. The Planning Proposal proposed changes in land use zoning boundaries to reflect the developable portions of the site, increase in maximum building height and increase maximum floor space ratio controls. These changes could accommodate approximately 4,973sqm of GFA across the developable site area, which is a lower GFA than what was permissible on the site when the PP was lodged. It also allows for the undevelopable portion of the site to be dedicated for public recreation and natural resources land.

The redevelopment would see 55-59 apartment dwellings accommodated on the site, which is equal to or lower than what was permissible on the site when the Planning proposal was lodged. A change in building height provides opportunities for the previously permissible floor space provision to be accommodated on the site.

3.2. Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

3.2.1. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* ("the GSRP") a 20 year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions that each contain Potential Indicators and, generally, a suite of objective/s supported by a Strategy or Strategies. Those objectives and or strategies relevant to this planning proposal are discussed below.

Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the GSRP's relevant Infrastructure and Collaboration objectives is provided in Table 3a, below.

Table 3a – Consistency of planning proposal with relevant GSRP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Relevant Objective	Comment
A city supported by infrastructure	O1: Infrastructure supports the three cities	The Region Plan highlights that the Central River City is undergoing a rebuilding program in a high-growth environment, which required existing infrastructure to be optimised. Redevelopment of the existing R4 zoned site in close proximity to James Ruse Drive and Parramatta Valley Cycleway to accommodate a maximum of 6-storey development hopes to maximise the 4,973sqm GFA, which is slightly below the GFA previously permissible on the site prior to PLEP 2011 – Amendment No.20 when the Planning Proposal was lodged. A VPA will also be negotiated aside this Planning Proposal once the strategic parameters and planning controls have been set.
	O2: Infrastructure aligns with forecast growth – growth infrastructure compact	
	O3: Infrastructure adapts to meet future need	
	O4: Infrastructure use is optimised	

Liveability

An assessment of the planning proposal's consistency with the GSRP's relevant Liveability objectives is provided in Table 3b, below.

Table 3b – Consistency of planning proposal with relevant GSRP Actions – Liveability

Liveability Direction	Relevant Objective	Comment
A city for people	O6: Services and infrastructure meet communities' changing needs	The Planning Proposal hopes to optimise land identified for future public open space and existing natural resources (biodiversity & riparian lands and waterways). The
	O7: Communities are healthy, resilient and socially connected	

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	O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	PP allocates GFA under a change to zone boundaries for high-density and public recreation land use zones to reflect the developable site area, and increases to maximum HOB and FSR controls to accommodate 4,972sqm, which is slightly below the GFA which could be accommodated on the site when the PP was lodged, prior to PLEP 2011 – Amendment No.20.
	O9: Greater Sydney celebrates the arts and supports creative industries and innovation	
Housing the city	O10: Greater housing supply	The subject site is situated outside Council's already identified growth precincts and currently zoned high-density residential. The PP proposes to accommodate 59 apartment dwellings under an increase in height up to 22m and increase in FSR across the developable portion up to 1.3:1. The PP also removes HOB, FSR and LRA controls for the area identified for land dedication. The reference design accommodates 4,973sqm of high-density residential GFA, which is below what could have been achieved when the PP was lodged.
	O11: Housing is more diverse and affordable	Given the site is already zoned R4 – High Density Residential where residential flat buildings are already permitted, and that the Planning Proposal is not seeking a significant uplift over and above what the site could previously achieve, the Planning Proposal is considered to be consistent with this objective and Council's LSPS in this instance. It is anticipated that City of Parramatta is expected to meet and potentially exceed its housing targets set by the Greater Sydney Commission, thus the change in planning controls must be justified in accordance with other Liveability Directions.
A city of great places	O12: Great places that bring people together	The site is situated in close proximity to the Parramatta River, Western Sydney University and the periphery of Parramatta CBD which provide opportunities to future residents for employment, education and recreation.
	O13: Environmental heritage is identified, conserved and enhanced	Parts of the site are identified for natural resources-biodiversity, natural resources – riparian lands and waterways and environmental heritage I1- Wetlands Parramatta River. Future development on the site will be located away from these sensitive environmental areas.

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Productivity

An assessment of the planning proposal's consistency with the GSRP's relevant Productivity objectives is provided in Table 3c, below.

Table 3c – Consistency of planning proposal with relevant GSRP Actions – Productivity

Productivity Direction	Relevant Objective	Comment
A well connected city	O14: The plan integrates land use and transport creates walkable and 30 minute cities	The site is located in close proximity to James Ruse Drive, Parramatta Valley Cycleway which connect to Parramatta CBD nearby. The increase in building height to accommodate high-density residential dwellings supports integrating land use with walkable 30min cities to the Central River City of Parramatta.
	O15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive	The subject site is located within the Shorts Corner precinct of GOP. This precinct is not identified for growth as part of Phase 1 or Phase 2 of the Place-based Infrastructure Compact. The PP does not see an increase in residential GFA above what was previously permitted on the site at lodgement of the PP.
Jobs and skills for the city	O19: Greater Parramatta is stronger and better connected	This Planning Proposal is generally consistent with the vision under O19 of the region plan. An increase in building height allows for the GFA previously available under the zoning prior to 28 July 2017 to be massed within a 6-storey built form.
	O21: Internationally competitive health, education, research and innovation precincts	The Planning Proposal does not seek to allow for employment floor space. The application adjusts the area boundaries affected by R4 – High Density Residential and RE1 – Public Recreation to reflect the developable areas of the site and land dedication.
	O22: Investment and business activity in centres	
	O23: Industrial and urban services land is planned, retained and managed	
	O24: Economic sectors are targeted for success	

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Sustainability

An assessment of the planning proposal's consistency with the GSRP's relevant Sustainability objectives is provided in Table 3d, below.

Table 3d – Consistency of planning proposal with relevant GSRP Actions – Sustainability

Sustainability Direction	Relevant Objective	Comment
A city in its landscape	O25: The coast and waterways are protected and healthier	The subject site included planning affections from Natural Resources – Riparian Lands and Waterways & Biodiversity and the Foreshore Building Line along the southern portion of the site. The reference design locates the future building envelope outside the affected areas on the elevated topography at the north of the site. The southern portion of the site would be rezoned RE1 and dedicated to Council. Concerns were raised in the initial assessment regarding the coastal mangroves and saltmarshes. Department of Primary Industries indicated in November 2017 that <i>"does not see any reason for potential shading issues on mangrove and saltmarsh species to prevent the lodgement of this development, as proposed"</i>
	O27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	
	O28: Scenic and cultural landscapes are protected	The proposal is situated in close proximity to Parramatta River. A substantial setback is proposed for future development that locates the building out of the Foreshore Building Line, Natural Resources affectation and heritage area.
	O29: Environmental, social and economic values in rural areas are protected and enhanced	N/A
	O30: Urban tree canopy cover is increased	Deep soil areas are proposed for the front and side setbacks. A site specific DCP proposed to accommodate urban tree canopy cover on the site to enhance the streetscape and improve privacy between neighbouring properties.
	O31: Public open space is accessible, protected and enhanced	The subject site includes an acquisition for local open space on No.85 Thomas Street. The subject site is also subject to an easement for the Parramatta Valley Cycleway along the southern edge of the site.
	O32: The Green grid links Parks, open spaces, bushland and walking and cycling paths	The subject site already includes elements of the green grid along the southern portion of the site within the natural resourced affected land where the Parramatta Valley cycleway is located.

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An efficient city	O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The proposal does not include sustainability initiatives such as recycled water, sustainable building materials, photovoltaics. Should the proposal proceed, initiatives towards net-zero emission by 2050, methods of recycling construction and ongoing waste should be investigated as part of the Development Application stage. Further consideration should be given to council's environmental sustainability strategy when delivering the proposal.
	O34: Energy and water flows are captured, used and re-used	
	O35: More waste is re-used and recycled to support the development of a circular economy	
A resilient city	O36: People and places adapt to climate change and future shocks and stresses	The proposal does include some flood affected land. However, the proposed building is located away from the land impacted by natural hazards.
	O37: Exposure to natural and urban hazards is reduced	
	O38: Heatwaves and extreme heat are managed	

Implementation

An assessment of the planning proposal's consistency with the GSRP's relevant Implementation objectives is provided in Table 3d, below.

Table 3d – Consistency of planning proposal with relevant GSRP Actions – Implementation

Implementation Direction	Relevant Objective	Comment
Implementation	O39: A collaborative approach to city planning	The proposal is responding to in depth consultation between Council, the applicant and Department of Primary Industries.

Central City District Plan

In March 2018, the NSW Government released *Central City District Plan* which outlines a 20 year plan for the Central City District which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas.

Taking its lead from the GSRP, the *Central City District Plan* ("CCDP") is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities that are each supported by corresponding Actions. Those Planning Priorities and Actions relevant to this planning proposal are discussed below.

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Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the CCDP's relevant Infrastructure and Collaboration Priorities and Actions is provided in Table 4a, below.

Table 4a – Consistency of planning proposal with relevant CCDP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Planning Priority/Action	Comment
A city supported by infrastructure O1: Infrastructure supports the three cities O2: Infrastructure aligns with forecast growth – growth infrastructure compact O3: Infrastructure adapts to meet future need O4: Infrastructure use is optimised	PP C1: Planning for a city supported by infrastructure <ul style="list-style-type: none"> • A1: Prioritise infrastructure investments to support the vision of <i>A metropolis</i> • A2: Sequence growth across the three cities to promote north-south and east-west connections • A3: Align forecast growth with infrastructure • A4: Sequence infrastructure provision using a place based approach • A5: Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans • A6: Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes to reduce the demand for new infrastructure, supporting the development of adaptive and flexible regulations to allow decentralised utilities 	The site located on Thomas Street is in close proximity to the James Ruse Drive regional route and Parramatta Valley Cycleway. The site may be easily accessed via car, bus or bicycle. The proposal arranges the currently permissible high-density residential use within the northern half of the subject site in hope to utilise the existing assets at the south for natural resources and public open space.
O5: Benefits of growth realized by collaboration of governments, community and business	PP C2: Working through collaboration <ul style="list-style-type: none"> • A7: Identify prioritise and delivery collaboration areas 	

Liveability

An assessment of the planning proposal's consistency with the CCDP's relevant Liveability Priorities and Actions is provided in Table 4b, below.

Table 4b – Consistency of planning proposal with relevant CCDP Actions – Liveability

Liveability Direction	Planning Priority/Action	Comment
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<p>A city for people</p> <p>O6: Services and infrastructure meet communities' changing needs</p>	<p>PP C3: Provide services and social infrastructure to meet people's changing needs</p> <ul style="list-style-type: none"> • A8: Deliver social infrastructure that reflects the need of the community now and in the future • A9: Optimise the use of available public land for social infrastructure 	<p>As part of the proposal, the application proposed to dedicate 1,296sqm land at No.85 Thomas Street for public open space as identified in the land reserved for acquisition map and 1,200sqm of land at No.89 and 91 Thomas Street identified for Natural Resources – Riparian Lands and Waterways & Biodiversity for council ownership.</p>
<p>O7: Communities are healthy, resilient and socially connected</p> <p>O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p>O9: Greater Sydney celebrates the arts and supports creative industries and innovation</p>	<p>PP C4: Working through collaboration</p> <ul style="list-style-type: none"> • A10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d). • A11: Incorporate cultural and linguistic diversity in strategic planning and engagement. • A12: Consider the local infrastructure implications of areas that accommodate large migrant and refugee populations. • A13: Strengthen the economic self-determination of Aboriginal communities by engagement and consultation with Local Aboriginal Land Council's. • A14: Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden including (a-c). • A15: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places 	<p>The initial application has been referred to the former Department of Primary Industries for comment on the sensitive ecology areas to the south as identified in the Natural Resources and Heritage Map. The input from state government agencies has assisted in preparing a supportable scheme.</p> <p>Council's LEP Amendment No.20 relating to Land Reserved for Acquisition has also affected the application identifying parts of the site for public recreation and natural resources biodiversity/riparian lands and waterways. This impacted the developable of the R4 zoned site. This Planning Proposal hopes to facilitate development in accordance with the intentions of the controls of the site.</p>
<p>Housing the city</p> <p>O10: Greater housing supply</p> <p>O11: Housing is more diverse and affordable</p>	<p>PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</p> <ul style="list-style-type: none"> • A16: Prepare local or district housing strategies that address housing targets [abridged version] • A17: Prepare Affordable Rental housing Target Schemes 	<p>City of Parramatta is expected to meet and potentially exceed its housing targets set by the Greater Sydney Commission, thus the change in planning controls cannot be justified under O10 which proposes to increase the supply of housing.</p> <p>A Planning Proposal increasing the maximum building height provides an opportunity for the applicant to obtain Gross Floor Area (GFA) for high-density residential uses from the undevelopable land zoned R4 and, and in this exceptional</p>

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		<p>circumstance the privately owned RE1 portion rezoned by a Council let proposal.</p> <p>No affordable housing is included in the planning proposal at this stage. The proposal could investigate potential to include future affordable housing stock on the site under Council's Affordable Housing Policy.</p>
<p>A city of great places O12: Great places that bring people together O13: Environmental heritage is identified, conserved and enhanced</p>	<p>PP C6: Creating and renewing great places and local centres, and respecting the District's heritage</p> <ul style="list-style-type: none"> • A18: Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by (a-e) • A19: Identify, conserve and enhance environmental heritage by (a-c) • A20: Use place-based planning to support the role of centres as a focus for connected neighbourhoods • A21: In Collaboration Areas, Planned Precincts and planning for centres (a-d) • A22: Use flexible and innovative approaches to revitalise high streets in decline. 	<p>The site reference scheme proposed a design that masses the building envelope within the developable portion of the site in the northern half of the site. It provides separation between the development and existing environmental constraints such as the open space acquisition, natural resources area and Parramatta River.</p>

Productivity

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4c, below.

Table 4c – Consistency of planning proposal with relevant CCDP Actions – Productivity

Productivity Direction	Planning Priority/Action	Comment
<p>A well-connected city O19: Greater Parramatta is stronger and better connected</p>	<p>PP C7: Growing a stronger and more competitive Greater Parramatta</p> <ul style="list-style-type: none"> • A23: Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged] • A24: Revitalise Hawkesbury Road so that it becomes the civic, transport, commercial and community heart of Westmead • A25: Support the emergency services transport, including helicopter access • A26: Prioritise infrastructure investment [abridged] • A27: Manage car parking and identify smart traffic management strategies 	<p>The existing R4 zoned site is located in close proximity to the Parramatta CBD and intends to deliver additional high-density residential dwellings in close proximity to the employment generating uses in Parramatta CBD.</p> <p>Redevelopment for high-density residential uses on the site is subject to significant environmental and topographic restraints to the southern portion of the site. The Planning Proposal, site-specific DCP and draft VPA endeavour to address the highly restrained environmental condition of the site within an R4 zoning in close proximity to Parramatta CBD.</p>

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	<ul style="list-style-type: none"> • A28: Investigate opportunities for renewal of Westmead East as a mixed use precinct 	
Jobs and skills for the city O15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive	PP C8: Delivering a more connected and competitive GOP Economic Corridor <ul style="list-style-type: none"> • A28: Investigate opportunities for renewal of Westmead East as a mixed use precinct PPC8 • A29: Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GOP Economic Corridor • A30: Prioritise transport investments that enhance access to the GOP between centres within GOP 	The proposal maintains the existing R4 – High Density Residential zone for the subject site across the developable area at the northern portion of the site along the street, and extends the existing RE1 – Public Recreation use across the undeveloped site area which is proposed for land dedication. The site is located within the GOP corridor and in a location near local bus routes, regional highways and local cycleways that supports the 30-minute city.
O14: The plan integrates land use and transport creates walkable and 30 minute cities	PP C9: Delivering integrated land use and transport planning and a 30-minute city <ul style="list-style-type: none"> • A32: Integrate land use and transport plans to deliver a 30-minute city • A33: Investigate, plan and protect future transport and infrastructure corridors • A34: Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network • A35: Optimise the efficiency and effectiveness of the freight handling and logistics network by (a-d) • A36: Protect transport corridors as appropriate, including the Western Sydney Freight Line, North South train link from Schofields to WS Airport as well as Outer Sydney Orbital and Bells Line of Road-Castlereagh connections 	
O23: Industrial and urban services land is planned, retained and managed	PP C10: Growing investment, business opportunities and jobs in strategic centres <ul style="list-style-type: none"> • A37: Provide access to jobs, goods and services in centres [abridged] • A38: Create new centres in accordance with the principles for Greater Sydney's centres • A39: Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional floorspace 	The Planning Proposal would locate additional housing in close proximity to the Parramatta CBD. It is anticipated that additional housing will grow investment and business opportunities for everyday retail and commercial uses at the site and is therefore consistent with PP C10.

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O23: Industrial and urban services land is planned, retained and managed	PP C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land	N/A
O24: Economic sectors are targeted for success	PP C12: Supporting growth of targeted industry sectors	N/A

Sustainability

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4d, below.

Table 4d – Consistency of planning proposal with relevant CCDP Actions – Sustainability

Sustainability Direction	Planning Priority/Action	Comment
A city in its landscape O25: The coast and waterways are protected and healthier	PP C13: Protecting and improving the health and enjoyment of the District's Waterways <ul style="list-style-type: none"> • A60: Protect environmentally sensitive areas of waterways • A61: Enhance sustainability and liveability by improving and managing access to waterways and foreshores for recreation, tourism, cultural events and water based transport • A62: Improve the health of catchments and waterways through a risk based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes • A63: Work towards reinstating more natural conditions in highly modified urban waterways 	The proposal is situated adjacent to Parramatta River. A substantial setback is proposed for future development that locates the building out of the Foreshore Building Line, Natural Resources affection and heritage area. The reference design proposed positions future development outside the affected areas on the elevated topography at the north of the site.
O26: The coast and waterways are protected and healthier	PP C14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element <ul style="list-style-type: none"> • A64: Implement South Creek Corridor Project and use the design principles for South Creek to deliver a cool and green Western Parkland City 	The subject site is adjacent to the Parramatta River and impacted by the Coastal Management SEPP 2018. The Foreshore Building Line in the LEP also affects the subject site.

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<p>O27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p>O28: Scenic and cultural landscapes are protected</p>	<p>PP C15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes</p> <ul style="list-style-type: none"> • A65: Protect and enhance biodiversity by (a-c) [abridged] • A66: Identify and protect scenic and cultural landscapes • A67: Enhance and protect views of scenic and cultural landscapes from the public realm 	<p>The subject site includes urban bushland which is classified as Natural Resources – Riparian Lands and Waterways. This has been taken into consideration when preparing the reference design for the planning proposal, which includes both developable and undevelopable portions to the site.</p>
<p>O30: Urban tree canopy cover is increased</p> <p>O32: The Green grid links Parks, open spaces, bushland and walking and cycling paths</p>	<p>PP C16: PP C16: Increasing urban tree canopy cover and delivering Green grid connections</p> <ul style="list-style-type: none"> • A68: Expand urban tree canopy in the public realm • A69: progressively refine the detailed design and delivery of (a-c) [abridged] • A70: Create Greater Sydney green Grid connections to the Western Sydney Parklands 	<p>The subject site already includes urban tree canopy within the southern portion of the site. This area is anticipated to be maintained as existing as part of the planning proposal.</p> <p>Deep soil areas are proposed for the front and side setbacks. A site specific DCP proposed to accommodate urban tree canopy cover on the site to enhance the streetscape and improve privacy between neighbouring properties.</p>
<p>O31: Public open space is accessible, protected and enhanced</p>	<p>PP C17: Delivering high quality open space</p> <ul style="list-style-type: none"> • A71: Maximise the use of existing open space and protect, enhance and expand public open space by (a-g) [abridged] 	<p>The subject site includes an acquisition for local open space on No.85 Thomas Street. The subject site is also subject to an easement for the Parramatta Valley Cycleway along the southern edge of the site. The easement will be maintained as part of the future development.</p> <p>The Planning Agreement Offer also includes land dedication for the existing RE1 land affected by a land acquisition (1,296sqm) and natural resources biodiversity land (1,200sqm).</p>
<p>An efficient city</p> <p>O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</p> <p>O34: Energy and water flows are captured, used and re-used</p> <p>O35: More waste is re-used and recycled to support the development of a circular economy</p>	<p>PP C19: Reducing carbon emissions and managing energy, water and waste efficiently</p> <ul style="list-style-type: none"> • A75: Support initiatives that contribute to the aspirational objectives of achieving net-zero emissions by 2050 • A76: Support precinct-based initiatives to increase renewable energy generation and energy and water efficiency • A77: Protect existing and identify new locations for waste recycling and management 	<p>The proposal does not include sustainability initiatives such as recycled water, sustainable building materials, photovoltaics. Should the proposal proceed, initiatives towards net-zero emission by 2050, methods of recycling construction and ongoing waste should be investigated as part of the Development Application stage. Further consideration should be given to council's environmental sustainability strategy when delivering the proposal.</p>

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	<ul style="list-style-type: none"> • A78: Support innovative solutions to reduce the volume of waste and reduce waste transport requirements • A79: Encourage the preparation of low carbon, high efficiency strategies to reduce emissions, optimise the use of water, reduce waste and optimising car parking provisions where an increase in total floor in 100,000sqm 	
<p>O36: People and places adapt to climate change and future shocks and stresses</p> <p>O37: Exposure to natural and urban hazards is reduced</p> <p>O38: Heatwaves and extreme heat are managed</p>	<p>PP C20: Adapting to the impacts of urban and natural hazards and climate change</p> <ul style="list-style-type: none"> • A81: Support initiatives that respond to the impacts of climate change • A82: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing areas most exposed to hazards • A83: Mitigate the urban heat island effect and reduce the vulnerability to extreme heat • A84: Respond to the direction for managing flood risk in Hawkesbury-Nepean Valley • A85: Consider strategies and measures to manage flash flooding and safe evacuation when planning for growth in Parramatta CBD 	<p>The proposal does include some flood affected land. However, the proposed building envelope in the reference design is located away from the land impacted by natural hazards.</p>

3.2.1. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The following local strategic planning documents are relevant to the planning proposal.

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region. The planning proposal is considered to meet the strategies and key objectives identified in the plan including:

- 3.4 Provide green spaces for recreation, relaxation and enjoyment
- 6.1 Engage in strategic planning and implement innovative solutions to manage the growth of our city

Parramatta Local Strategic Planning Statement

The LSPS sets out the long-term vision for land use planning in a council's local government area (LGA) and responds to broader priorities identified in the District Plans and integrates with a Council's Community Strategic Plan. The LSPS will provide greater weight to strategic planning in the broader plan making process and any new planning proposal must justify any inconsistency with this framework.

The Planning Proposal is assessed against the broad directions of the LSPS as shown below in Table 5.

Table 5: LSPS Assessment

Broad Directions of LSPS	Comment
1. Focus employment growth in the Parramatta Metropolitan Centre (Parramatta CBD) and Strategic Centres of Epping and Sydney Olympic Park and Westmead Innovation Precinct	N/A
2. Housing growth is focused in identified Growth Precincts	The site is not within an already identified housing growth precinct in Council's LSPS, Council's LHS or the GPOP Place-based infrastructure compact. The site is already zoned R4 – High Density Residential. Prior to Parramatta LEP 2011 – Amendment No.20, the entire 6,321sqm of privately owned land had a 0.8:1 FSR allowing up to 5057sqm of GFA. This Planning Proposal redistributes that previously available floorspace within the developable portion of the site (3,825sqm) in an increased height limit of 22m and increase FSR of 1.3:1 applying to the R4 land.
3. Preserve and enhance the low-scale character and identity of suburban City of Parramatta suburbs outside of the GPOP area	Residential flat buildings are already a permissible use on the subject site. The planning proposal does not propose to change the R4 zoning of the developable portion of the site. The reference design provides substantial setbacks exceeding what would be required by the Apartment Design Guide to better protect the amenity and privacy of adjoin R4 zoned sites, some which still include single dwelling houses

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	(north of Thomas St). There additional setbacks allow for deep soil and urban tree canopy cover.
4. Stage Housing Release with infrastructure delivery.	The site is situated within the "Shorts Corner" precinct, which is not identified as an area for prioritised growth in the short to medium term. Notwithstanding, the Planning Proposal does not propose a significant increase in GFA compared to what was achievable on the site prior to the recent rezoning under Parramatta LEP 2011 – Amendment 20 that introduced RE1 zoning, land acquisition and biodiversity controls on the site. Therefore it is considered by Council officers that the Planning Proposal should proceed despite the recommendation of the draft PIC
5. Housing Diversity underpins any future changes to planning controls	Given the site is already zoned R4 – High Density Residential and that the Planning Proposal is not seeking a significant uplift over and above what the site could previously achieve, the Planning Proposal is considered to be consistent with the LSPS in this instance.
6. The majority of employment lands are protected to ensure no net loss of jobs or employment lands	N/A
7. Neighbourhoods, places and development are well-balanced, connected and sustainable	No affordable housing is included in the planning proposal at this stage. Council's Affordable Housing Policy provides opportunities to work towards well-balanced and sustainable development.
8. Protection of the environment, including providing for sustainable development	The subject site has an existing easement for the Parramatta Valley cycleway along the southern portion of the site to assist in providing Green grid and River foreshore connections. The site also includes a 30m Foreshore Building Line, within that area includes Natural Resources – Biodiversity and Natural Resources – Riparian Lands and Waterways affectations. There is also a land acquisition affectation at the No.85 Thomas Street site for privately owned land currently zoned RE1. Opportunity to designate privately owned RE1 land undevelopable land to public open space and land affected by Natural Resources Riparian Lands & Waterways and Biodiversity will be negotiated as part of a future VPA.

Parramatta Local Housing Strategy

Council is also required to prepare a Local Housing Strategy (LHS) in accordance with the Central City District Plan. The LHS will convey the type and location of new housing in the City of Parramatta LGA. It will consider supply and demand for housing, local land use opportunities and constraints, demographic factors and appropriate building typologies to support a mix of housing.

Table 6: Draft LHS Assessment

Key Findings of Draft LHS	Comment
Finalise Parramatta CBD Planning Proposal and Granville (South) Planning Proposal	The subject site is located outside the Parramatta CBD and Granville Precinct. As mentioned

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(Parramatta Road Urban Transformation Strategy).	previously, the increase in building height allows the landowner to accommodate the 4,973sqm of apartment dwelling floorspace permissible on the site prior to 28 July 2017 when Parramatta LEP 2011 – Amendment No.20 was gazette.
Implement Westmead Innovation District Master Plan.	N/A
Continue housing delivery in already zoned precincts and their related site-specific planning proposals.	The subject site is already zoned R4 and does not lead to additional high-density residential floor space outside the already identified growth precincts than that currently permissible by the site area and FSR prior to 28 July 2017.
Investigate more medium density, low-rise housing types (terraces and townhouses) in suitable locations.	Residential flat buildings are already a permissible use on the subject site. The planning proposal does not propose to change the R4 zoning of the developable portion of the site and terraces and townhouses cannot be mandated for the site.
Pursue an Affordable Housing Scheme for new Growth Precinct Planning Proposals.	No affordable housing is included in the planning proposal at this stage. The proposal could investigate potential to include future affordable housing stock on the site under Council's Affordable Housing Policy.
Complete structure plan and design guidelines for all Growth Precincts.	The site is outside the identified structure plan areas for growth precincts. The application currently proposes a scale of development that does not trigger the need to prepare precinct wide analysis from high-density residential zone land in the nearby area bound by James Ruse Drive, Parramatta River, Macarthur Street and Victoria Road.

Both the LSPS and LHS will be used in the future to set a strategic framework for future housing and guide the planning in this area, across the LGA and are likely to come into effect in 2020. Given that the site has existing R4 zoning, the LSPS and LHS are unlikely to preclude redevelopment for high-density residential uses such as apartments on the site. Council officers recommend that the Planning Proposal be updated following Gateway Determination and prior to public exhibition to reflect the final Local Housing Strategy as endorsed by Council in mid 2020.

3.2.2. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 5 below).

Table 5 – Consistency of planning proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP No 1 Development Standards	N/A	SEPP 1 does not apply to Parramatta LEP 2011

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SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 6 – Number of Storeys in a Building	N/A	Standard instrument definitions apply.
SEPP 33 – Hazardous and Offensive Development	x	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP No 55 Remediation of Land	x	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 60 – Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	✓	Detailed compliance with SEPP 65 will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal. During the design development phase, detailed testing of SEPP 65 and the Residential Flat Design Code was carried out and the indicative scheme is capable of demonstrating compliance with the SEPP.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009	N/A	Not relevant to proposed amendment.
SEPP (BASIX) 2004	N/A	Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓	May apply to future development of the site.
SEPP (Infrastructure) 2007	x	May apply to future development of the site.
Sydney Regional Environmental Plan No 18– Public Transport Corridors	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the <i>Parramatta LEP 2011</i> .
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.

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SEPP (Urban Renewal) 2010	x	N/A
SEPP Coastal Management	✓	<p>This applies to this site as it adjoins 'Coastal Wetlands' and is located within the 100m buffer zone of the Mean High Water Mark of the Parramatta River. The Coastal</p> <p>SEPP gives effect to the objectives of the Coastal Management Act 2016, defining the four coastal</p> <p>management areas as per the Act through detailed mapping and specific assessment criteria for each</p> <p>coastal management area as outlined in the attached Fact Sheet. Councils must consider these criteria when assessing proposals for development that fall within one or more of the mapped areas</p>

3.2.3. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Housing, Infrastructure and Urban Development
- Local plan making

The following directions are considered relevant to the subject Planning Proposal.

Table 6 – Consistency of planning proposal with relevant Section 9.1 Directions

Relevant Direction	Comment	Compliance
1. Employment and Resources		
2. Environment and Heritage		
Direction 2.2 – Coastal Management	The subject site is located within the coastal zone as identified by the SEPP and Coastal Management Act. The planning proposal does not intensify the land use towards the southern portion of the site as this is proposed for land dedication to Council. This will provide better consistency with this SEPP.	Yes
Direction 2.3 - Heritage Conservation	The subject site contains part of I1 – Coastal Wetlands, Parramatta River. Council is satisfied that the planning proposal maintains the integrity of the item can be maintained under the proposed indicative massing within the developable portion of the site.	Yes
3. Housing, Infrastructure and Urban Development		

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Direction 3.1 - Residential Zones	The Planning Proposal is consistent with this direction, in that it: <ul style="list-style-type: none"> • facilitates additional housing in close proximity to the Parramatta City Centre that is currently not provided on the site • provides residential development in an existing urban area that will be fully serviced by existing infrastructure • does not reduce the permissible residential density of land, but does reduce the amount of residential land. 	Yes
Direction 3.4 - Integrating Land Use and Transport	The Planning Proposal is consistent with this direction, in that it: <ul style="list-style-type: none"> • will provide new dwellings in close proximity to existing bus and bicycle transport links • will enable residents to walk or cycle to work if employed in the Parramatta City Centre or utilise the heavy rail service. • will maintain and provide additional commercial premises in proximity to existing transport links • makes more efficient use of space and infrastructure by increasing densities on an underutilised site. 	Yes
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	The site is identified as Class 5 on the Acid Sulfate Soils and part Class 2 on the Map in Parramatta Local Environmental Plan 2011. Acid sulfate soils are generally not found in Class 5 areas. However, this will be addressed further at the development application stage. Buildings will not be located in the Class 2 area.	Yes
Direction 4.3 - Flood Prone Land	Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.	Yes
5. Local Plan Making		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 6.2 – Reserving Land for Public Purposes	The subject site includes a land reserved for acquisition affectation on No.85 Thomas Street. This portion of land is already zoned RE1 and proposed to be dedicated to Council as part of the Planning Proposal process. Future development under the reference design does not proposed high-density residential development within this portion of the site.	Yes
Direction 6.3 - Site Specific Provisions	The Planning Proposal does not introduce any site specific provisions.	Yes
6. Metropolitan Planning		
Direction 7.1 - Implementation of A Plan for Growing Sydney	This direction works towards ensuring planning proposals are consistent with the metropolitan region plan. In doing so, an assessment of the planning	Yes

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	proposal has been carried out with regards to the GSC's A Metropolis of Three Cities. This has been included above as part of the relationship to strategic planning framework under Section B.	
Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p>The Planning Proposal is not located within the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan although is located within close proximity of the area.</p> <p>The subject site is located within the Shorts Corner precinct of GPOP. This precinct is not identified for growth as part of Phase 1 or Phase 2 of the Place-based Infrastructure Compact.</p>	Yes

3.3. Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

3.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Yes, the subject site identifies 1,200sqm of land at the southern part of No.89 and 91 Thomas Street be identified as part of the Natural Resources – Biodiversity and Natural Resources – Riparian Lands and Waterways. This land remains zoned R4 with maximum building height and floor space ratios still applying to the land but is undevelopable for high-density residential purposes. The affectation of the site consequent to on 28 July 2017, Parramatta LEP 2011 – Amendment No.20.



Figure 4 & 5- Subject site and land affectation by Natural Resources – Riparian Lands and Waterways (left) and Biodiversity (right)

3.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Heritage

The subject site is affected by the heritage associated with the Parramatta River Wetlands (Item 1 – Schedule 5, Environmental Heritage). This item is located within the undevelopable portion of the site and relates principally to the adjacent Parramatta River. Should the Planning Proposal proceed, land identified as part of heritage will be dedicated to Council ownership.

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Figure 6 - Heritage affection on subject site by I1 – Parramatta River

The current Planning Proposal proposes that the building envelope is located outside the area affected by Heritage in hope to resolve the heritage and ecological concerns. The Planning Proposal will be referred again to Heritage regarding the heritage and wetland matters as part of a public exhibition associated with a Gateway Determination should the Planning Proposal proceed.

Ecology

Adjacent to the site also includes coastal mangroves and saltmarshes. The Planning Proposal was referred to the former Department of Primary Industries in 2017 seeking comment regarding potential shading impacts to marine vegetation such as the mangroves and saltmarsh to the south of the site. On 15 May 2017, Primary Industries recommended a precautionary approach regarding the ongoing long-term impacts to both the mangroves and saltmarsh. The applicant then provided a revised report which allowed Primary Industries to complete a further assessment. Primary Industry clarified on 9 November 2017 that there "does not see any reason for potential shading issues on mangrove and saltmarsh species to prevent the lodgement of this development, as currently proposed, as a Planning Proposal.

Former concepts for the planning proposal that proposed an increase in GFA for the site raised concerns for Council's Natural Resources and Open Space team. Caution was raised as an increase in density for the site could set a planning precedent for planning controls to change for the wider precinct which would result cumulative overshadowing impact to the mangroves and salt-marshes. Whilst the Planning Proposal still seeks an increase in height and may increase overshadowing to this ecology, Council officers consider this risk as resolved it satisfies as the planning precedent issue is resolved and an increase in density for this site in isolation (no net-increase in floor-space compared to 2016 controls) is satisfactory.

Flooding

The site is located adjacent to the Parramatta River and includes a steep topography upwards towards Thomas street. The northern part of the site is relatively flat above RL-12. Land towards the south of the site identified for potential land dedication to Council is more susceptible to flooding impacts.

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Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.

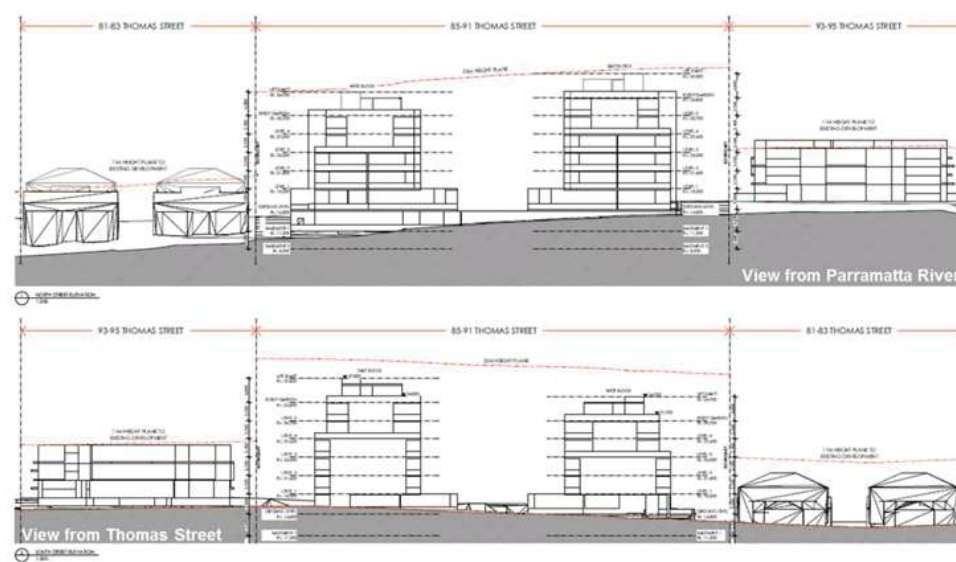
Urban Design

Figure 7- Reference Design for subject site (Source: PTI Architecture)

On 4 February 2020, the applicant provided Council a revised reference design for the Planning Proposal for 85-91 Thomas Street, Parramatta. The applicant's reference design proposes a 25-metre Maximum Building Height which could accommodate approximately 7 storeys. Council's Planning and Design units have maintained their recommendation that there is strategic merit in increasing the height to a maximum of 6 storeys to accommodate a similar amount of high-density residential floor-space permissible on the site at lodgement of the Planning Proposal.

Floor Space Ratio

The current scheme submitted by the applicant generates 4,994sqm of GFA for high-density residential purposes. This amount is 953sqm greater than what the current planning controls allow. It is also 63sqm less than the GFA permissible on the site at lodgement in June 2016 where a 0.8:1 FSR control applying to the entire site area (i.e. 5,057sqm of GFA). The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no-net increase in high-density residential GFA compared to what was previously permissible under Development Application controls on the site at lodgement of the application. Therefore the dwelling yield, while increasing compared to the current controls, will be the same when compared to the planning controls which applied to the site when the Planning Proposal was lodged with Council.

Building Height

The existing building height control allows for high-density residential development of maximum 3-storeys to be accommodated on the site. The adjoining property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls (DA/630/2012). This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.

The applicant's Planning Proposal proposes a 25-metre Maximum Building Height which could accommodate approximately 7 storeys. This height limit is considered excessive given the reference design proposes only 6-storey development on the site. Figure 8 and 9 show that a 22m height plan can accommodate the reference design and reasonably achieve a 6-storey development despite the sloping topography. The 6-storey height is supportable with a 4-storey street wall, additional setbacks for 5th & 6th storeys and separation to adjacent development. The reference design accommodates a 3.3m variation between the proposed ground level at Thomas Street (RL 14.5m) and lower ground level at the rear (RL 11.2m). This maintains a 4-storey form at street level and no more than 6-storeys across the site.

Part 3.1 of the Parramatta DCP 2011 provides a preliminary building envelope guide recommends a 20m height limit for 6-storey residential flat buildings, with this assessment taking into consideration the sloping topography of the site to inform an appropriate building height. The applicant has revised their concept design to a building envelope of maximum 6-storeys, however still proposes a maximum building height of 25 metres. This height limit is considered onerous for a 6-storey development on the site, with a revised increase in height up to 22m for approximately 6 storeys for the following reasons:

- i. It represents a 10% variation from 20m in the DCP Preliminary Building Envelope recommendation for 6-storey residential flat buildings,
- ii. It is double the existing HOB control which would allow the currently permissible high-density residential floorspace on the southern half of the site (located in the foreshore building line) to be massed in a taller built form,
- iii. It accommodates the 3.3m variation between the proposed ground level at Thomas Street (RL 14.5m) and lower ground level at the rear (RL 11.2m). This maintains a 4-storey form at street level and no more than 6-storeys across the site.
- iv. Rooftop gardens above a 6th storey to inform a 25 metres HOB are not certain and could lead to a 7th storey being accommodated.

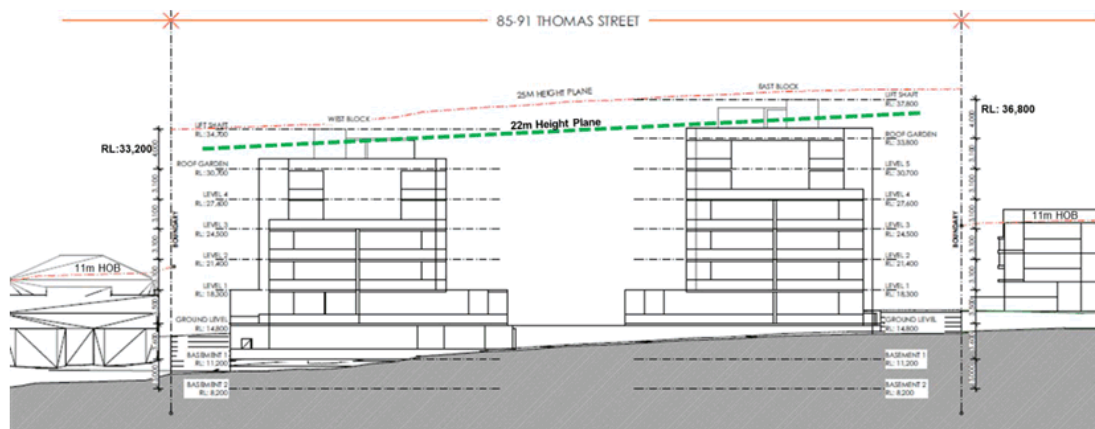


Figure 8 – Section facing north from Parramatta River with adjacent properties (Source: PTI Architecture)

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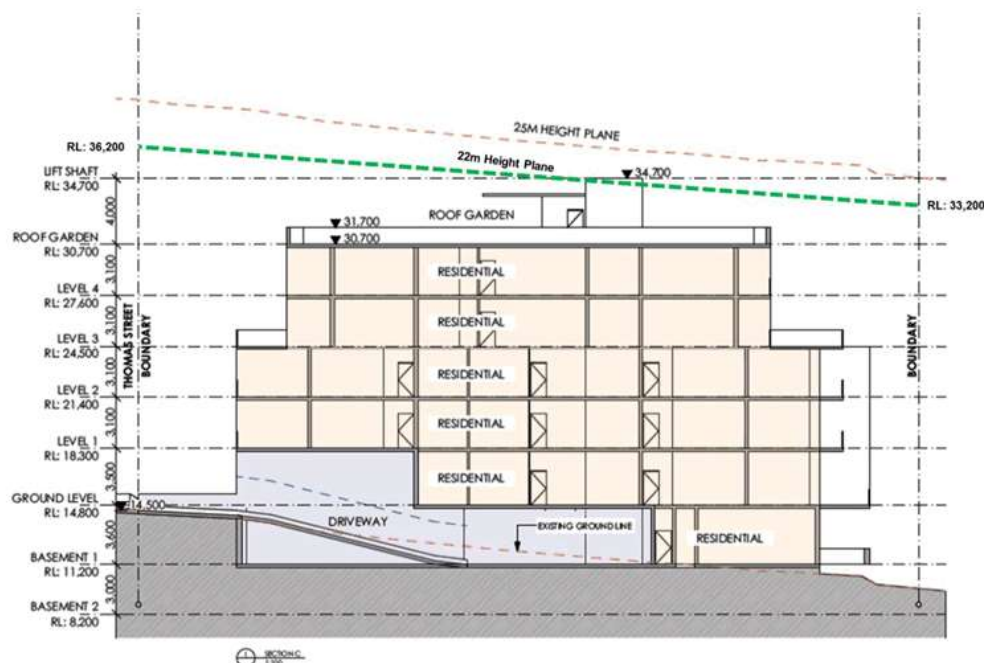


Figure 9– Section facing east from adjacent townhouse development (Source: PTI Architecture)

Building Separation & Setbacks

Given the potential increase in building height on the subject site, it is important to carefully manage privacy and amenity impacts on the adjacent properties, particularly the adjacent townhouse development located near the boundary at 81-83 Thomas Street and single dwelling houses on the northern side of Thomas Street.

The Apartment Design Guide and SEPP 65 set the minimum standards for building separation and setbacks for any residential flat building development on the site. Currently, the ADG would require a minimum of 9 metres separation between habitable and non-habitable rooms for buildings up to 4 storeys, and minimum of 12 metres for buildings 5 to 8 storeys. The reference design included as part of this planning proposal seeks to provide:

- Street setback of 6 metres up to 4-storeys, 9 metre setback up to 6-storeys, 10 metre for rooftop
- Side setback of 10 metres up to 4-storeys, 12 metre setback up to 6-storeys, 13 metre for rooftop.
- Minimum 12 metre building separation between west and east block apartment buildings,
- Rear setback of 3 metres to edge of developable portion of site and foreshore building line,

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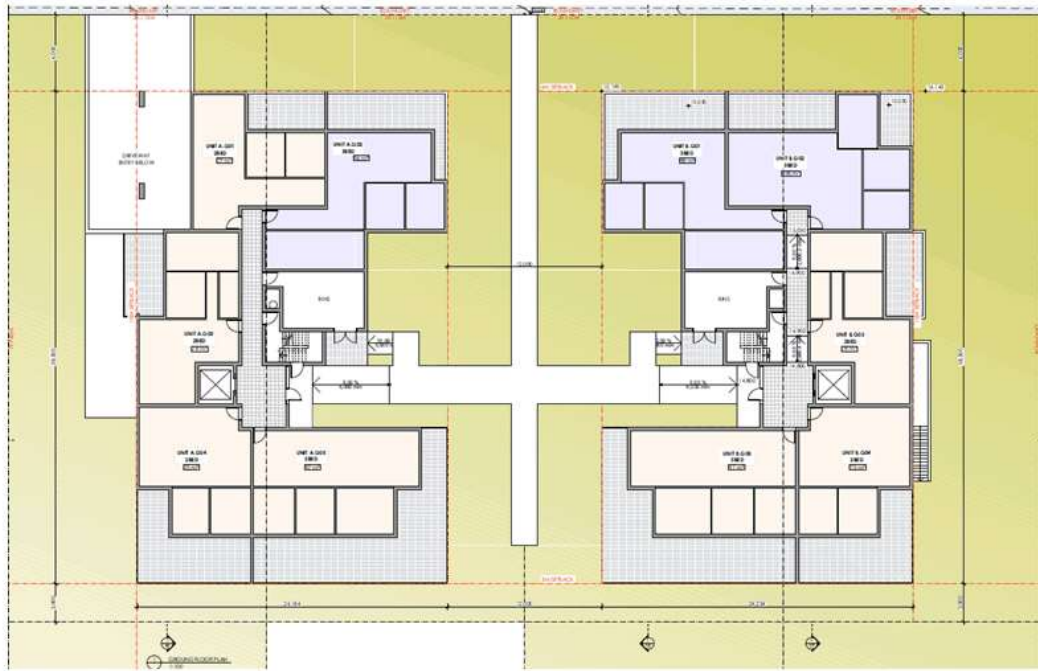


Figure 10 – Ground Floor Setbacks for developable site area



Figure 11 – Level 5 and 6 Setbacks developable site area

Deep soil areas and tree plantings within 6 metres of the front and side property boundary will be required to further improve the relationship of the site with neighbouring buildings. This hopes to provide a satisfactory interface with adjacent properties and satisfy concerns relating to privacy and amenity. The setbacks proposed under the reference design are supportable by Council officers in addressing the privacy and amenity of neighbouring and future residents. These setback standards will be reinforced by a proposed site-specific DCP.

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Future development on the site proposes to amalgamate the 4 lots subject to the Planning Proposal. Amalgamation of the sites is supported if the proposed development addresses the scale of adjacent development (such as the townhouses, existing apartment building and single dwellings) and rhythm of the surrounding subdivision pattern with adequate building separation and setbacks exceeding the Apartment Design Guide requirements. Previous concept designs demonstrated a singular elongated row building, driveway and basement entry outside the building envelope, building within the foreshore building line, no additional setback for floors above 4-storeys, are not supported due to their adverse impacts on neighbouring properties and surrounding streetscape. The modulation of the façade will be supported by landscaping and further design detail at Development Application stage as guided by the site specific DCP. The current concept design includes two apartment blocks spaced evenly across the 4 lots, with additional front and side setbacks for Level 5 and 6 which provide a transitioning scale and separation to the scale of development and is supportable (see Figure 11).



Figure 11 – Indicative streetscape

3.3.3. How has the planning proposal adequately addressed any social and economic effects?

Council and State Government does not identify Thomas Street, and this part of Parramatta (Short's Corner) as a growth precinct in accordance with Council's Draft Local Housing Strategy and GSC's Draft Place-based Infrastructure Compact. No major rezonings are required in this precinct for housing are likely to be made by City of Parramatta to meet the 5 year and 20 year housing targets. Any new proposals for new precincts must be justified under strategic planning objectives other than housing supply.

The Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement are informed by 2,496sqm of land dedication proposed which relates to the southern part of the site. Some of this land is identified for biodiversity and riparian lands (1,200sqm) and some for local open space (1,296sqm). Land dedication is supported in principle as part of the planning proposa.

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3.4. Section D – State and Commonwealth Interests

3.4.1. Is there adequate public infrastructure for the planning proposal?

On 7 November 2019, the GSC released the draft Place-based Infrastructure Compact (PIC) for the Greater Parramatta and Olympic Peninsula (GPOP) area. Specifically, the PIC outlines a draft-sequencing plan to support GPOP and growth in certain precincts in order to inform capital investment plans and budget processes of NSW Government agencies. The site is situated within the “Shorts Corner” precinct, which is not included as part of Phase 1 or Phase 2 areas and therefore not identified for growth within the GPOP (see page 45 and 47, PIC). This makes an increase in density above the 0.8:1 FSR across the whole site area difficult to support.

The Planning Proposal is being facilitated so the applicant may accommodate the 4,655sqm of intended GFA for the subject site as intended by the R4 zoning of the site. It decants the GFA from land zoned R4 outside the Foreshore Building Line, Natural Resources area and Land Reserved for Acquisition which makes most of the undevelopable land. Should the applicant intend to dedicate the 2,496sqm of undevelopable land to Council, the Floor Space Ratio for the site would increase from 0.8:1 to 1.2:1 FSR. Council officers support the massing of GFA within a 6-storey dual building envelope, requiring an increase in maximum HOB from 11m to 22m. Floor Space Ratio and Maximum Building Heights will be removed from the undevelopable portion of the land which is proposed for RE1 zoning.

There is likely to be a modest land value uplift given that no additional floor-space is proposed as part of the application. A base-value for the land is also difficult to identify given the 1,296sqm portion at No.85 Thomas Street was zoned R4 at lodgement, and RE1 at pre-Gateway reporting stage.

The VPA also provides a no-cost pathway for Council to become owners of the RE1 land. This removes the acquisition burden and potentially greater cost for Council to acquire the land from the landowner. It is uncertain whether that this offer is consistent with Council's Planning Agreement's Policy which seeks to capture 50% of the value uplift for sites outside of the Parramatta CBD. The dedication of the RE1 land is considered a supportable public benefit that outweighs the cost of assessing and completing a peer-review process of a valuation report for a planning proposal that does not propose additional high-density residential floorspace. The land value uplift process is considered an unreasonable expectation for this application and the VPA offer is acceptable in principle only.

3.4.2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the State and Commonwealth public authorities will be undertaken once the gateway determination has been issued.

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals. **Existing controls**

This section illustrates the current *PLEP 2011* controls which apply to the site.

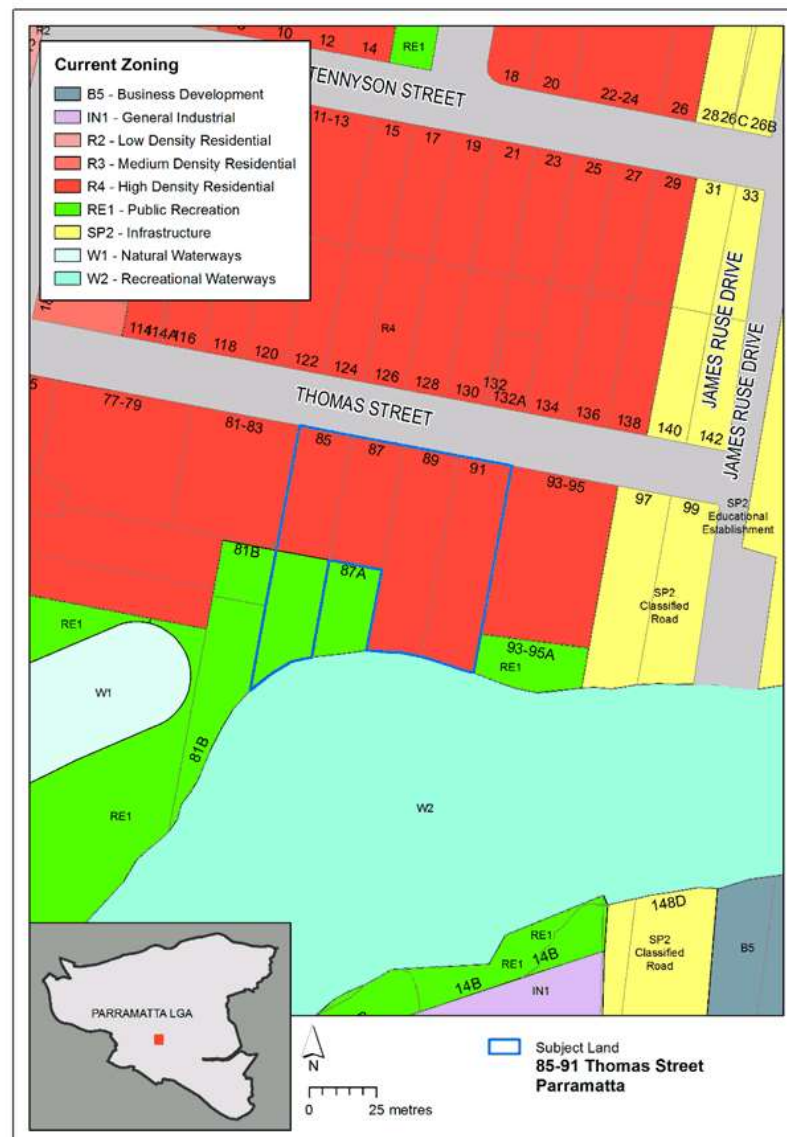


Figure 12 – Existing zoning extracted from *Parramatta LEP 2011* Land Zoning Map

Figure 12 illustrates the existing R4 – High Density Residential, part RE1 Public Recreation

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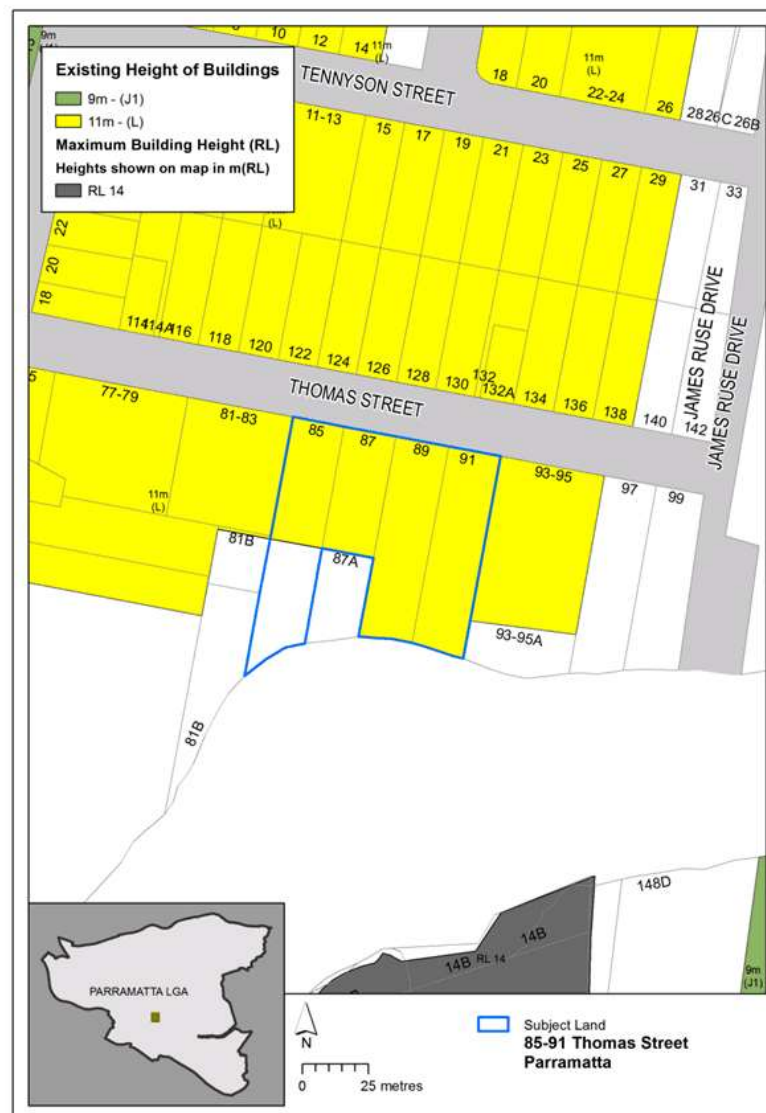


Figure 13 – Existing building heights extracted from the *Parramatta LEP 2011* Height of Buildings Map

Figure 13 illustrates the existing 11 metre maximum building height.

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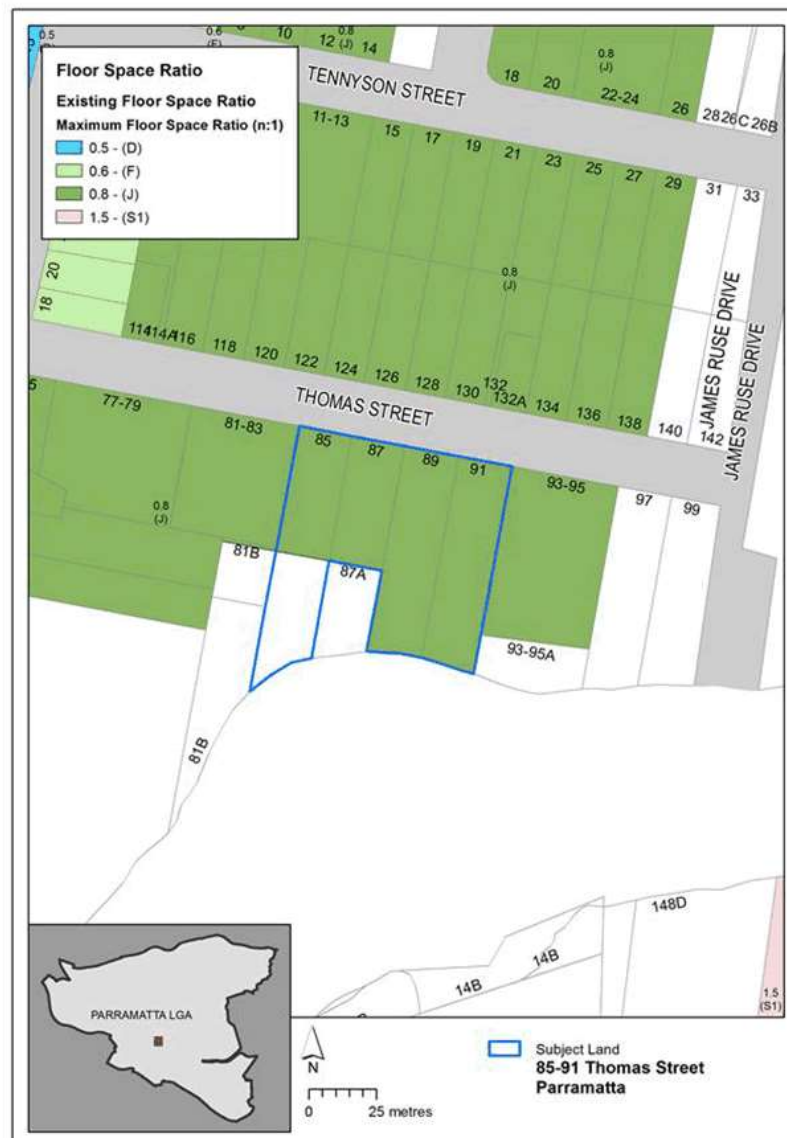


Figure 14 – Existing floor space ratio extracted from the *Parramatta LEP 2011 Floor Space Ratio Map*

Figure 14 illustrates the existing 0.8:1 Floor Space Ratio.

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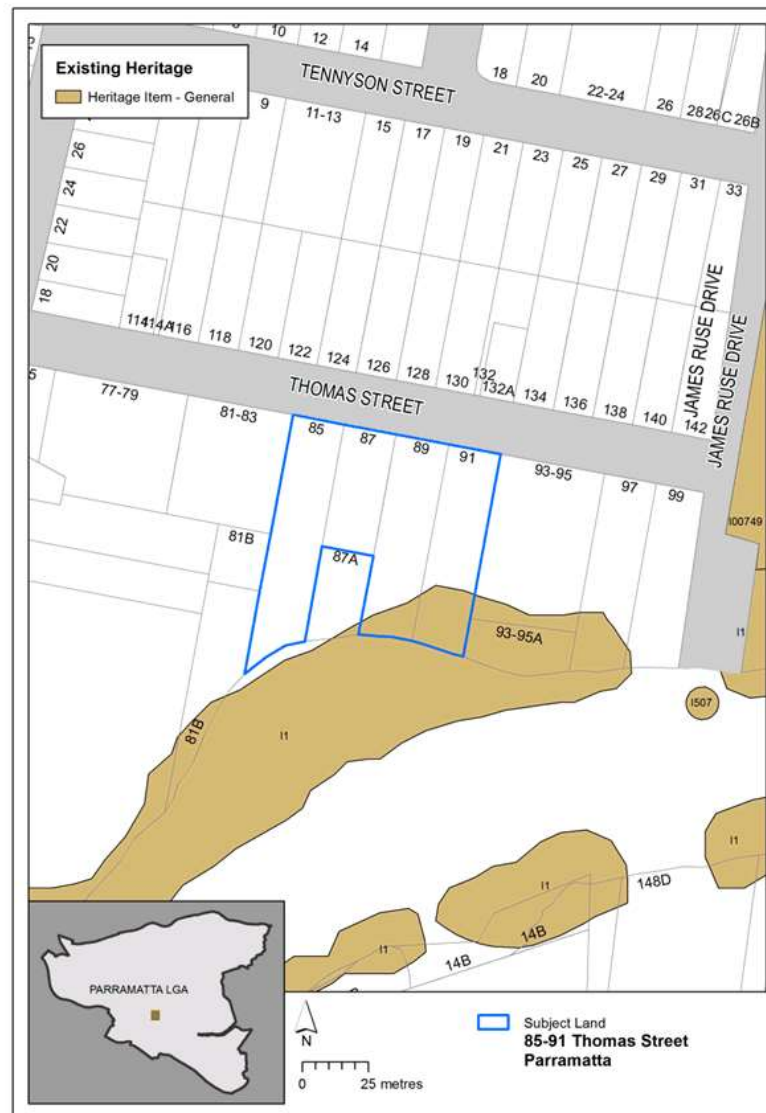


Figure 15 – Existing heritage items extracted from the *Parramatta LEP 2011* Heritage Map

Figure 15 above illustrates Item 1 – Parramatta River Wetlands of local significance which impact the site.

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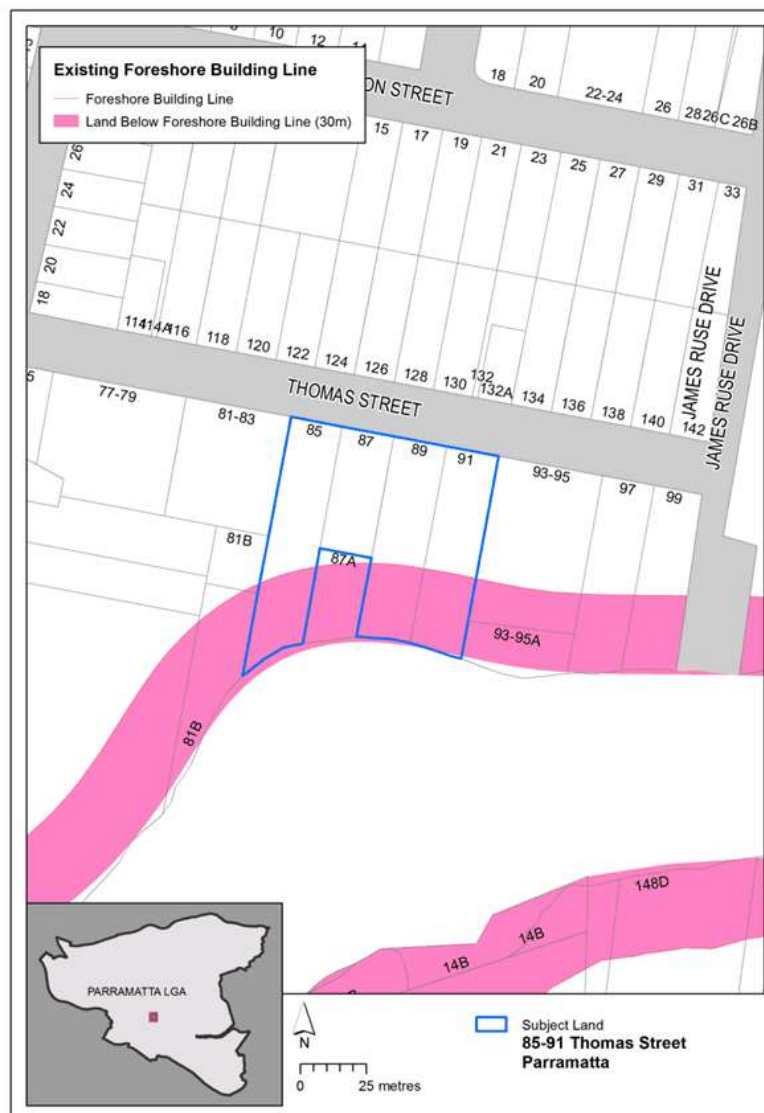


Figure 16 – Existing Foreshore Building Line in Parramatta LEP 2011 Map

Figure 16 above illustrates the extent of the Foreshore Building Line map

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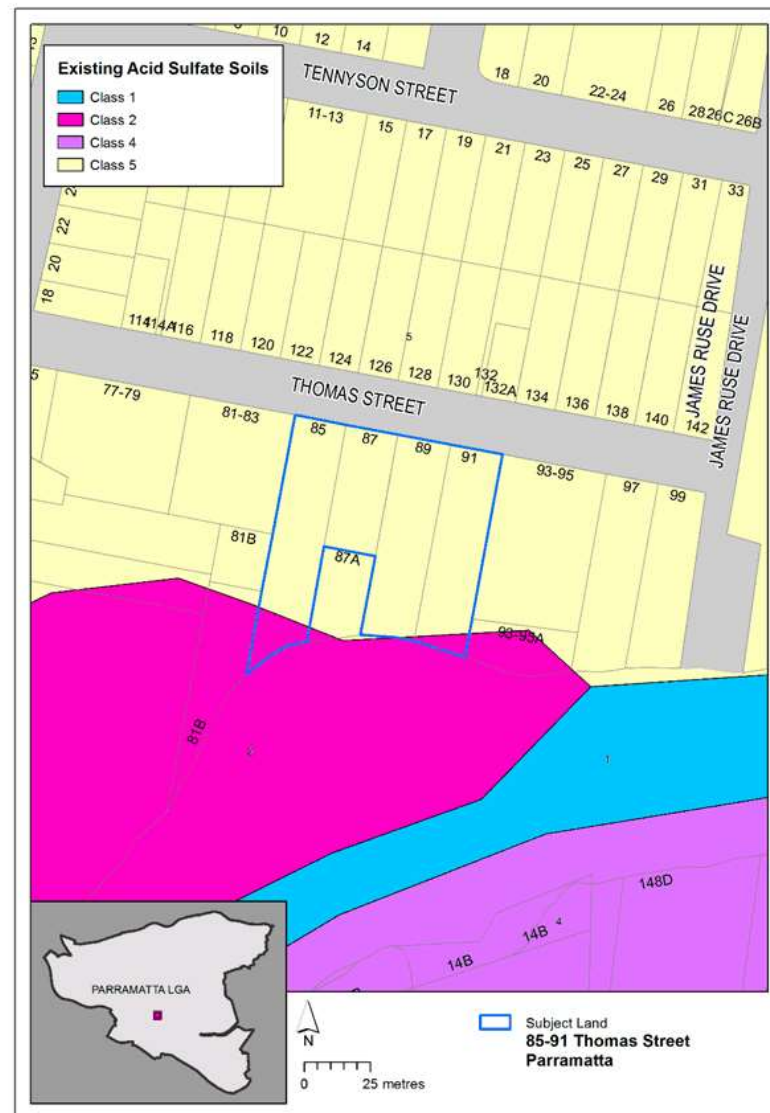


Figure 17 – Existing Acid Sulfate Soils in Parramatta LEP 2011 Map

Figure 17 above illustrates the extent of the Acid Sulfate Soils on the subject site. The developable portion is subject to Class 5, with some land to the south Class 2.

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Figure 18 – Existing Land Reserved for Acquisition in Parramatta LEP 2011 Map

Figure 18 above illustrates the extent of the Land Reserved for Acquisition map showing the affectation on No.85 Thomas Street.

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Figure 19 – Existing Natural Resources - Biodiversity in Parramatta LEP 2011 Map

Figure 19 above illustrates the extent of the Natural Resources -Biodiversity map showing the affectation on No.89-91 Thomas Street within the undevelopable portion of the site.

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Figure 20 – Existing Natural Resources – Riparian Land and Waterways in *Parramatta LEP 2011 Map*

Figure 20 above illustrates the extent of the Natural Resources – Riparian Land and Waterways map showing the affectation on No.89-91 Thomas Street.

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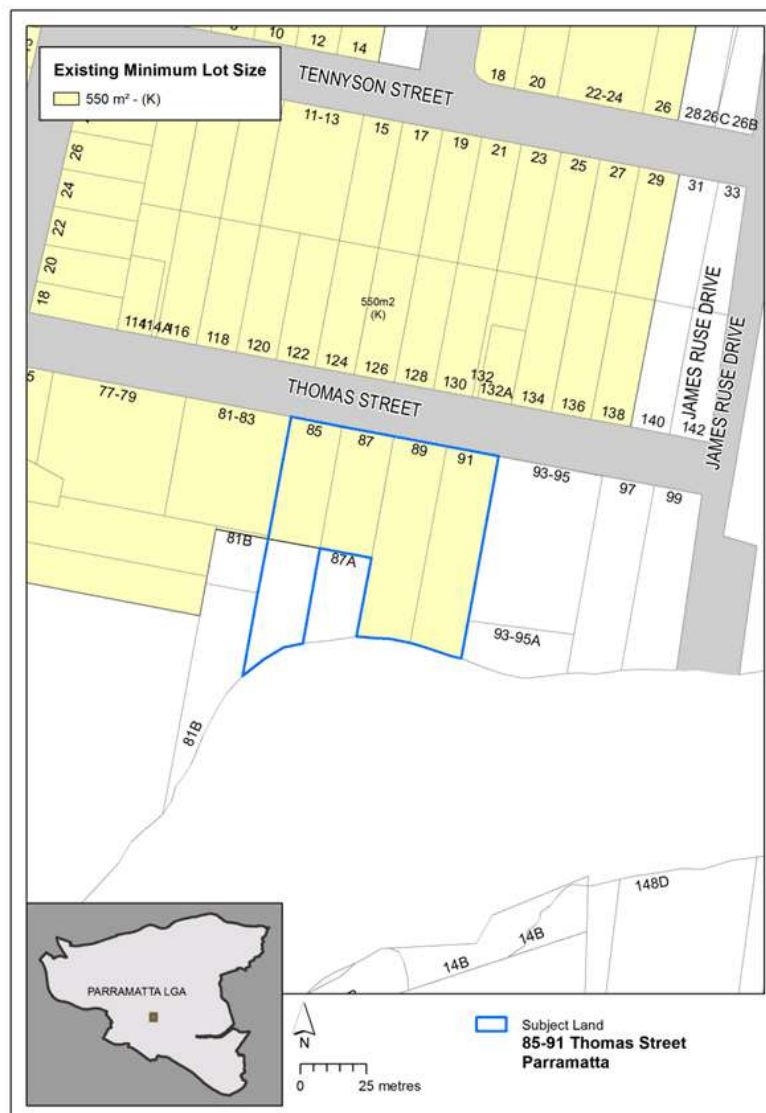


Figure 21 – Existing Minimum Lot Size in *Parramatta LEP 2011* Map

Figure 21 above illustrates Minimum Lot Size of 550sqm on the subject site.

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4.2 Proposed controls

The proposed controls seek to recoup the developability achievable on the site prior to the notification of Parramatta LEP 2011 – Amendment No.20 on 28 July 2017 which resulted in 2,496sqm of land at the rear of the site being identified as undevelopable land. The proposed controls seek to amend the planning controls so the same amount of GFA achievable prior to Amendment No.20 may be achieved. The figures in this section illustrate the proposed changes to zoning, maximum building height, floor space ratio, minimum lot size and land reserve for acquisition mapping for the subject site to achieve this. No other changes are proposed as part of the Planning Proposal.

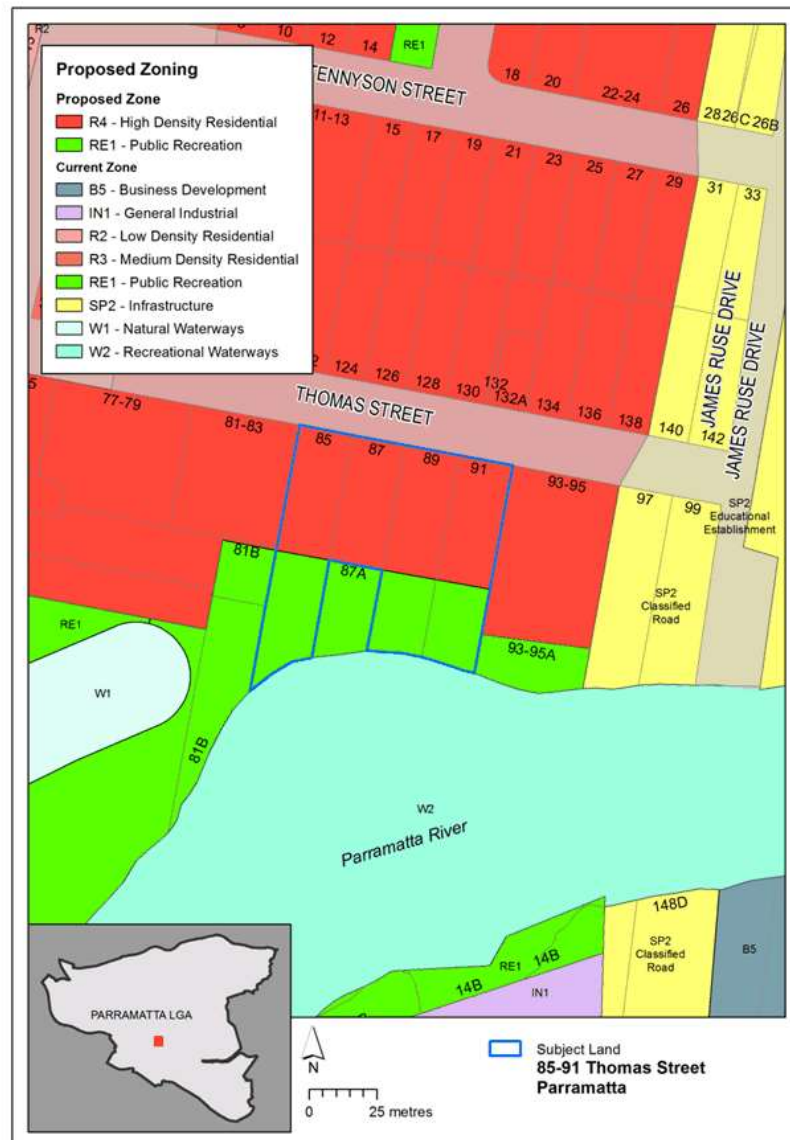


Figure 22 – Proposed amendment to the *Parramatta LEP 2011 Land Use Zoning Map*

Figure 22 above illustrates proposed boundary changes to land use zoning to reflect the developable and undevelopable portions of the site and proposed land dedication.

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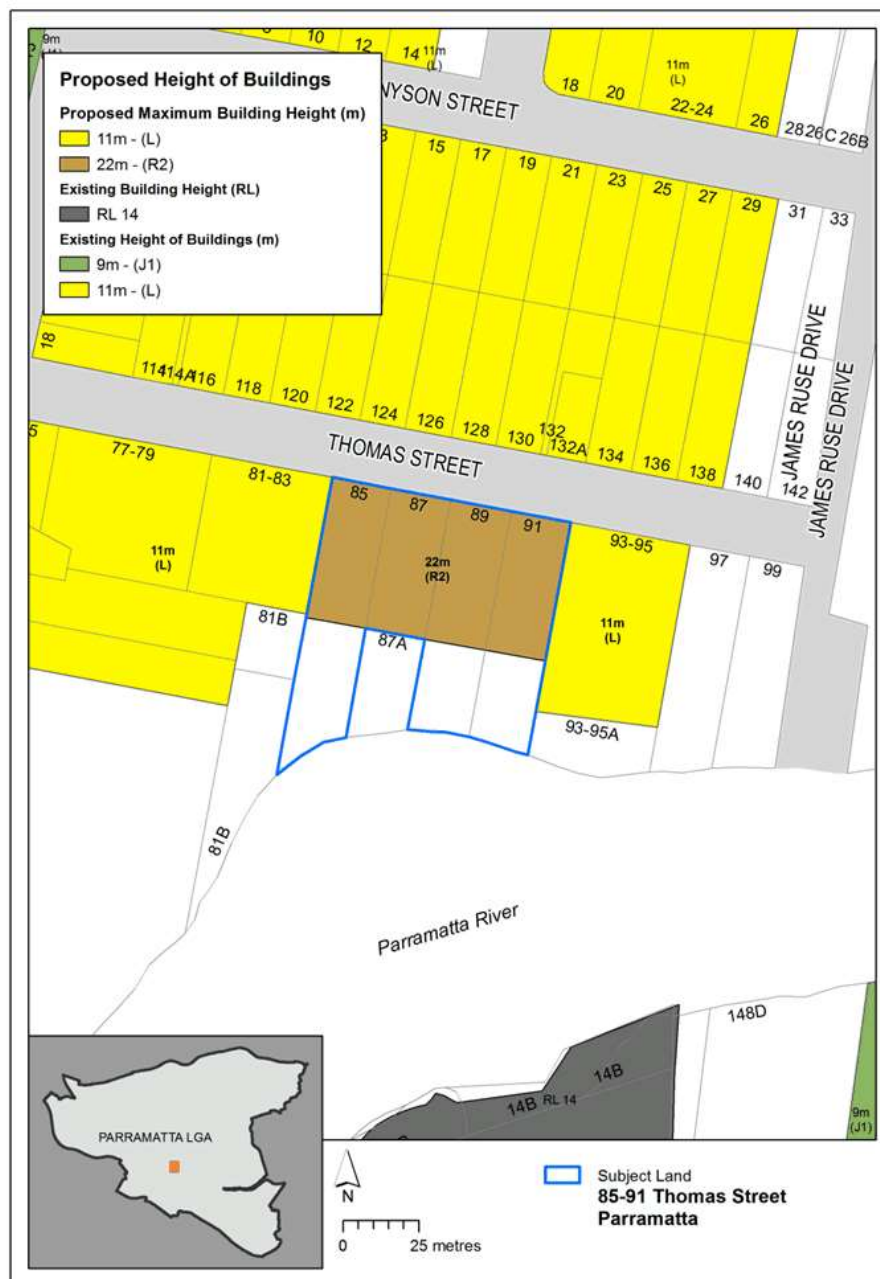
**Figure 23 – Proposed Maximum Building Height in Parramatta LEP 2011 Map**

Figure 23 above illustrates the extent of the proposed maximum building height up to 22 metres. It also shows the removal of HOB control for the undevelopable land.

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Figure 24 – Proposed Floor Space Ratio in Parramatta LEP 2011 Map

Figure 24 above illustrates the extent of the proposed floor space ratio of 1.3:1. It also shows the removal of FSR control for the undevelopable land.

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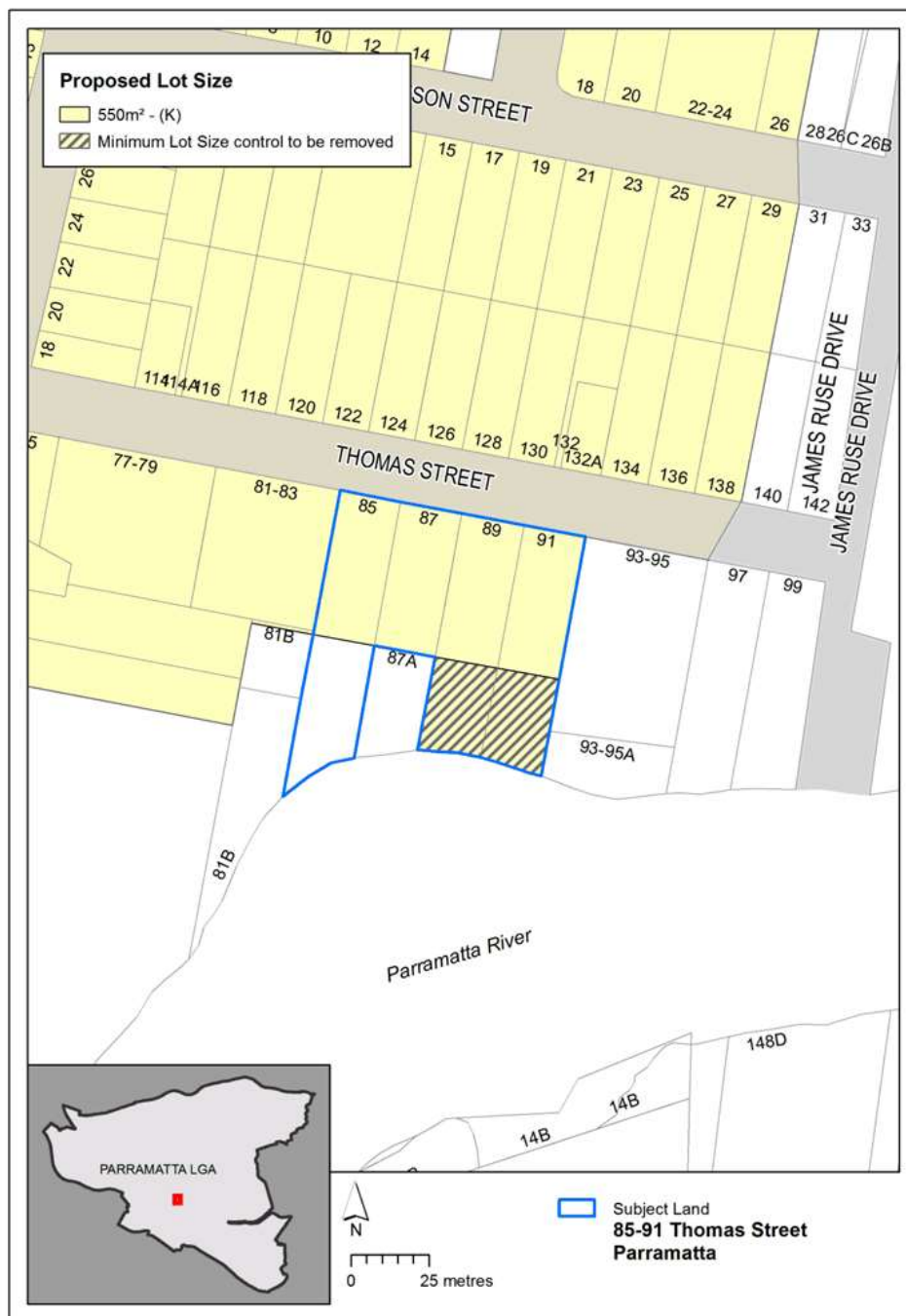


Figure 25: Proposed Minimum Lot Size Map in Parramatta LEP 2011 Map

Figure 25 illustrates the removal of the minimum lot size control from the undevelopable land proposed to be rezoned to RE1 Public Recreation and dedicated to Council as part of the Planning Proposal.

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta



Figure 26: Proposed Land Reserved for Acquisition Map in Parramatta LEP 2011 Map

Figure 26 illustrates the extent of the proposed land reserved for acquisition map. It shows the removal of the land acquisition ~~if should~~ the land ~~be is~~ dedication to Council at nil cost for local open space as part of the Draft Planning Agreement.

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PART 5 – COMMUNITY CONSULTATION

The planning proposal (as revised to comply with the Gateway determination) is to be publicly available for community consultation.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to adjoining landowners.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

Consistent with sections 3.34(4) and 3.34(8) of the *EP&A Act 1979*, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

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PART 6 – PROJECT TIMELINE

Once the planning proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal's process.

Table 7 below outlines the anticipated timeframe for the completion of the planning proposal.

Table 7 – Anticipated timeframe to planning proposal process

MILESTONE	ANTICIPATED TIMEFRAME
Report to LPP on the assessment of the PP	April 2020
Report to Council on the assessment of the PP	May 2020
Referral to Minister for review of Gateway determination	June 2020
Date of issue of the Gateway determination	August 2020
Date of issue or revised Gateway determination (if relevant)	
Commencement and completion dates for public exhibition period	<u>October/November 2021</u>
Commencement and completion dates for government agency notification	<u>October/November 2021</u>
Consideration of submissions	<u>November 2021</u>
Consideration of planning proposal post exhibition and associated report to Council	<u>March 2022</u>
Submission to the Department to finalise the LEP	<u>March 2022</u>
Notification of instrument	<u>April 2022</u>

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Appendix 1 – Concept Plans

(D07279676)

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

Appendix 2 – Ecological Response

(D06327650)

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Appendix 3 – Traffic Report

(D06327650)

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Appendix 4 – VPA Offer

|

(D07991959)

RZ/11/2016 – 85-91 Thomas Street, Parramatta

DRAFT AMENDMENTS TO THE PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Amendments shown in blue.

Section 4.1 Town and Neighbourhood Centres

4.1.9 Morton Street Precinct

4.1.9 Design Controls

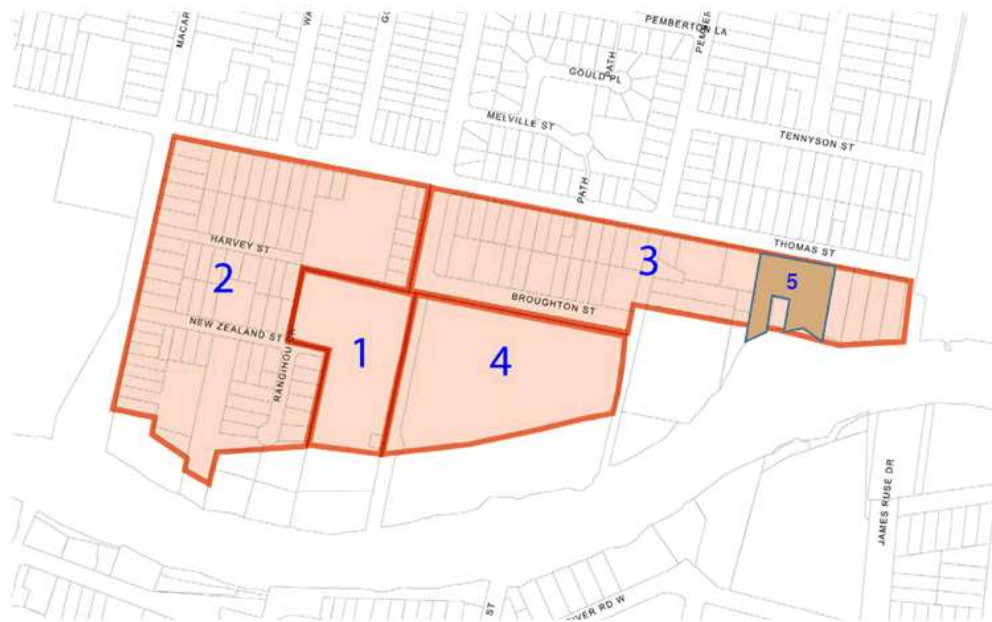
Area 1 – Riverfront

Area 2 - Morton Street – West

Area 3 - Morton Street – East

Area 4 - No. 2 Morton Street

Area 5 – 85-91 Thomas Street



Area 5 site specific controls provide for generous side setbacks to create separation to adjoining residential properties, and incorporates rear setbacks intended to create a landscape separation to the Parramatta River.

Indicative Building Envelopes

(insert) C.4 Development in Area 5 must be in accordance with the indicative building envelopes as shown in Figure 4.1.9.3(a). Development must provide an appropriate design

response to protect the amenity of adjoining residential sites and enable a rear landscape area that separates development on the site from the Parramatta River foreshore.

Building Form

(renumber C.5 and alter to state)

The built form controls correlate with the indicative building envelopes shown in Figure 4.1.9.3 and Figure 4.1.9.3(a). The design of buildings must comply with the relevant standards for each building type.

Update Figure 4.1.9.3 Indicative Building Envelopes on page 4.1-54 with a text box stating:

“Unique controls for 85-91 Thomas Street provided in Figure 4.1.9.3(a)”



Figure 4.1.9.3 Indicative Building Envelopes

Insert new Figure 4.1.9.3(a) Indicative Building Envelopes for Area 5

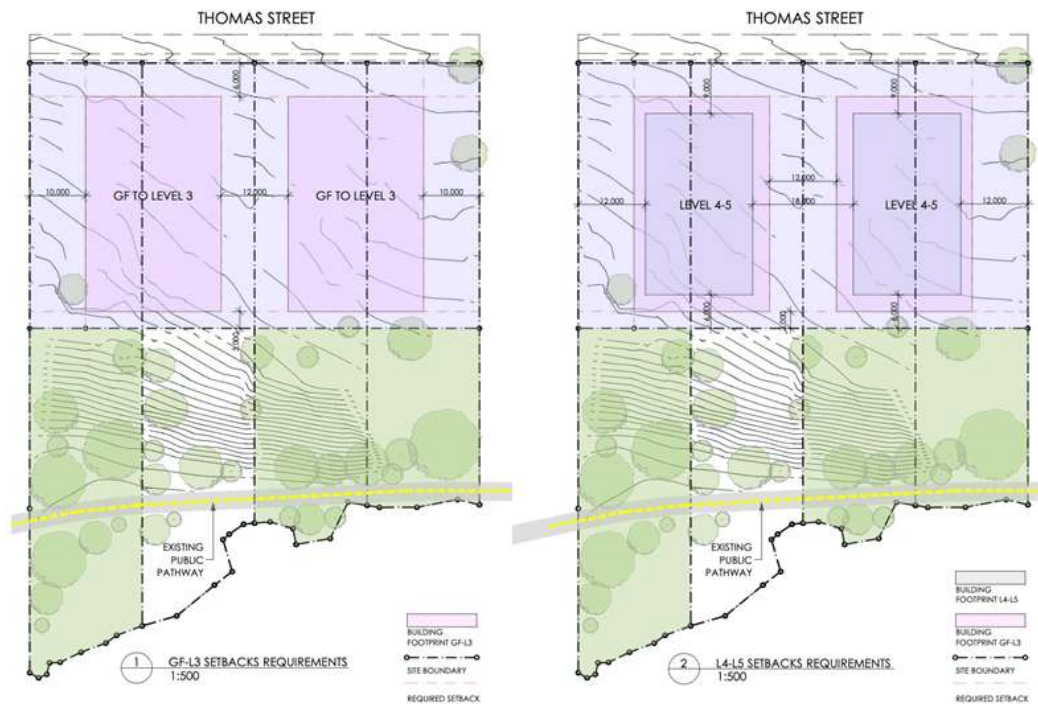


Figure 4.1.9.3(a) Area 5 Indicative Building Envelopes

Insert New Section

Urban Design in Area 5 (85-91 Thomas Street)

- C.?? Buildings should provide a 4 storey base with a recessed upper 2 storeys, providing a maximum 6 storey form. Refer to figures 4.1.9.14 and 4.1.9.15.
- C?? Buildings should be designed to create streetscapes that are characterised by:
 - a. clearly defined edges, and
 - b. architectural treatments that are interesting and relate to the design and human scale of existing buildings.
- C?? Generous setbacks should be provided to ensure built form is in a landscaped setting.
- C?? Opportunities for views to Parramatta CBD and Parramatta River are to be realised in the design of new buildings.

- C.?? Buildings fronting the off-road pedestrian network are to be designed to provide for casual surveillance.
- C?? Buildings fronting the proposed public open space area along the riverfront are to be modulated to create interest as viewed from the river and foreshores.
- C.20 Where development is proposed that requires the management of flood impacts, the following urban design considerations apply:

Insert New Figures 4.1.9.14 and 4.1.9.15

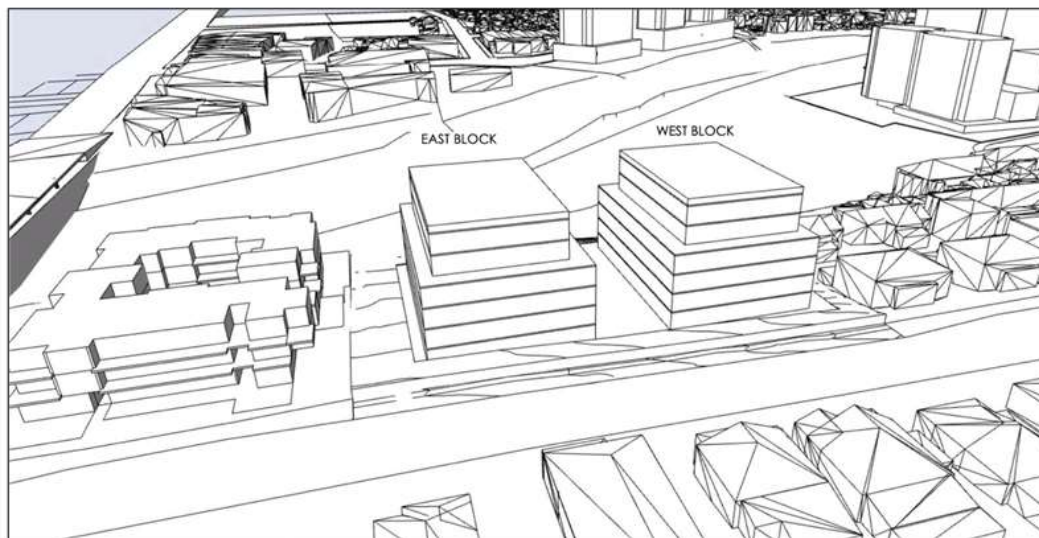


Figure 4.1.9.14 Area 5 Recessed Levels 5 & 6

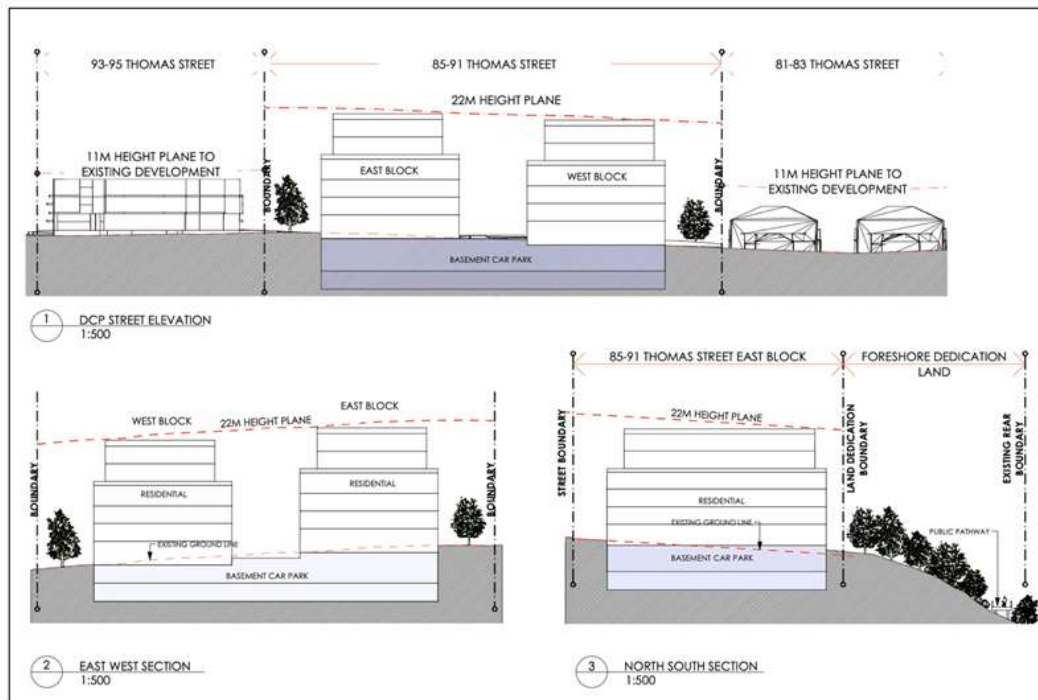


Figure 4.1.9.15 Sections

Insert New Section

Development within Area 5

- C.?? Entrances to buildings are to be clearly defined and well lit.
- C.?? Vehicular crossings are to be minimised to reduce disruption of pedestrian flow and safety.
- C.?? Deep soil zones along the front, side and rear boundaries should be provided to allow for a landscape setting. Refer to Figure 4.1.9.16.

Insert new figure 4.1.9.16



Figure 4.1.9.16 Area 5 Deep Soil Zone

Insert New Section within Area 5

Ecology and River Foreshore

- C1 - Development is to demonstrate no significant impact to saltmarsh and mangrove ecological communities as a result of stormwater run-off or overshadowing
- C2 - Lighting is to be designed to minimise light spill into the ecologically sensitive river riparian corridor to prevent disturbance to nocturnal fauna

Voluntary Planning Agreement

[Date]

City of Parramatta Council
ABN 49 907 174 773

Century 888 Pty Ltd
ACN 601 102 390

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Agreement

Date

Parties

First party

Name	City of Parramatta Council (Council)
ABN	49 907 174 773
Contact	Manager, Land Use Planning
Telephone	(02) 9806 5050

Second party

Name	Century 888 Pty Ltd (Developer)
ACN	601 102 390
Contact	Glenda Lam
Telephone	(02) 8212 5592

Background

- A. On 6 June 2016, the Developer made an initial application to the Council for a change to the Instrument. This application sought to increase the maximum floor space ratio and maximum height of buildings controls that apply to the Land under the Instrument. The application was later revised to propose the Instrument Change for the purpose of making a Development Application to the Council for Development Consent to carry out Development in accordance with the Instrument Change on the Land.
- B. In connection with the Instrument Change application, on 8 March 2021 the Developer made a written offer to enter into this agreement to make contributions for public purposes associated with the Instrument Change and the Development. On 15 June 2021, Council resolved to place this agreement (when drafted in accordance with the Developer's offer) on public exhibition concurrently with a draft site-specific Development Control Plan and updated planning proposal endorsed by Council in relation to the Instrument Change.

Operative part

1 Definitions

In this agreement, unless the context indicates a contrary intention:

Act means the *Environmental Planning and Assessment Act 1979* (NSW);

Address means a party's address set out in the Notices clause of this agreement;

Approval means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this agreement;

Authority means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person;

Bank Guarantee means an irrevocable and unconditional undertaking that is not limited in time and does not expire by one of the following trading banks:

- (a) Australia and New Zealand Banking Group Limited,
- (b) Commonwealth Bank of Australia,
- (c) Macquarie Bank,
- (d) National Australia Bank,
- (e) St George Bank Limited,
- (f) Westpac Banking Corporation, or
- (g) Other financial institution approved by the Council,

to pay an amount or amounts of money to the Council on demand and containing terms and conditions reasonably acceptable to the Council;

Bond means an insurance bond from an AAA credit rated party, or a party with a credit rating otherwise acceptable to Council;

Business Day means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays;

Certificate of Practical Completion means a written certificate provided by the Council confirming the Works, or part of the Works, have been completed to the Council's satisfaction;

Claim means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this agreement;

Construction Certificate means a construction certificate as defined under section 6.4 of the Act;

CPI means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics;

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land;

Dedication Land means that part of the Land to be dedicated to Council in accordance with this agreement, as described in clause 6.1 and generally shown on the plan at Annexure B;

Developer means Century 888 Pty Ltd;

Development means future redevelopment of the Land in accordance with the Instrument Change and the Development Control Plan;

Development Application has the same meaning as in the Act;

Development Consent has the same meaning as in the Act;

Development Control Plan means the draft site-specific Development Control Plan endorsed by Council on 15 June 2021 for public exhibition in relation to the Land;

Fax Number means a party's facsimile number set out in the Notices clause of this agreement;

GST has the same meaning as in the GST Law;

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of the GST;

Insolvent means, in relation to a party:

- (a) that party makes an arrangement, compromise or composition with, or assignment for, the benefit of its creditors or a class of them;
- (b) a receiver, receiver and manager, administrator, provisional liquidator, trustee, controller, inspector or analogous person is appointed in relation to, or over, all or any part of that party's business, assets or securities;
- (c) a presumption of insolvency has arisen under legislation because of the party's failure to comply with a statutory demand or analogous process;
- (d) an application for the winding up of, or for the appointment of a receiver to, that party, other than winding up for the purpose of solvent reconstruction or re amalgamation, is presented and not withdrawn or dismissed within 21 days (or such longer period agreed to by the parties), or an order is made or an effective resolution is passed for the winding up of, or for the appointment of a receiver to, that party, or any analogous application is made or proceedings initiated;
- (e) any shareholder or director of that party convenes a meeting for the purpose of considering or passing any resolution for the winding up or administration of that party;
- (f) that is an individual, a creditor's petition or a debtor's petition is presented to the Official Receiver or analogous authority in relation to that party;
- (g) an execution or analogous process is levied or enforced against the property of that party;
- (h) that party ceases or suspends, or threatens to cease or suspend, the conduct of all or a substantial part of its business;
- (i) that party disposes of, or threatens to dispose of, a substantial part of its assets;
- (j) that party stops or suspends, or threatens to stop or suspend, payment of all or a class of its debts; or
- (k) that party is unable to pay the party's debts as and when they become due and payable.

Instrument means the *Parramatta Local Environmental Plan 2011*;

Instrument Change means Amendment [PP_2020_COPAR_005_00] to the Instrument that includes:

- (a) extension of the RE1 – Public Recreation zone to the location identified in the plan provided at Annexure C to this agreement, with associated reduction in the area of the Land that is to remain zoned R4 High Density Residential;
- (b) increasing the maximum Building Height control from 11 metres to 22 metres across the R4 zoned part of the Land and removing the Building Height control from the portion of the Land to be rezoned RE1 – Public Recreation;

- (c) increasing the maximum Floor Space Ratio control from 0.8:1 to 1.3:1 across the R4 zoned part of the Land, and removing the Floor Space Ratio control from the portion of the site to be rezoned RE1 – Public Recreation; and
- (d) removing the rear portion of the parcel of the Land known as 85 Thomas Street from the Land Reservation Acquisition Map,

as it relates to the Land.

Land means:

- (a) Lot 13 DP 1239 known as 85 Thomas Street Parramatta;
- (b) Lot 142 DP 537053 known as 87 Thomas Street Parramatta;
- (c) Lot 15 DP 1239 known as 89 Thomas Street Parramatta; and
- (d) Lot 16 DP 1239 known as 91 Thomas Street, Parramatta.

Landowner means Century 888 Pty Ltd;

Law means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and
- (c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

Occupation Certificate means an occupation certificate as defined under section 6.4 of the Act, and includes a partial Occupation Certificate;

Public Reserve has the same meaning as in the *Local Government Act 1993*;

Register means the Torrens title register maintained under the *Real Property Act 1900* (NSW);

Transferee has the meaning given in clause 12.3; and

Works means the following fencing between the developable (zoned R4 High Density Residential) and dedication (zoned RE1 Public Recreation) areas of the Land:

- (a) Construction fencing, prior to construction commencing for the Development or any part of the Development; and
- (b) Residential fencing, to a height of no more than 1.5 metres prior to the issue of an Occupation Certificate for the Development or any part of the Development,

in such form as may be consented to by the consent authority if Development Consent is granted for the Development.

2 Interpretation

In this agreement, unless the context indicates a contrary intention:

- (a) **(documents)** a reference in this agreement or another document includes any document which varies, supplements, replaces, assigns or novates this agreement or that other document;

- (b) **(references)** a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this agreement;
- (c) **(headings)** clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this agreement;
- (d) **(person)** a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;
- (e) **(party)** a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;
- (f) **(president, CEO, general manager or managing director)** the president, CEO, general manager or managing director of a body or Authority includes any person acting in that capacity;
- (g) **(requirements)** a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (h) **(including)** including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;
- (i) **(corresponding meanings)** a word that is derived from a defined word has a corresponding meaning;
- (j) **(singular)** the singular includes the plural and vice-versa;
- (k) **(gender)** words importing one gender include all other genders;
- (l) **(parts)** a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;
- (m) **(rules of construction)** neither this agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;
- (n) **(legislation)** a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;
- (o) **(time and date)** a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in Sydney, Australia, even if the obligation is to be performed elsewhere;
- (p) **(joint and several)** an agreement, representation, covenant, right or obligation:
 - (i) in favour of two or more persons is for the benefit of them jointly and severally; and
 - (ii) on the part of two or more persons binds them jointly and severally;

- (q) **(writing)** a reference to a notice, consent, request, approval or other communication under this agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;
- (r) **(replacement bodies)** a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;
- (s) **(Australian currency)** a reference to dollars or \$ is to Australian currency;
- (t) **(month)** a reference to a month is a reference to a calendar month; and
- (u) **(year)** a reference to a year is a reference to twelve consecutive calendar months.

3 Planning Agreement under the Act

- (a) The parties agree that this agreement is a planning agreement within the meaning of section 7.4 of the Act.
- (b) Schedule 1 to this agreement summarises the requirements for planning agreements under section 7.4 of the Act and the way this agreement addresses those requirements.

4 Application of this agreement

This agreement applies to:

- (a) the Instrument Change, and
- (b) the Development, and
- (c) the Land.

5 Operation of this agreement

This agreement commences on and from the date it is executed by all parties.

6 Contributions to be made under this agreement

6.1 Dedication of Land

- (a) The Developer must dedicate or cause to be transferred to the Council, at no cost to the Council, the Dedication Land freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the Land, including but not limited to, municipal rates and charges, water rates and land tax, except as permitted by Council. For the purposes of this clause 6.1 and this agreement, the Dedication Land must:
 - (i) be 2,496 square metres in area, in accordance with the planning proposal endorsed by Council in relation to the Instrument Change;
 - (ii) have boundaries which are consistent with the extended RE1 – Public Recreation zone as identified in the plan provided at Annexure C to this agreement; and
 - (iii) be shown in detail as part of the survey plan lodged with any Development Application for the Development.

- (b) The obligation to dedicate the Dedication Land will be taken to have been satisfied when either a Certificate of Title is issued by NSW Land and Property Information for the whole of the Public Reserve (namely the whole of the Dedication Land as described in clause 6.1(a) above) identifying the Council as the registered proprietor of that land without encumbrances as required by clause 6.1(a) or when the Public Reserve (as previously described in this clause) is dedicated to Council by operation of the registration of a plan of subdivision in accordance with section 49 of the *Local Government Act 1993*.
- (c) The Dedication Land must be dedicated or transferred to Council prior to the issue of any Construction Certificate for the Development or any part of the Development. Any Development Consent for the Development is to be granted subject to a condition requiring such dedication or transfer to occur prior to the issue of any such Construction Certificate.

6.2 Works, and Maintenance of Works

- (a) In this clause, the following definitions apply:

Maintain means works to bring an item to a state of reasonable condition and in accordance with relevant standards applicable at the time of construction of the item, including repairing any defects due to use of poor materials or due to poor workmanship, but does not include removing graffiti or repairing any item damaged as a consequence of vandalism. **Maintained** and **Maintenance** have corresponding meanings.

Maintenance Period,

- (i) in relation to the construction fencing item of Work, is the period from the time that a Construction Certificate is issued for the Development or any part of the Development until an Occupation Certificate is issued for the Development or any part of the Development; and
- (ii) in relation to the residential fencing item of Work, is the period of from the time that an Occupation Certificate is issued for the Development or any part of the Development.

Maintenance Schedule means the schedule of proposed Maintenance works as required by clause 6.2(f).

- (b) The Developer will, at its own cost, carry out the Works in accordance with this agreement, as authorised by any Development Consent granted for the Works.
- (c) The Works or any part of the Works required under this agreement will be taken to have been completed for the purposes of this agreement when a Certificate of Practical Completion has been issued for those Works.
- (d) The Works or any part of those works, must be Maintained by the Developer to the reasonable satisfaction of the Council for the Maintenance Period.
- (e) The Developer must follow relevant Council policies and obtain all Approvals necessary to carry out the Maintenance required under this clause.
- (f) Prior to the issue of a Certificate of Practical Completion for any part of the Works, the Developer must:

- (i) provide to the Council a Maintenance Schedule setting out the proposed Maintenance works and estimated costs for the relevant part of the Works over the Maintenance Period, and
 - (ii) once the Council approves the Maintenance Schedule, acting reasonably, provide the Council with a Bank Guarantee or Bond in the amount of the estimated costs of the maintenance works as set out in the Maintenance Schedule.
- (g) The Council agrees to promptly return any Bank Guarantee provided under paragraph 6.2(f) of this clause at the end of the Maintenance Period for the relevant item of Works, subject to paragraphs (l) and (m) of this clause.
- (h) Forty Business Days prior to the end of any Maintenance Period, the Developer must request Council to carry out an inspection of the Works or any part of those Works.
 - (i) The Council must carry out the inspection as requested by the Developer within 14 days of the request.
 - (j) The Council may, within 5 Business Days of carrying out the inspection notify the Developer of any Maintenance work required, including any Maintenance required in addition to the work set out in the Maintenance Schedule.
 - (k) If the Council does not issue the Developer with a notice set out in clause 6.2(j) it is to return the Bank Guarantee to the Developer within 5 Business Days,
 - (l) If the Developer is issued with a notice to carry out Maintenance work under paragraph (j) of this clause, the Developer must, at the Developer's cost, carry out the Maintenance work as specified in the notice and in the timeframe specified by the notice.
 - (m) If the Council issues a notice under paragraph (j) of this clause, the Council may retain any Bank Guarantee provided by the Developer under paragraph (f) of this clause until the Maintenance work required under the notice has been completed, or any dispute about the notice has been resolved, despite the expiration of any Maintenance Period.
- (n) If the Developer fails to substantially comply with an approved Maintenance Schedule and does not rectify that failure within 21 Business Days of being notified of that failure or within a reasonable period of time agreed between the parties, or if the Developer fails to comply with a notice issued under paragraph (j) of this clause, the Council may, by itself, its employees, contractors or agents, carry out the required works and may:
 - (i) call on the Bank Guarantee or Bond provided under paragraph (f) of this clause in satisfaction of the costs of carrying out the maintenance work; and
 - (ii) recover as a debt due to the Council by the Developer in a court of competent jurisdiction, any difference between the amount of the Bank Guarantee or Bond and the costs incurred by the Council in carrying out the maintenance work.

- (o) The parties agree and acknowledge that the Works serve the public purposes of delineating between the parts of the Land for public recreation and for private residential uses, including both public and private security and safety.

6.3 Access to Council owned land

- (a) The Council agrees to permit the Developer, upon receiving at least 10 Business Days' prior notice, to enter, pass through or occupy any Council owned or controlled land in order to enable the Developer to properly perform its obligations under this agreement. Nothing in this clause creates or gives the Developer any estate or interest in any part of the Council owned or controlled land.
- (b) The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the entry or access by the Developer to, or any presence of the Developer on, Council owned or controlled land for the purposes of performing its obligations under this agreement, except to the extent such Claim arises directly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

7 Application of s 7.11, s 7.12 and s 7.24 of the Act to the Development

- (a) This agreement does not exclude the application of section 7.11 of the Act to the Development.
- (b) This agreement does not exclude the application of section 7.12 of the Act to the Development.
- (c) This agreement does not exclude the application of section 7.24 of the Act to the Development.
- (d) The dedication or transfer of the Dedication Land under this agreement is to be taken into consideration in determining a development contribution under section 7.11 of the Act in relation to a Development Application made in reliance upon the Instrument Change.

Note: s7.4(3A) of the Act provides that sections 7.11 and 7.12 of the Act cannot be excluded unless the consent authority for the development or the Minister is a party to the agreement. Section 7.4(5A) provides that a planning authority must not enter into a planning agreement that excludes the application of section 7.24 without the approval of the Minister or a development corporation designated by the Minister.

8 Registration of this agreement

8.1 Developer Interest

The Developer represents and warrants to the Council that on the date of this agreement it is the registered proprietor of the Land.

8.2 Registration of this agreement

- (a) The Developer agrees to procure the registration of this agreement under the *Real Property Act 1900* (NSW) in the relevant folios of the Register of the Land in accordance with section 7.6 of the Act.

- (b) The Developer, at its own expense, must:
 - (i) procure the lodgement of this agreement with the Registrar-General as soon as reasonably practicable after this agreement comes into operation, but in any event, no later than 10 Business Days after that date;
 - (ii) procure the registration of this agreement by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this agreement is lodged for registration; and
 - (iii) provide documentary evidence that the registration of this agreement has been completed to Council within 5 Business Days of receiving confirmation that the registration has occurred.
- (c) The Developer at its own expense will take all practical steps, and otherwise do anything that the Council reasonably requires to procure:
 - (i) The consent of each person who:
 - (A) has an estate or interest in the Land registered under the *Real Property Act 1900* (NSW); or
 - (B) is seized or possessed of an estate or interest in the Land,
 - (ii) An acceptance of the terms of this agreement and an acknowledgement in writing from any existing mortgagee in relation to the Land that the mortgagee will adhere to the provisions of this agreement if it takes possession of the Land as mortgagee in possession,
 - (iii) The execution of any documents; and
 - (iv) The production of the relevant duplicate certificates of title, to enable the registration of this agreement in accordance with this clause 8.2.
- (d) The Landowner consents to the registration of the agreement in accordance with this clause 8.2.

8.3 Removal from Register

The Council will provide a release and discharge of this agreement so that it may be removed from the folios of the Register for the Land (or any part of it) provided the Council is satisfied the Developer has duly fulfilled its obligations under this agreement, and is not otherwise in default of any of the obligations under this agreement.

9 Review of this agreement

- (a) This agreement may be reviewed or modified. Any review or modification of this agreement will be conducted in the circumstances and in the manner determined by the parties.
- (b) No modification or review of this agreement will be of any force or effect unless it is in writing and signed by the parties to this agreement.
- (c) A party is not in breach of this agreement if it does not agree to an amendment to this agreement requested by a party in, or as a consequence of, a review.

10 Dispute Resolution

10.1 Reference to Dispute

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

10.2 Notice of Dispute

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other parties of:

- (a) The nature of the dispute,
- (b) The alleged basis of the dispute, and
- (c) The position which the party issuing the Notice of Dispute believes is correct.

10.3 Representatives of Parties to Meet

- (a) The representatives of the parties must promptly (and in any event within 20 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.
- (b) The parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting,
 - (ii) agree that further material or expert determination in accordance with clause 10.6 about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or
 - (iii) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

10.4 Further Notice if Not Settled

If the dispute is not resolved within 10 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Determination Notice**) by mediation under clause 10.5 or by expert determination under clause 10.6.

10.5 Mediation

If a party gives a Determination Notice calling for the dispute to be mediated:

- (a) The parties must agree to the terms of reference of the mediation within 15 Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) The mediator will be agreed between the parties, or failing agreement within 15 Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;

- (c) The mediator appointed pursuant to this clause 10.5 must:
 - (i) Have reasonable qualifications and practical experience in the area of the dispute; and
 - (ii) Have no interest or duty which conflicts or may conflict with his or her function as a mediator he or she being required to fully disclose any such interest or duty before his or her appointment;
- (d) The mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;
- (e) The parties must within 15 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the Council must advise of the representative within 5 Business Days of the resolution);
- (f) The parties agree to be bound by a mediation settlement agreed between the parties and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and
- (g) In relation to costs and expenses:
 - (i) Each party will bear its own professional and expert costs incurred in connection with the mediation; and
 - (ii) The costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

10.6 Expert determination

If the dispute is not resolved under clause 10.3 or clause 10.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

- (a) The dispute must be determined by an independent expert in the relevant field:
 - (i) Agreed upon and appointed jointly by the parties; and
 - (ii) In the event that no agreement is reached or no appointment is made within 20 Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
- (b) The expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;
- (c) The determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
- (d) The expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;

- (e) Each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and
- (f) Any determination made by an expert pursuant to this clause is final and binding upon the parties except unless:
 - (i) Within 20 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or
 - (ii) The determination is in respect of, or relates to, termination or purported termination of this agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal.

10.7 *Litigation*

If the dispute is not *finally* resolved in accordance with this clause 10, then either party is at liberty to litigate the dispute.

10.8 *No suspension of contractual obligations*

Subject to any interlocutory order obtained under clause 10.1, the referral to or undertaking of a dispute resolution process under this clause 10 does not suspend the parties' obligations under this agreement.

11 *Enforcement*

11.1 *Default*

- (a) In the event a party considers another party has failed to perform and fulfil an obligation under this agreement, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.
- (b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.
- (c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 10 of this agreement.

11.2 *Bank Guarantee*

- (a) Prior to the issue of a Construction Certificate the Developer must provide to the Council a Bank Guarantee in the amount of \$150,000.00 to secure completion of the Works.
- (b) The Council may reject any Bank Guarantee that contains errors, or if it has received the Bank Guarantee, require at any time the Developer to obtain a replacement Bank Guarantee that rectifies any such errors or otherwise obtain rectification of the errors. The Developer must provide the replacement Bank

Guarantee, or otherwise obtain rectification of the errors, within 5 Business Days of receiving the Council's request.

- (c) The Council may call on a Bank Guarantee provided under this clause if:
 - (i) the Developer is in material or substantial breach of this agreement and has failed to rectify the breach within a reasonable period of time after having been given reasonable notice (which must not be less than 21 Business Days) in writing to do so in accordance with clause 11.1 of this agreement; or
 - (ii) the Developer becomes Insolvent.
- (d) Within 20 Business Days of each anniversary of a Bank Guarantee provided under clause (a), the Developer must provide Council with one or more replacement Bank Guarantees (**Replacement Bank Guarantee**) in an amount calculated in accordance with the following:

$$A = \frac{B \times D}{C}$$

Where:

A is the amount of the Replacement Bank Guarantee,

B is the amount of the Bank Guarantee to be replaced,

C is the CPI for the quarter ending immediately before the date of the Bank Guarantee to be replaced,

D is the CPI for the quarter ending immediately before the date of the Replacement Bank Guarantee,

provided A is greater than B.

- (e) On receipt of a Replacement Bank Guarantee provided under clause 11.2(d), the Council must release and return to the Developer, as directed, the Bank Guarantee that has been replaced as soon as reasonably practicable.
- (f) At any time following the provision of a Bank Guarantee under this clause, the Developer may provide the Council with one or more replacement Bank Guarantees totalling the amount of all Bank Guarantees required to be provided under this clause for the time being. On receipt of such replacement Bank Guarantee, the Council must release and return to the Developer, as directed, the Bank Guarantee(s) which it holds that have been replaced as soon as reasonably practicable.
- (g) Subject to clause 11.2(c), the Council may apply the proceeds of a Bank Guarantee in satisfaction of:
 - (i) any obligation of the Developer under this agreement that is secured by the Bank Guarantee; and
 - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement.

- (h) The Council must promptly return a Bank Guarantee provided under this clause to secure the provision of any Works if requested by the Developer and:
 - (i) A Certificate of Practical Completion has been issued for the item of Works to which the Bank Guarantee relates; and
 - (ii) The Developer has provided a Bank Guarantee for any Maintenance Period under clause 6.2 for that item of Works; and
 - (iii) If the Bank Guarantee relates to other items of Works for which a Certificate of Practical Completion has not been issued, a replacement Bank Guarantee is provided by the Developer in an amount determined by the Council acting reasonably, that is equivalent to the costs of constructing those other items of Works.
- (i) Nothing in this clause 11.2 prevents or restricts the Council from taking any enforcement action in relation to:
 - (i) any obligation of the Developer under this agreement; or
 - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement,

that is not or cannot be satisfied by calling on a Bank Guarantee.

11.3 Compulsory Acquisition

- (a) If the Developer does not dedicate the Dedication Land to Council as required by this agreement, the Council may compulsorily acquire the relevant land, in which case the Developer consents to the Council compulsorily acquiring that land for compensation in the amount of \$1.00 without having to follow the pre-acquisition procedures in the *Land Acquisition (Just Terms Compensation) Act 1991* and may call upon any Bank Guarantee provided by the Developer under this agreement to cover any costs, including legal costs, incurred by the Council on acquisition of the land.
- (b) Clause 11.3(a) constitutes an agreement for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (c) Except as otherwise agreed between the Developer and Council, the Developer must ensure the Dedication Land is freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, except as may be permitted by this agreement on the date that the Council will acquire the land in accordance with clause 11.3(a).
- (d) The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the relevant land under clause 11.3(a).
- (e) The Developer must pay the Council, promptly on demand, an amount equivalent to all costs, including legal costs, incurred by the Council acquiring the whole or any part of the relevant land under clause 11.3(a) that are not or cannot be recovered by calling on a Bank Guarantee.

11.4 *Restriction on the issue of Certificates*

In accordance with section 6.8 of the Act and any associated regulations, any obligations to:

- (a) carry out the Works; and
- (b) dedicate the Dedication Land,

must be satisfied prior to the issue of a Construction Certificate for the Development or any part of the Development.

11.5 *General Enforcement*

- (a) Without limiting any other remedies available to the parties, this agreement may be enforced by any party in any Court of competent jurisdiction.
- (b) Nothing in this agreement prevents:
 - (i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this agreement or any matter to which this agreement relates; and
 - (ii) the Council from exercising any function under the Act or any other Act or Law relating to the enforcement of any aspect of this agreement or any matter to which this agreement relates.

12 *Assignment and Dealings*

12.1 *Assignment*

- (a) A party must not assign or deal with any right under this agreement without the prior written consent of the other parties.
- (b) Any change of ownership or control (as defined in section 50AA of the *Commonwealth Corporations Act 2001*) of a party (excluding the Council) shall be deemed to be an assignment of this agreement for the purposes of this clause.
- (c) Any purported Dealing in breach of this clause is of no effect.

12.2 *Arrangements with Mortgagee*

- (a) The Developer agrees with the Council that if the Developer mortgages the Land after this agreement is entered into it must use all reasonable efforts at that time to arrange a multiple party deed of agreement between the Council, the Developer, and the mortgagee who will be providing finance for the Works so that the mortgagee accepts that the responsibilities set out in this agreement are binding upon the mortgagee in the event that the Developer defaults on the mortgage and the mortgagee takes possession of the Land.
- (b) The terms of the adoption of the obligations of the Developer by the mortgagee shall be as reasonably required by the Council. The agreement shall be prepared at the cost of the Developer.

12.3 *Transfer of Land*

- (a) The Developer may not transfer, assign or dispose of the whole or any part of its right, title or interest in the Land (present or future) or in the Development to another person (**Transferee**) unless before it sells, transfers or disposes of that right, title or interest:

- (i) The Developer satisfies the Council that the proposed Transferee is financially capable of complying with the Developer obligations under this agreement;
- (ii) The Developer satisfies the Council that the rights of the Council will not be diminished or fettered in any way;
- (iii) The Transferee delivers to the Council a novation deed signed by the Transferee in a form and of such substance as is acceptable to the Council containing provisions under which the Transferee agrees to comply with all the outstanding obligations of the Developer under this agreement;
- (iv) The Transferee delivers to the Council replacement Bonds or Bank Guarantees as required by this agreement;
- (v) Any default under any provisions of this agreement has been remedied or waived by the Council, on such conditions as the Council may determine, and
- (vi) The Developer and the Transferee pay the Council's reasonable costs in relation to the assignment.
- (vii) The Council's consent to such a transfer may not be unreasonably withheld.

13 Approvals and consents

Except as otherwise set out in this agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

14 No fetter

14.1 Discretion

This agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council, including, but not limited to, any statutory power or discretion of the Council relating to the Development Application or any other application for Development Consent (all referred to in this agreement as a "**Discretion**").

14.2 No fetter

No provision of this agreement is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this agreement is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:

- (a) They will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied,
- (b) In the event that (a) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this agreement has full force and effect, and

- (c) To endeavour to satisfy the common objectives of the parties in relation to the provision of this agreement which is to be held to be a fetter on the extent that is possible having regard to the relevant court judgment.

14.3 Planning Certificates

The Developer acknowledges that Council may, at its discretion, include advice on any planning certificate issued under section 10.7 of the Act that this agreement affects the Land.

15 Notices

15.1 Notices

Any notice given under or in connection with this agreement (**Notice**):

- (a) must be in writing and signed by a person duly authorised by the sender;
- (b) must be addressed as follows and delivered to the intended recipient by hand, by prepaid post or by email or fax at the address or Fax Number below, or at the address or Fax Number last notified by the intended recipient to the sender after the date of this agreement:
 - (i) to City of Parramatta Council: PO Box 32, Parramatta, NSW 2124
Fax: 02 9806 5917
Email: council@cityofparramatta.nsw.gov.au
Attention: Manager, Land Use Planning
 - (ii) to Century 888 Pty Ltd 60 Burwood Rd, Burwood NSW 2134
Fax: (02) 8079 5975
Email: century888development@outlook.com
Attention: Glenda Lam
- (c) is taken to be given or made:
 - (i) in the case of hand delivery, when delivered;
 - (ii) in the case of delivery by post, three Business Days after the date of posting (if posted to an address in the same country) or seven Business Days after the date of posting (if posted to an address in another country); and
 - (iii) in the case of a fax, on production of a transmission report by the machine from which the fax was sent that indicates the fax was sent in its entirety to the recipient's Fax Number; and
- (d) if under clause (c) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.

15.2 Notices sent by email:

- (a) A party may serve a Notice by email if the Notice:
 - (i) includes a signature block specifying:
 - (A) the name of the person sending the Notice; and

- (B) the sender's position within the relevant party;
- (ii) states in the body of the message or the subject field that it is sent as a Notice under this agreement;
- (iii) contains an express statement that the person sending the Notice has the authority to serve a Notice under this agreement;
- (iv) is sent to the email address below or the email address last notified by the intended recipient to the sender:

(A) to City of Parramatta Attention: Manager, Land Use Planning
Council: council@cityofparramatta.nsw.gov.au

(B) to Century 888 Pty Ltd : Attention: Glenda Lam
century888development@outlook.com

- (b) The recipient of a Notice served under this clause 15.2 must:
 - (i) promptly acknowledge receipt of the Notice; and
 - (ii) keep an electronic copy of the Notice,
- (c) Failure to comply with clause 15.2 does not invalidate service of a Notice under this clause.

15.3 *Receipt of Notices sent by email*

- (a) A Notice sent under clause 15.2 is taken to be given or made:
 - (i) when the sender receives an email acknowledgement from the recipient's information system showing the Notice has been delivered to the email address stated above;
 - (ii) when the Notice enters an information system controlled by the recipient; or
 - (iii) when the Notice is first opened or read by the recipient,
 whichever occurs first.
- (b) If under clause 15.3 a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it will be taken to have been given or made at the start of business on the next Business Day in that place.

16 General

16.1 *Relationship between parties*

- (a) Nothing in this agreement:
 - (i) constitutes a partnership between the parties; or
 - (ii) except as expressly provided, makes a party an agent of another party for any purpose.
- (b) A party cannot in any way or for any purpose:
 - (i) bind another party; or
 - (ii) contract in the name of another party.

- (c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

16.2 Time for doing acts

- (a) If the time for doing any act or thing required to be done or a notice period specified in this agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

16.3 Further assurances

Each party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this agreement.

16.4 Joint and individual liability and benefits

Except as otherwise set out in this agreement, any agreement, covenant, representation or warranty under this agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

16.5 Variations and Amendments

A provision of this agreement can only be varied by a later written document executed by or on behalf of all parties and in accordance with the provisions of the Act.

16.6 Counterparts

This agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

16.7 Legal expenses and stamp duty

- (a) The Developer must pay the Council's legal costs and disbursements in connection with the negotiation, preparation, execution, carrying into effect, enforcement and release and discharge of this agreement, including the reasonable costs of obtaining any legal advice in connection with this agreement, no later than 10 Business Days after receiving a demand from the Council to pay such costs.
- (b) The Developer agrees to pay or reimburse the costs and expenses incurred by Council in connection with the advertising and exhibition of this agreement in accordance with the Act.
- (c) The Developer agrees to pay Council any administrative fees as required by Council, acting reasonably, in connection with the administration of this agreement.

16.8 Entire agreement

The contents of this agreement constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this agreement, whether orally or in writing.

16.9 Representations and warranties

The parties represent and warrant that they have the power and authority to enter into this agreement and comply with their obligations under the agreement and that entry into this agreement will not result in the breach of any Law.

16.10 Severability

If a clause or part of a clause of this agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this agreement, but the rest of this agreement is not affected.

16.11 Invalidity

- (a) A word or provision must be read down if:
 - (i) this agreement is void, voidable, or unenforceable if it is not read down;
 - (ii) this agreement will not be void, voidable or unenforceable if it is read down; and
 - (iii) the provision is capable of being read down.
- (b) A word or provision must be severed if:
 - (i) despite the operation of clause (a), the provision is void, voidable or unenforceable if it is not severed; and
 - (ii) this agreement will be void, voidable or unenforceable if it is not severed.
- (c) The remainder of this agreement has full effect even if clause 16.11(b) applies.

16.12 Waiver

- (a) A right or remedy created by this agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.
- (b) The fact that a party fails to do, or delays in doing, something the party is entitled to do under this agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

16.13 GST

- (a) Words and expressions which are not defined in this agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this agreement are exclusive of GST.
- (c) If GST is imposed on any supply made under or in accordance with this agreement, the Developer must pay the GST or pay to the Council an amount

equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

- (d) If the Council is obliged to pay any GST on any supply made under or in accordance with this agreement, the Developer indemnifies the Council for the amount of any such payment is required to make.

16.14 Governing law and jurisdiction

- (a) The Laws applicable in New South Wales govern this agreement.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

17 Termination of agreement

17.1 Termination

- (a) The parties agree that if the Instrument Change is not gazetted on the NSW Legislation website within 24 months of this agreement, this Agreement ceases to have effect and is deemed to have been terminated.
- (b) The parties agree that if the Instrument Change is not gazetted on the NSW Legislation website within 24 months of this agreement the Council is to sign all documents necessary to remove the registration of this agreement from the title of the Land.

Schedule 1 Summary of requirements (section 7.4)

Subject and subsection of the Act	Planning Agreement
<p>Planning instrument and/or Development Application – Section 7.4(1)</p> <p>The Developer has:</p> <p>(a) Sought a change to an environmental planning instrument</p> <p>(b) Made, or proposes to make a Development Application</p> <p>(c) Entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Description of the land to which the planning Agreement applies – Section 7.4(3)(a)</p>	<ul style="list-style-type: none"> • Lot 13 DP 1239 known as 85 Thomas Street Parramatta; • Lot 142 DP 537053 known as 87 Thomas Street Parramatta; • Lot 15 DP 1239 known as 89 Thomas Street Parramatta; and • Lot 16 DP 1239 known as 91 Thomas Street, Parramatta.
<p>Description of the application – Section 7.4(3)(b)</p>	<p>Amendment [PP_2020_COPAR_005_00] to the <i>Parramatta Local Environmental Plan 2011</i> as follows:</p> <p>(a) extension of the RE1 – Public Recreation zone to the location identified in the plan provided at Annexure C to this agreement, with associated reduction in the area of the Land that is to remain zoned R4 High Density Residential;</p> <p>(b) increasing the maximum Building Height control from 11 metres to 22 metres across the R4 zoned part of the Land and removing the Building Height control from the portion of the Land to be rezoned RE1 – Public Recreation;</p>

	<p>(c) increasing the maximum Floor Space Ratio control from 0.8:1 to 1.3:1 across the R4 zoned part of the Land, and removing the Floor Space Ratio control from the portion of the site to be rezoned RE1 – Public Recreation; and</p> <p>(d) removing the parcel of the Land known as 85 Thomas Street from the Land Reservation Acquisition Map.</p>
The scope, timing and manner of delivery of contribution required by the Planning Agreement – Section 7.4(3)(c)	Dedication is required to be completed prior to the issue of any Construction Certificate for the Development or any part of the Development.
Applicability of section 7.11 of the Act – Section 7.4(3)(d)	This agreement does not exclude the application of section 7.11 of the Act to the Development.
Applicability of section 7.12 of the Act – Section 7.4(3)(d)	This agreement does not exclude the application of section 7.12 of the Act to the Development.
Applicability of section 7.24 of the Act – Section 7.4(3)(d)	This agreement does not exclude the application of section 7.24 of the Act to the Development.
Application of s. 7.11 of the Act to future development	The dedication or transfer of the Dedication Land under this agreement is to be taken into consideration in determining a development contribution under section 7.11 in relation to a Development Consent which has been granted on the Land in reliance upon the Instrument Change.
Mechanism for dispute resolution – Section 7.4(3)(f)	Refer to clause 10.
Enforcement of the Planning Agreement – Section 7.4(3)(g)	Refer to clause 11.
Registration of the Planning Agreement – Section 7.6	Refer to clause 8.
No obligation to grant consent or exercise functions – Section 7.4(9)	Refer to clause 14.

Executed as an agreement

Signed on behalf of **City of Parramatta Council** (ABN 49 907 174 773) by its authorised delegate pursuant to section 377 of the *Local Government Act 1993* in the presence of:

Signature of witness

Signature of authorised delegate

Name of witness

Name of authorised delegate

Address of witness

Position of authorised delegate

Signed on behalf of **Century 888 Pty Ltd** (ACN 601 102 390) in accordance with s127(1) of the Corporations Act 2001 (Cth):

Signature of witness

Signature of Director

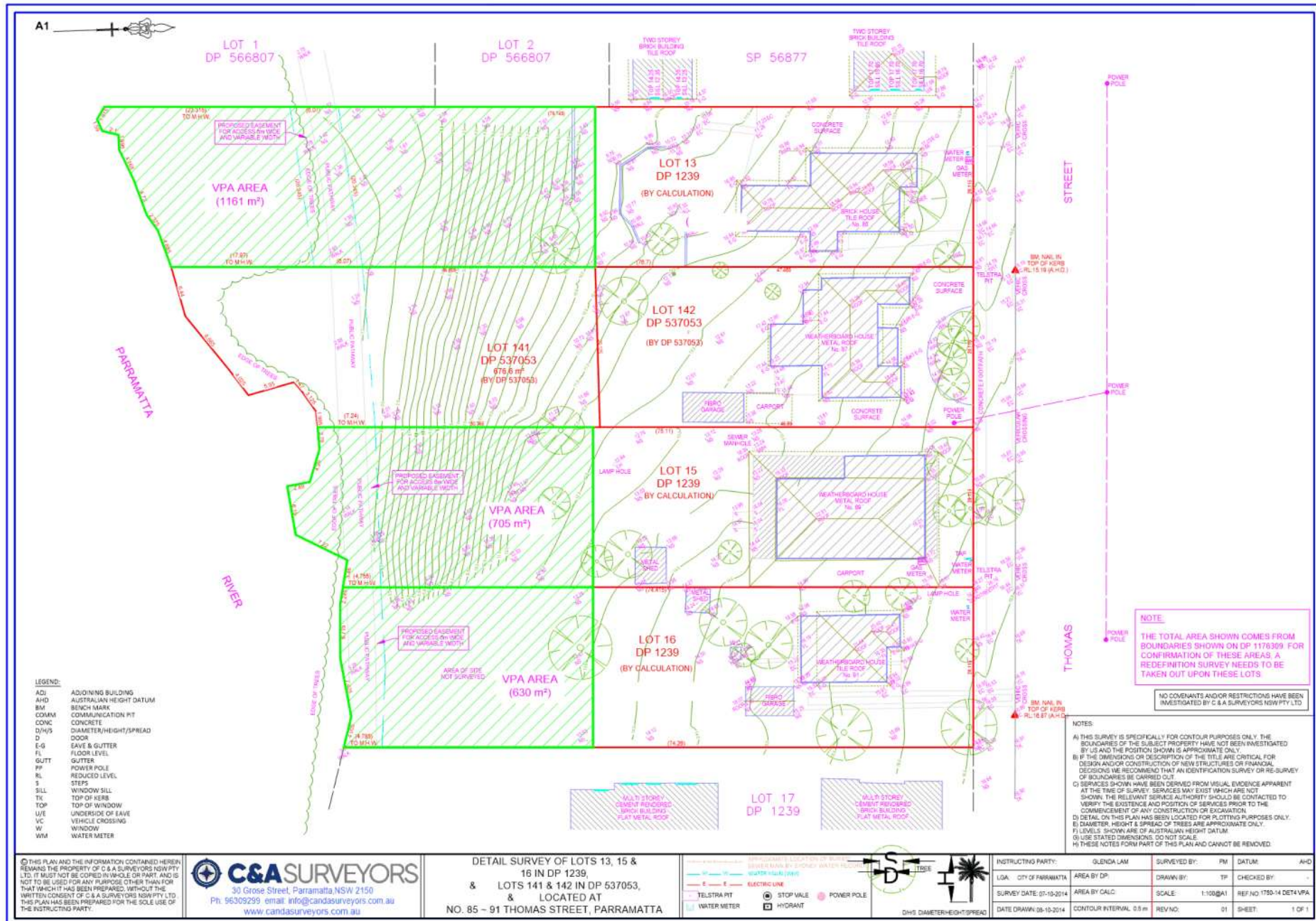
Name of witness

Signature of Director/Secretary

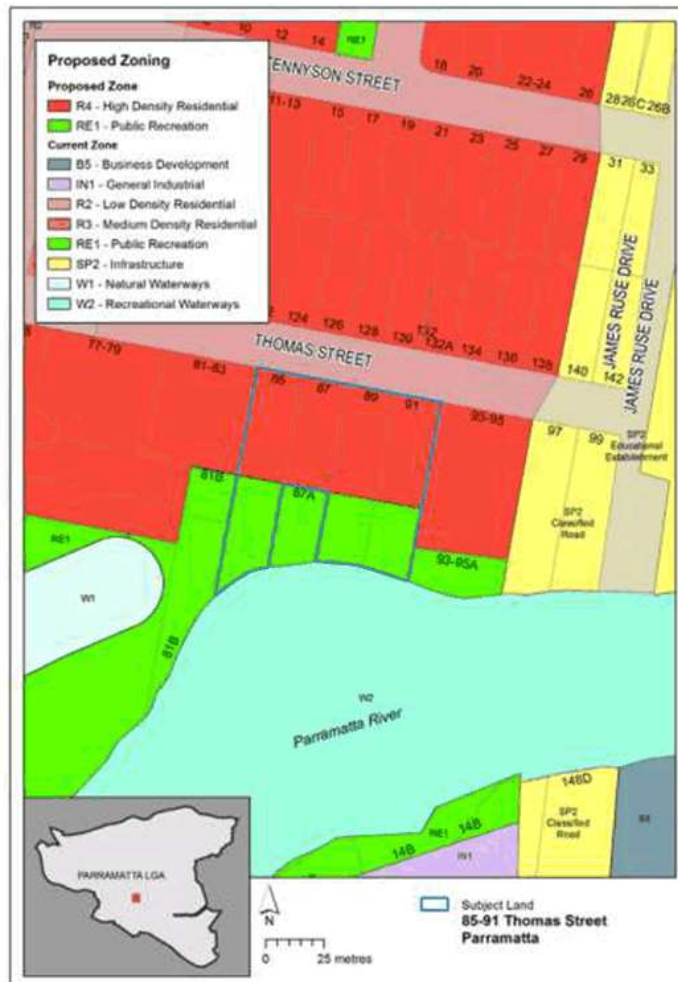
Address of witness

Annexure A Plan showing Land

Annexure B Plan showing Dedication Land

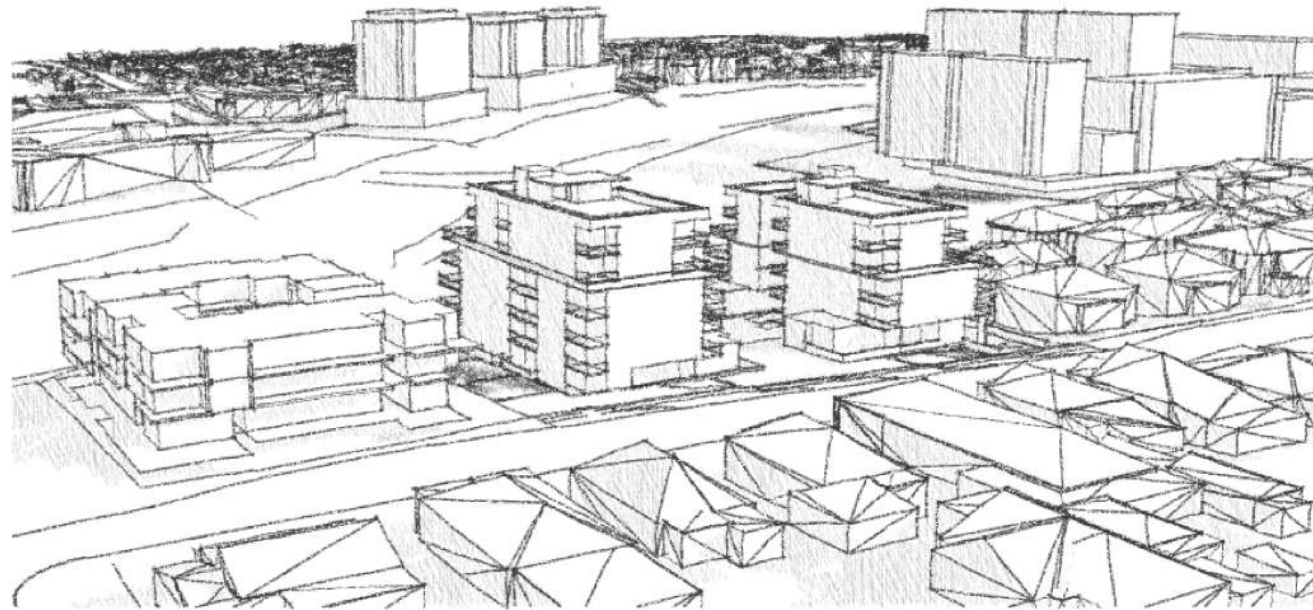


Annexure C Plan showing extent of relocated RE-1 Boundary
under Instrument Change



DRAWING LIST

00	COVER SHEET
01	PROJECT INFORMATION
02	SITE CONTEXT PLAN
03	SITE LOCATION PLAN
04	EXISTING SITE ANALYSIS PLAN
05	PROPOSED SITE PLAN
06	MASSING ANALYSIS
07	BASEMENT 2 FLOOR PLAN
08	BASEMENT 1 FLOOR PLAN
09	GROUND FLOOR PLAN
10	LEVEL 1 TO 2 FLOOR PLAN
11	LEVEL 3 FLOOR PLAN
12	LEVEL 4 FLOOR PLAN
13	LEVEL 5 FLOOR PLAN
14	LEVEL 6 ROOFTOP PLAN
15	SECTION B
16	SECTION C
17	SECTION D
18	SECTION E
19	STREET ELEVATIONS
20	SOLAR ACCESS STUDY
21	SOLAR ACCESS STUDY
22	SOLAR & SHADOW IMPACT DIAGRAMS - PAR...
23	SOLAR & SHADOW IMPACT DIAGRAMS - PAR...
24	GFA + FSR SCHEDULE
25	ADG COMPLIANCE SCHEDULE
26	ADG COMPLIANCE SCHEDULE



PROPOSED RESIDENTIAL DEVELOPMENT

PLANNING PROPOSAL
85-91 THOMAS STREET, PARRAMATTA

FEBRUARY 2020

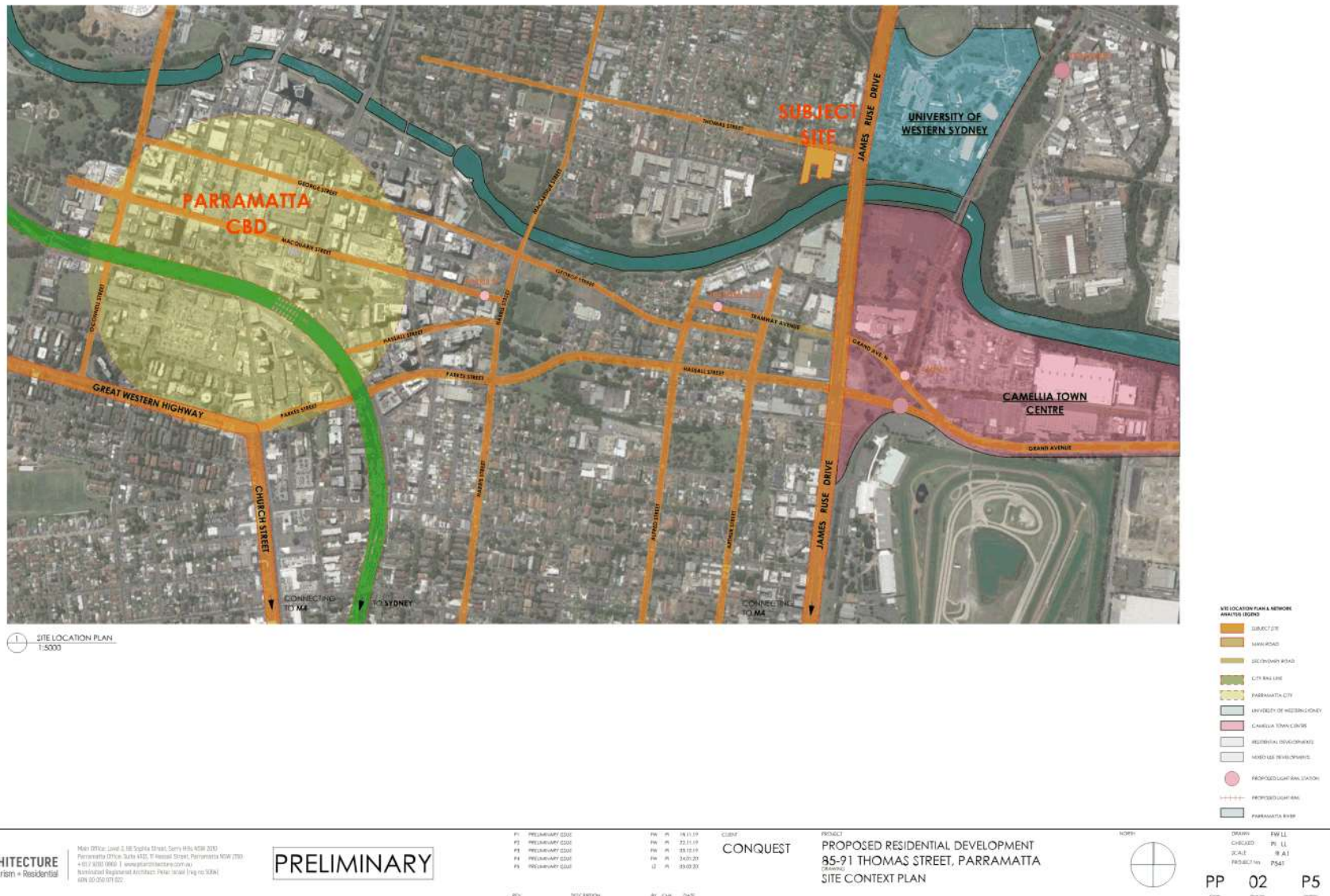


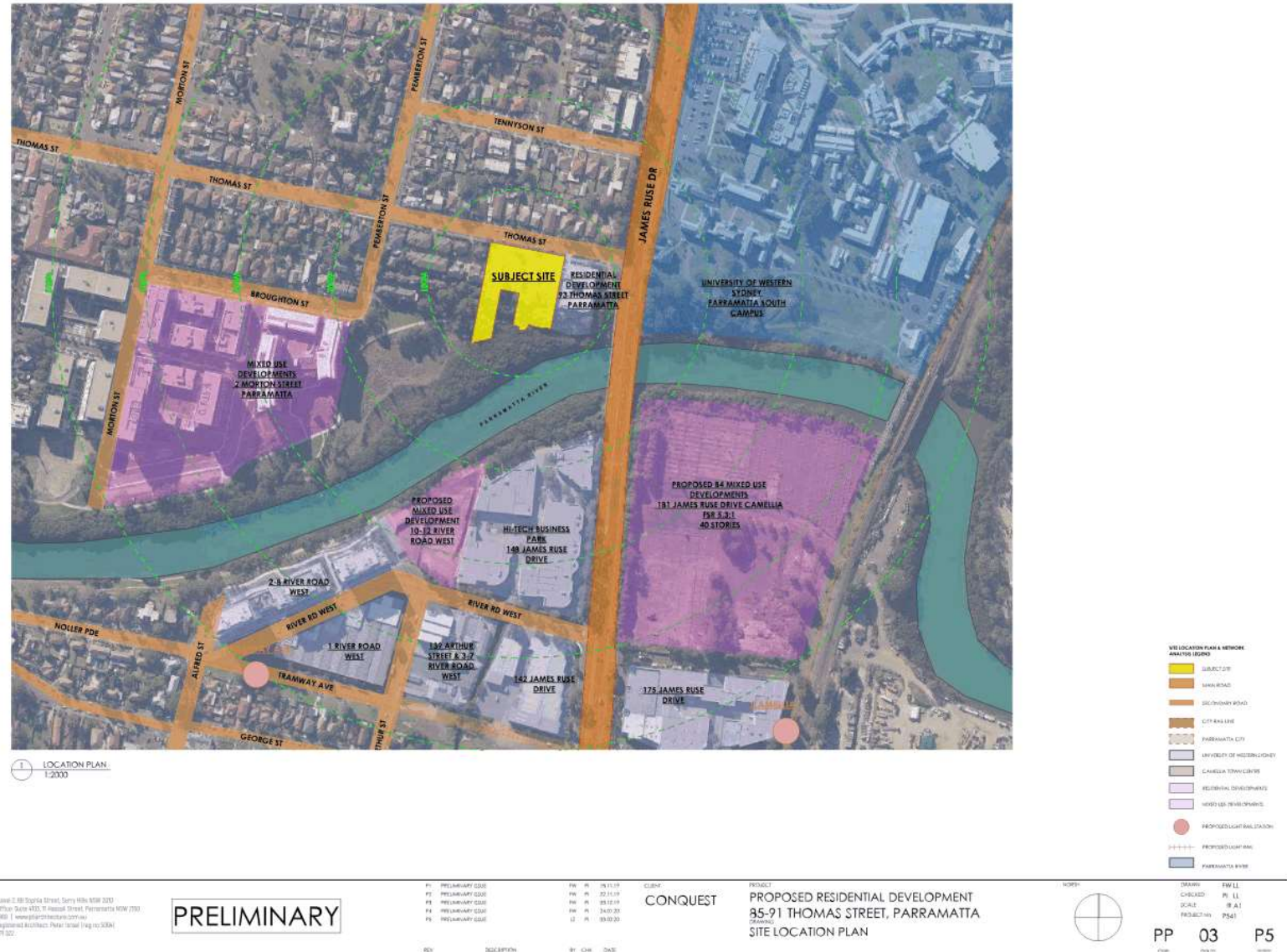
Main Office: Level 2, 88-90 Thomas Street, Sydney NSW 2000
Parramatta Office: Suite 402, 85-91 Thomas Street, Parramatta NSW 2150
+61 2 9550 5888 | www.ptiarchitecture.com.au
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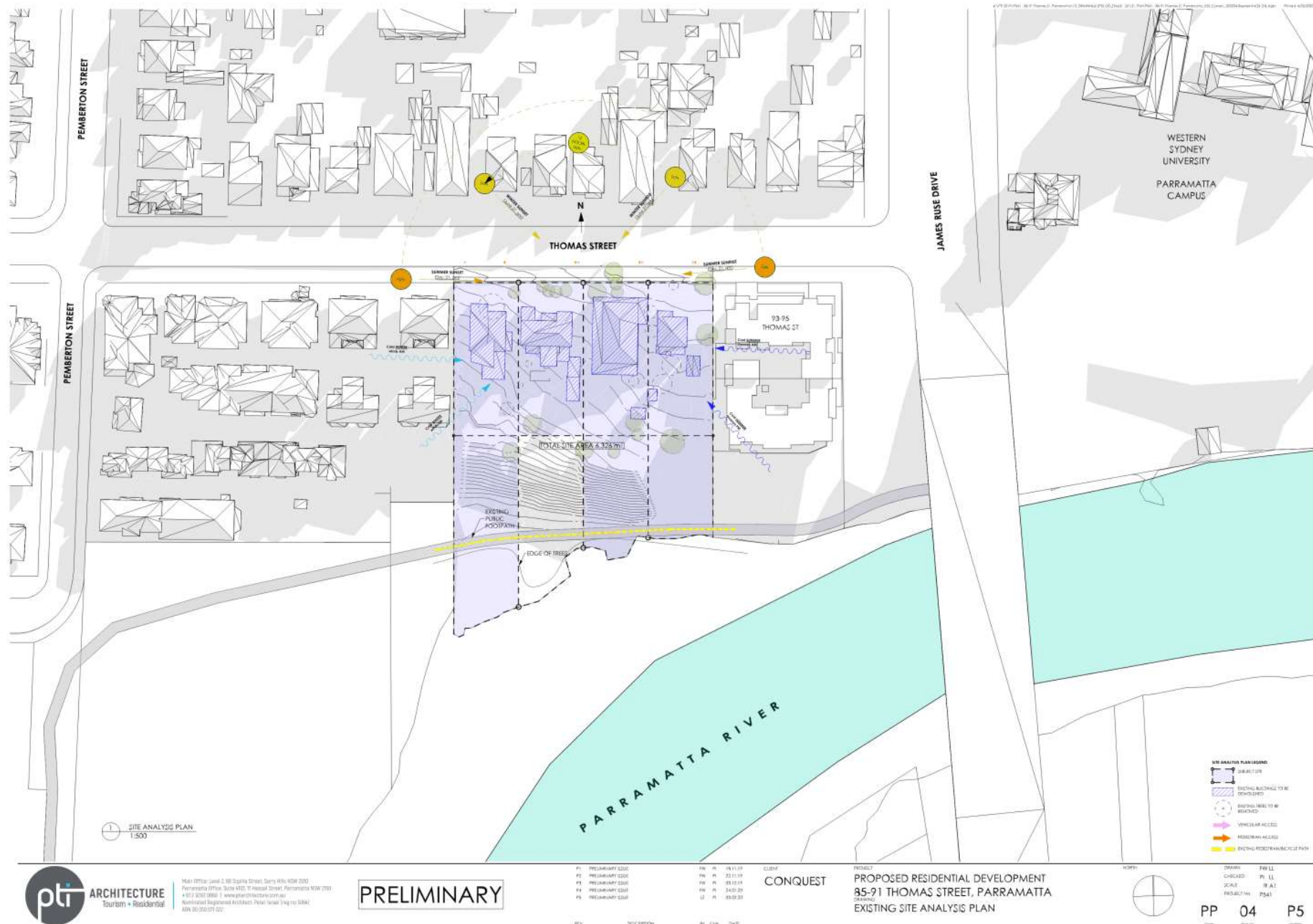
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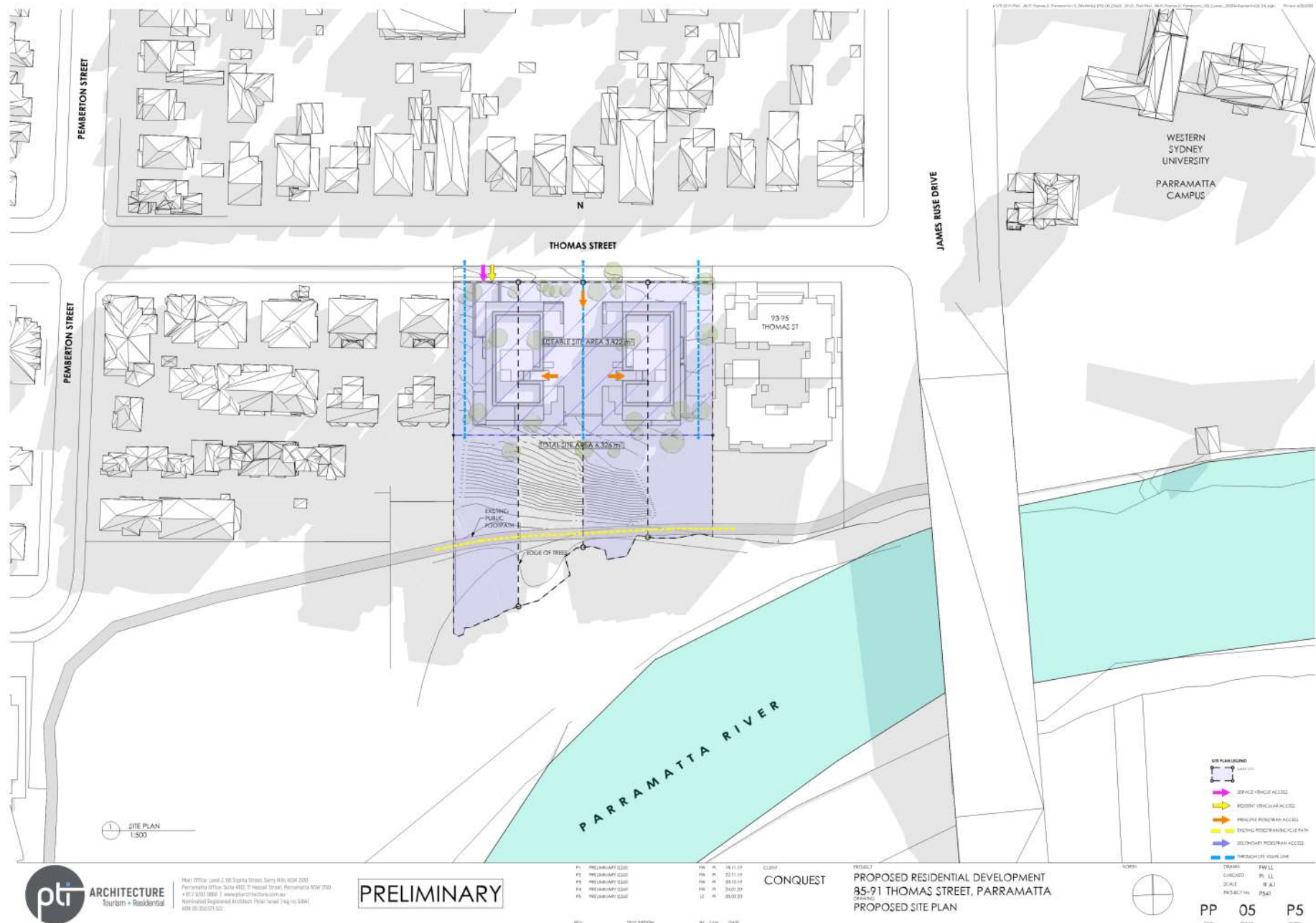
PREPARED FOR
CONQUEST

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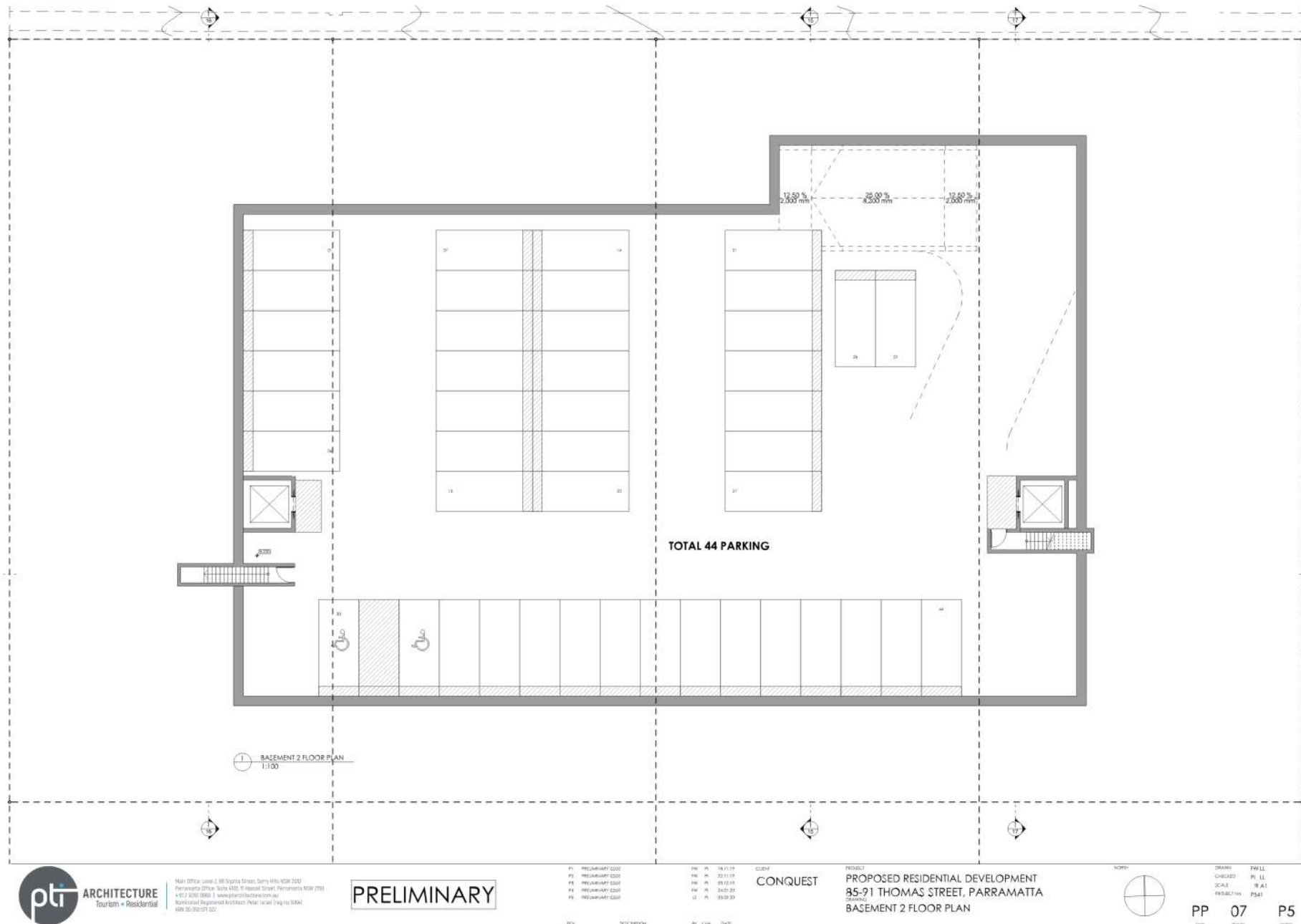


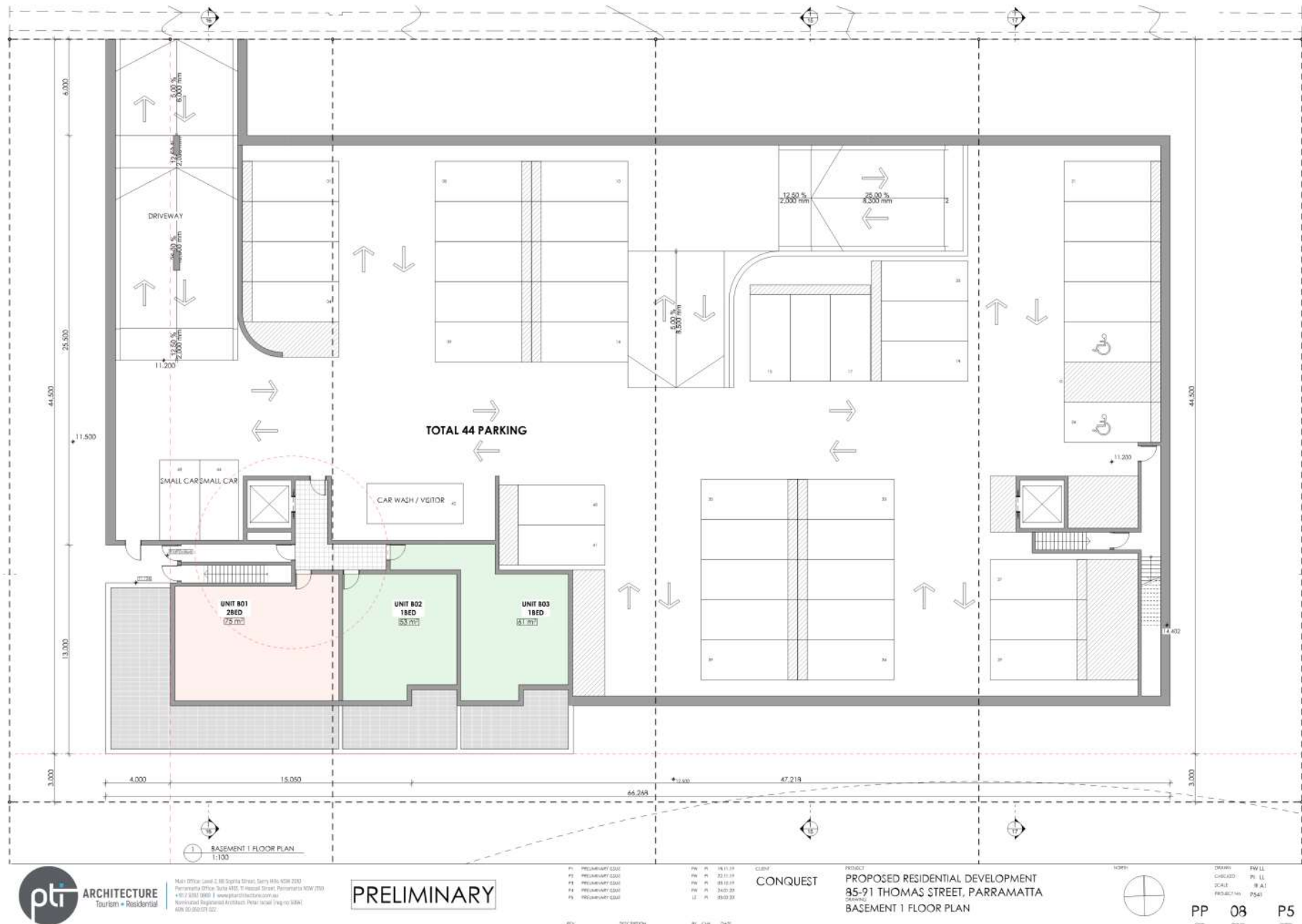




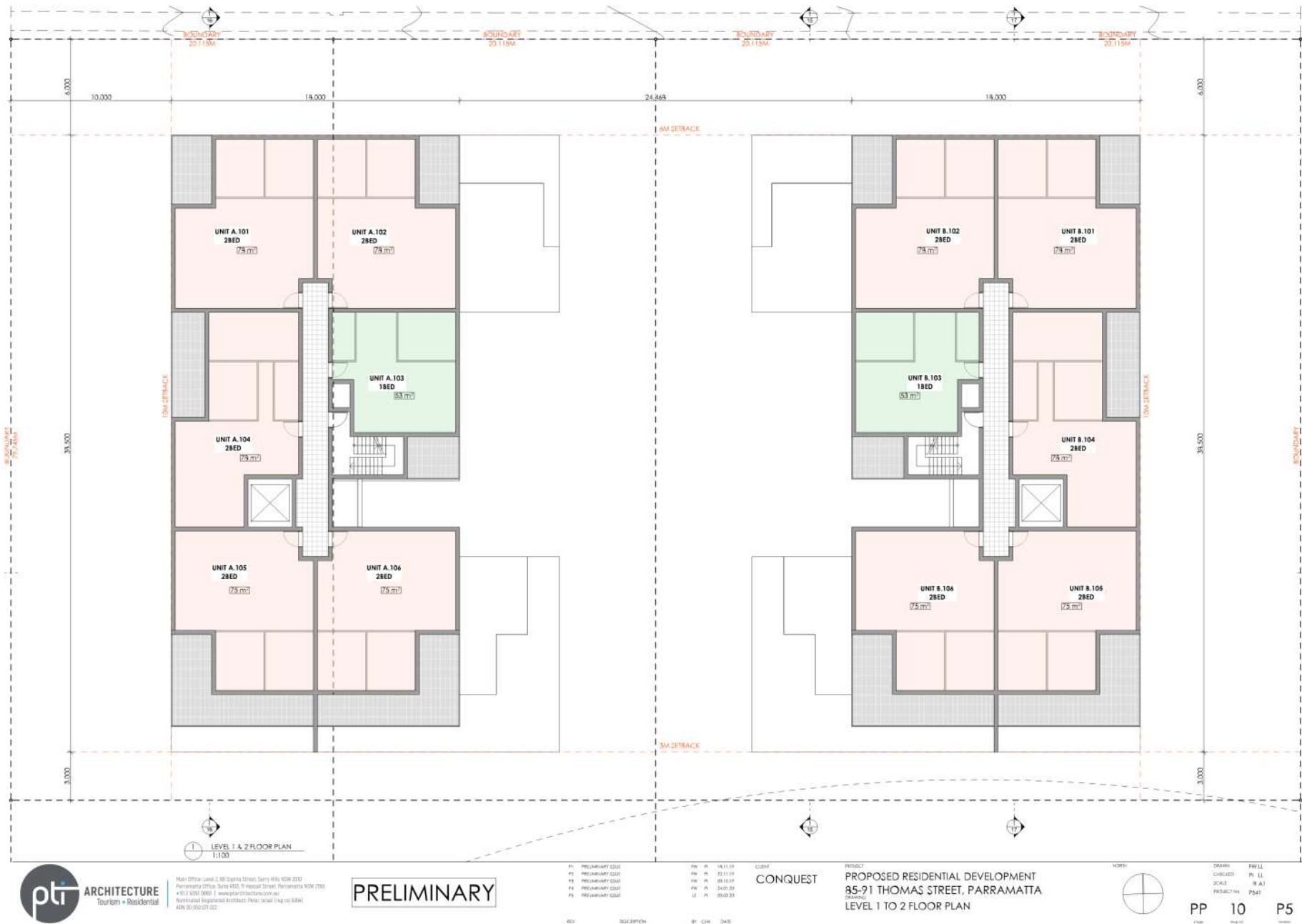




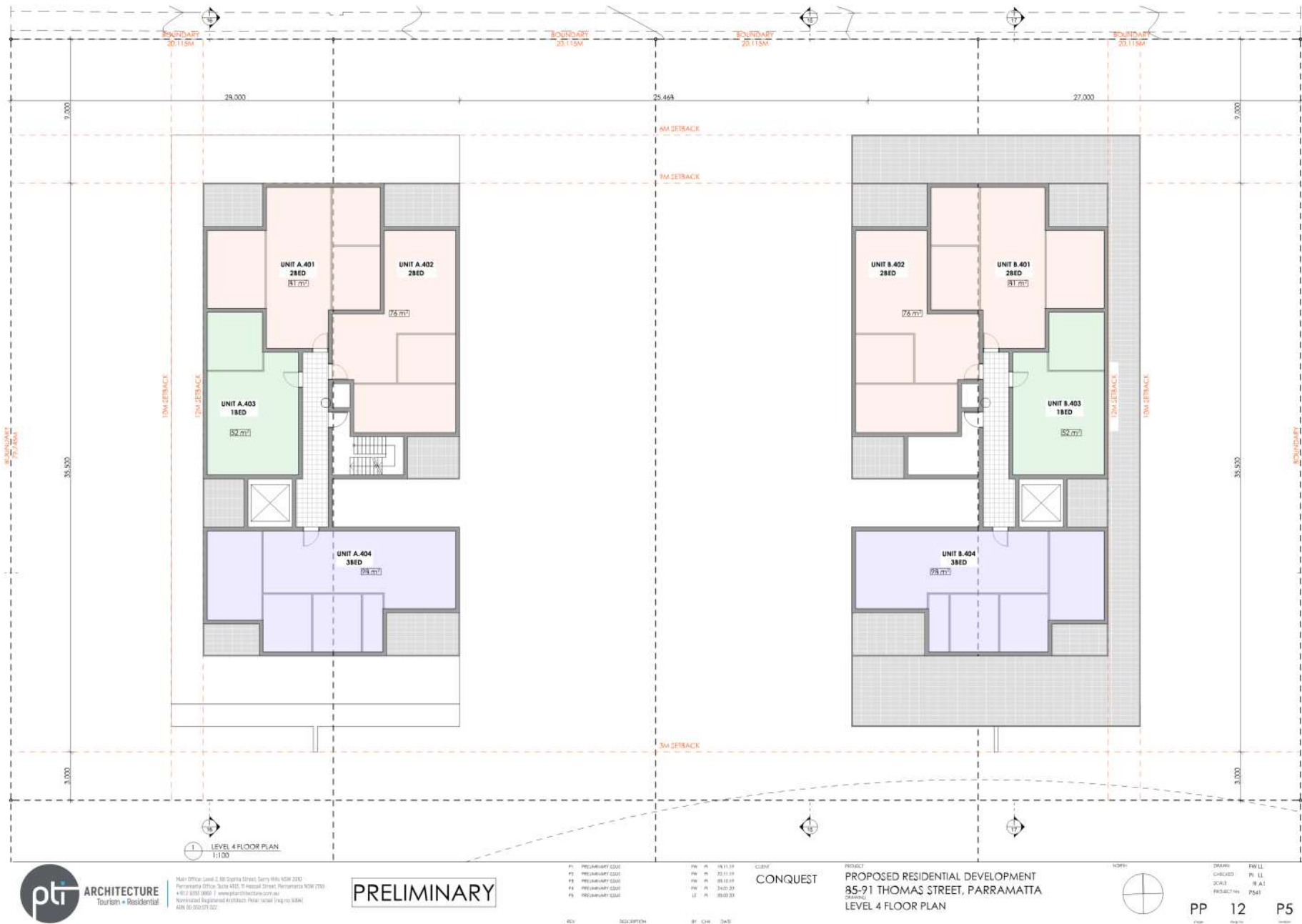




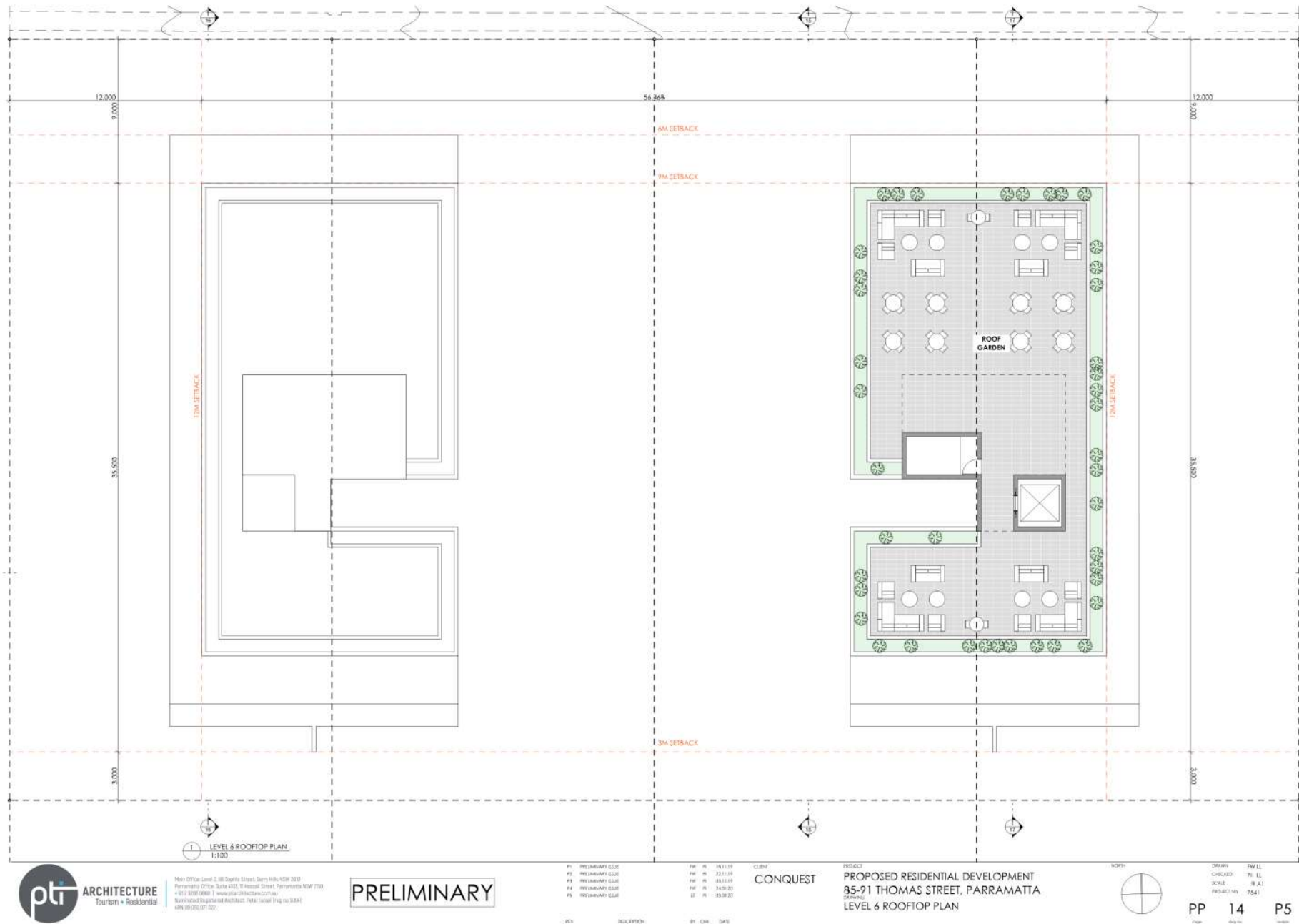




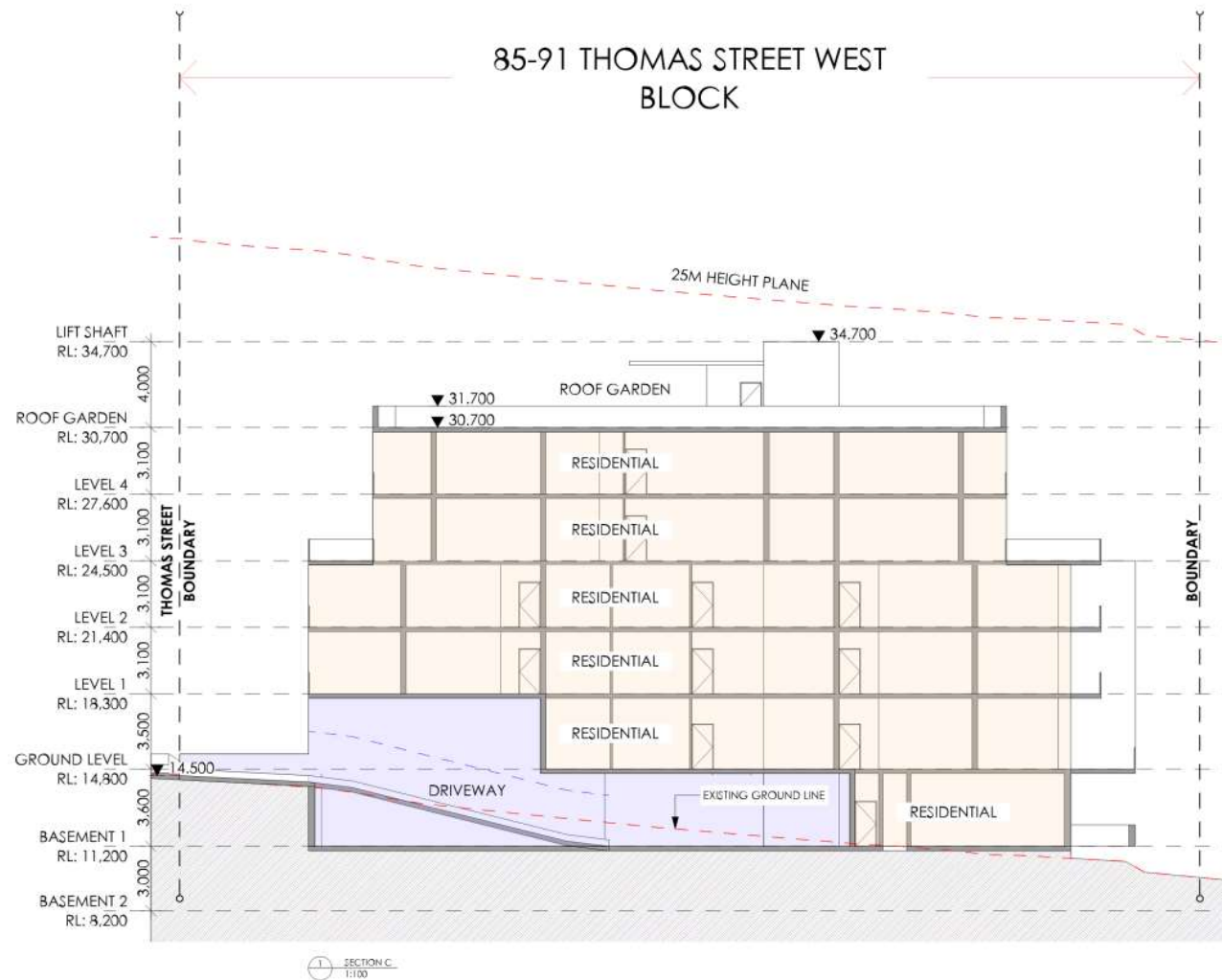


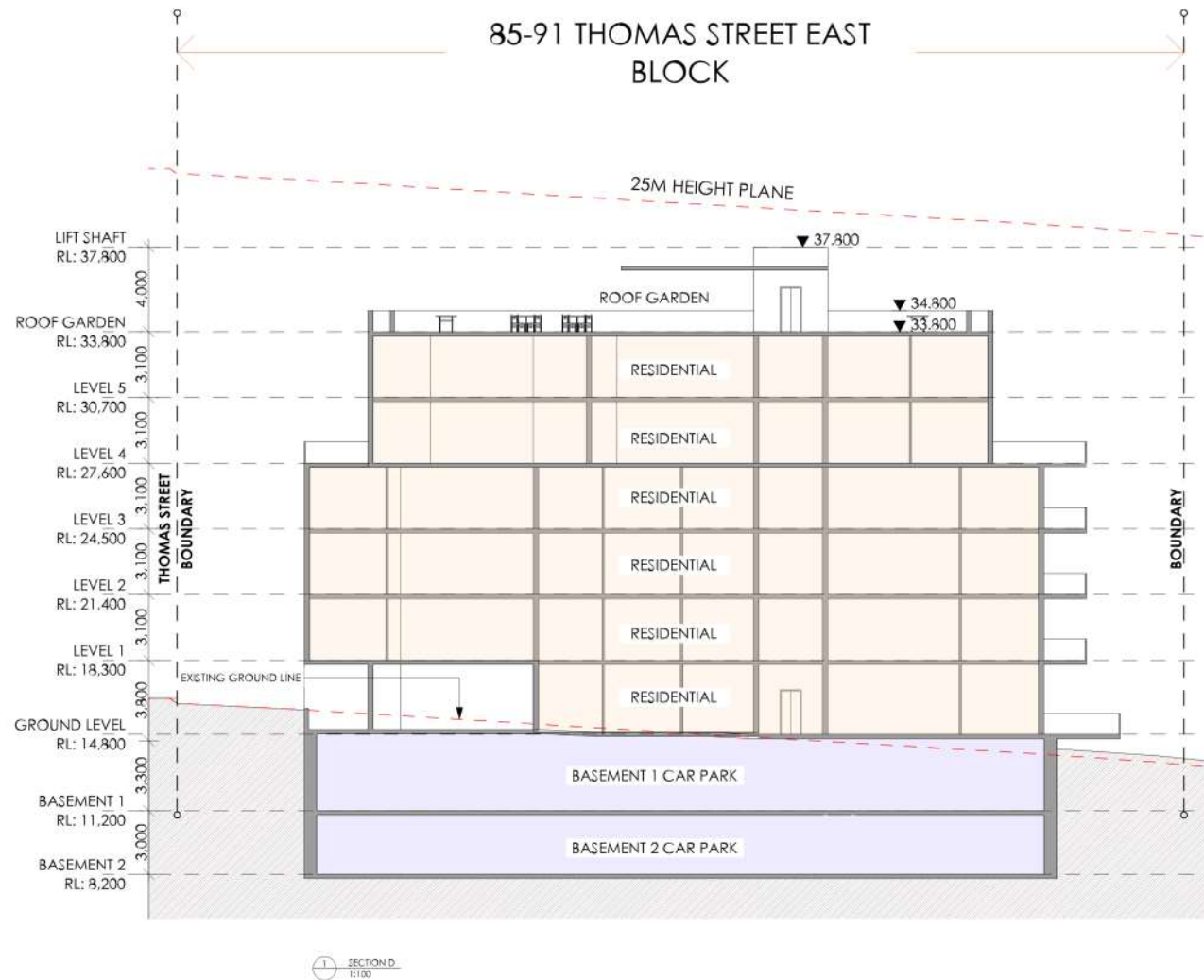












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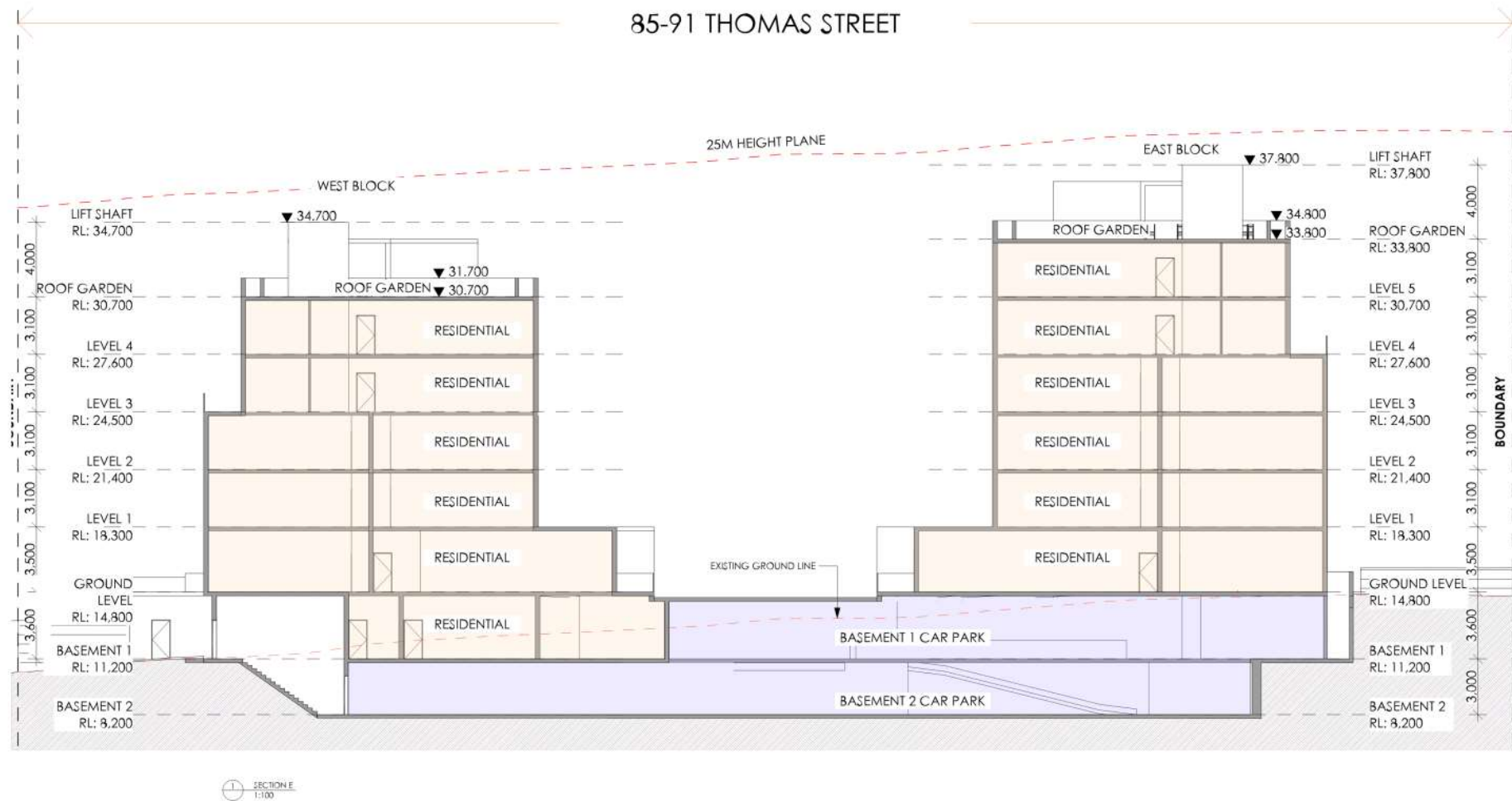
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PS	PRELIMINARY EDD	FW	PS	14.01.20	
PS	PRELIMINARY EDD	LT	PS	28.02.20	

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CONQUEST

PROPOSED RESIDENTIAL DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
SECTION D

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Page	Page No	Section



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PRELIMINARY

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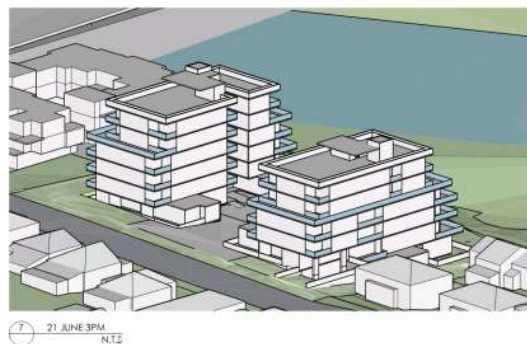
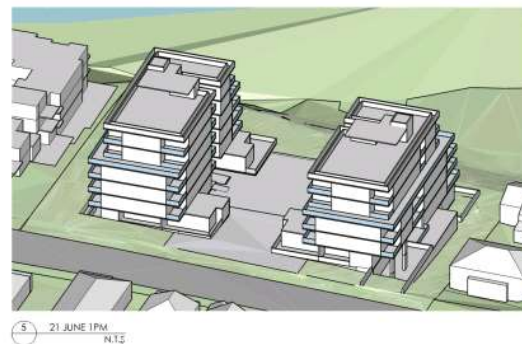
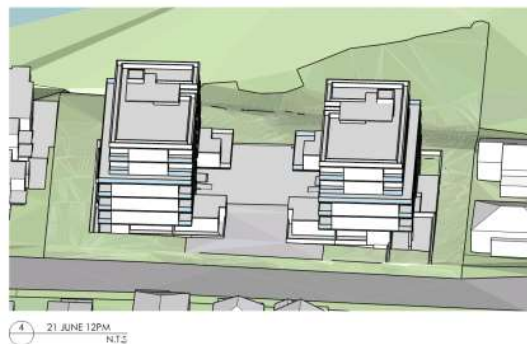
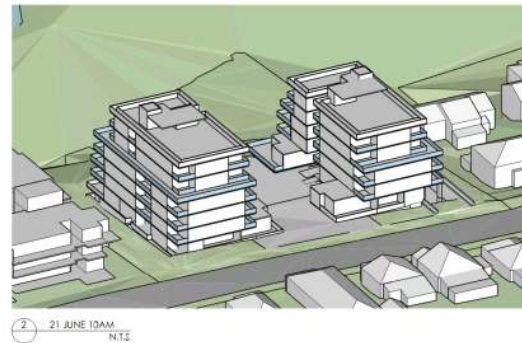
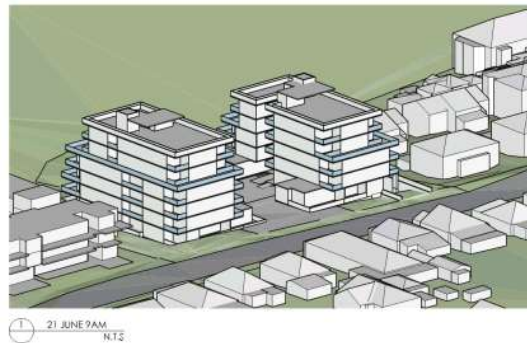
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CONQUEST

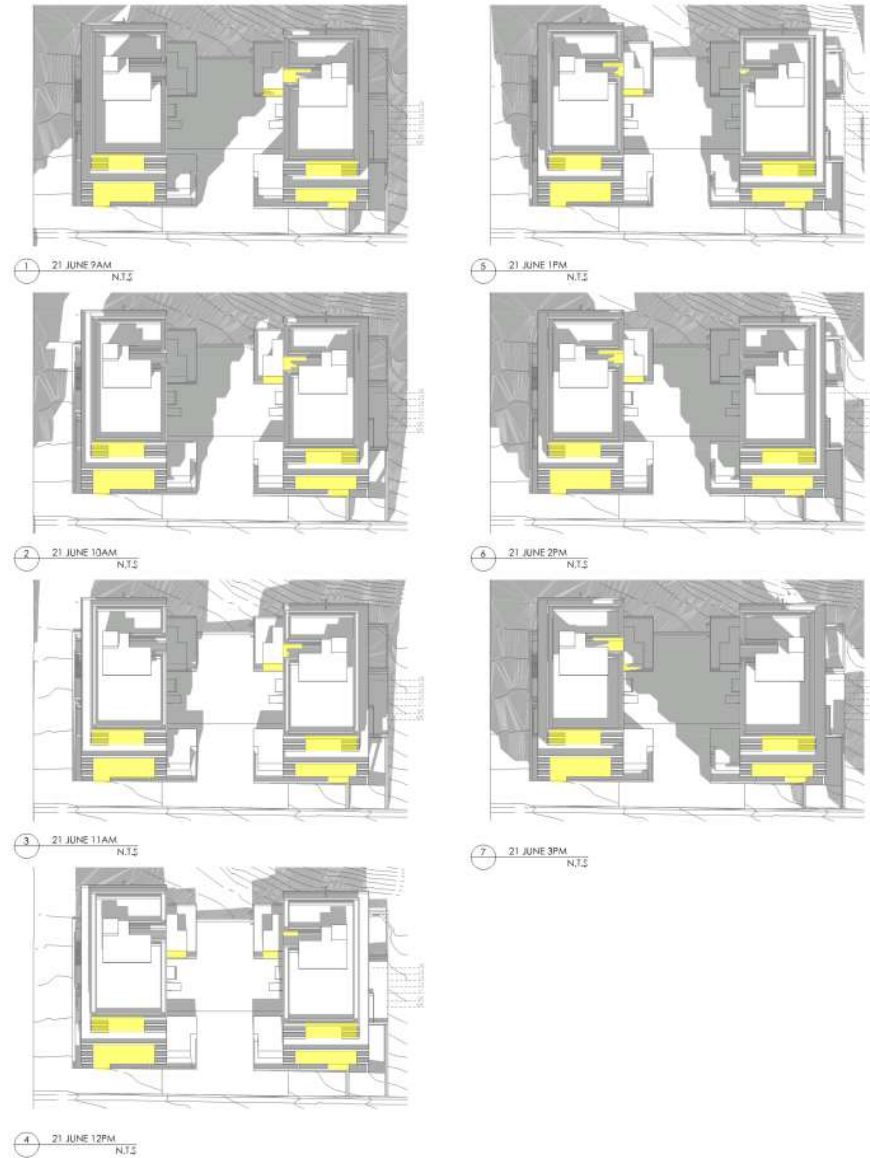
PROPOSED RESIDENTIAL DEVELOPMENT
 85-91 THOMAS STREET, PARRAMATTA
 SECTION E

PP 18 P5
 PP 18 P5
 PP 18 P5





57 OF 59 UNITS (96.6%) RECEIVE AT LEAST 2 HOURS OF SUNLIGHT BETWEEN 9AM TO 3PM ON JUNE 21



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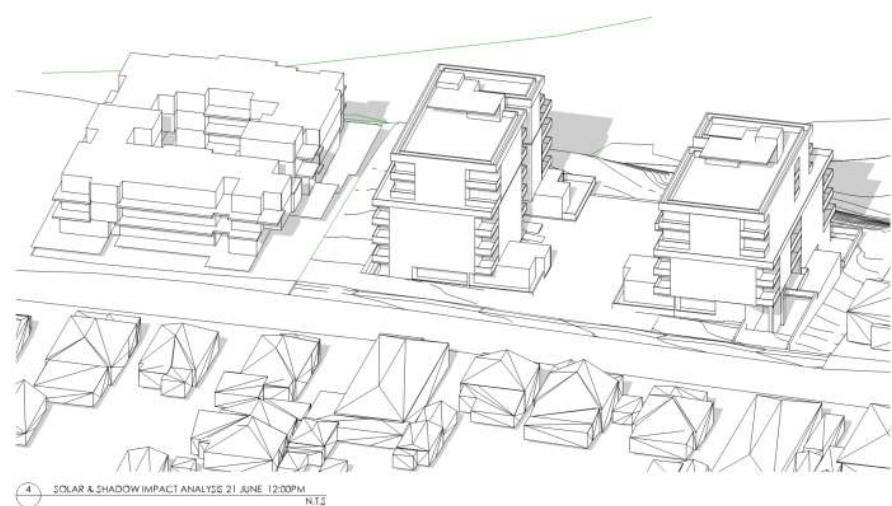
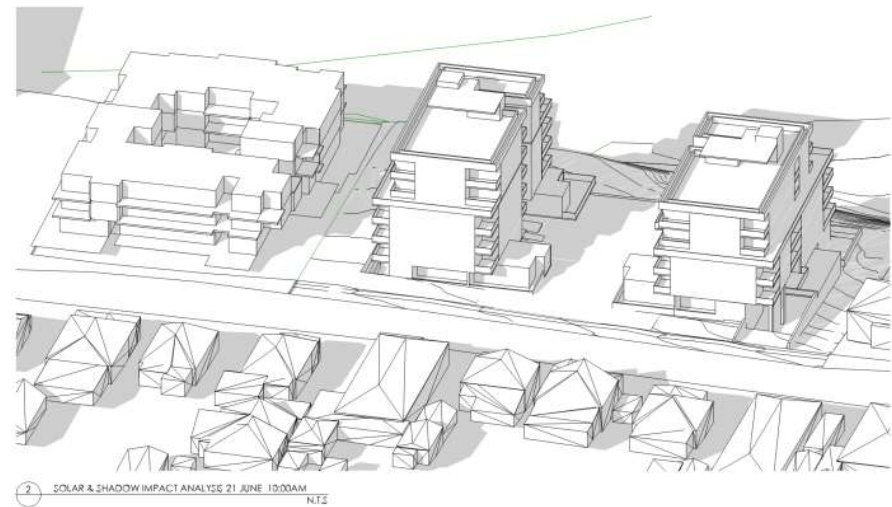
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 P5 PRELIMINARY EDD

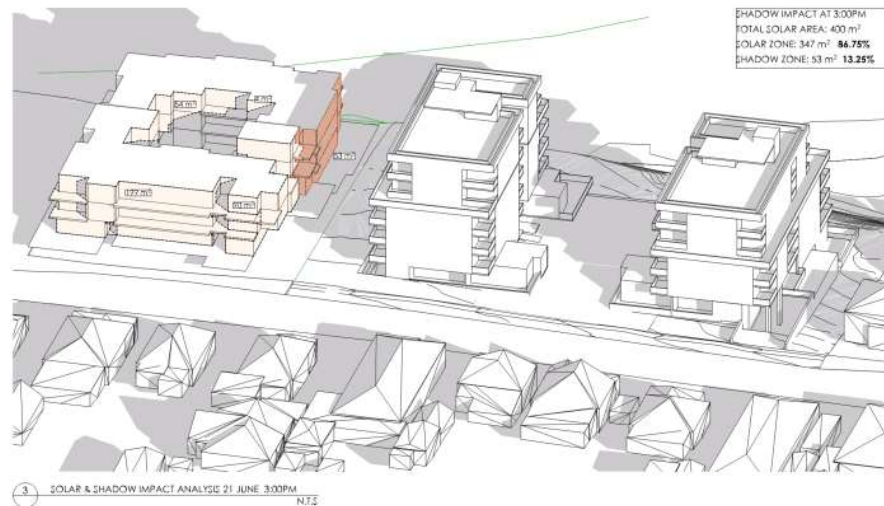
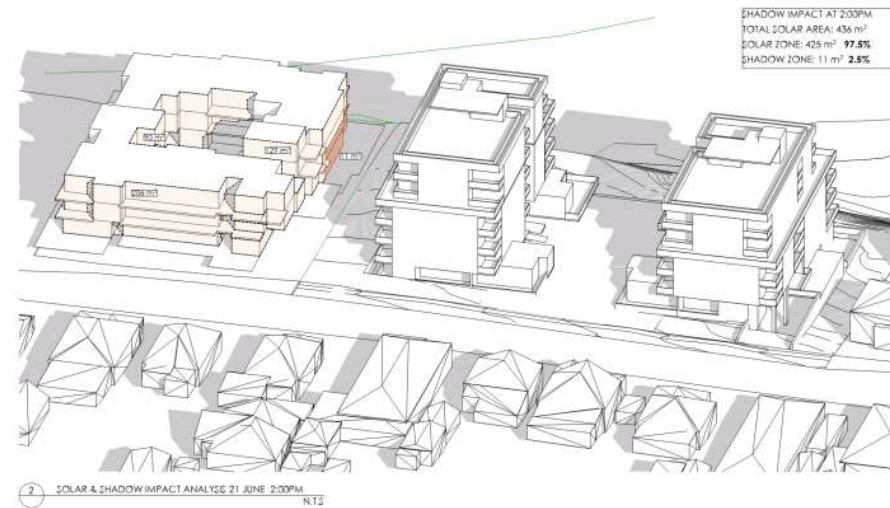
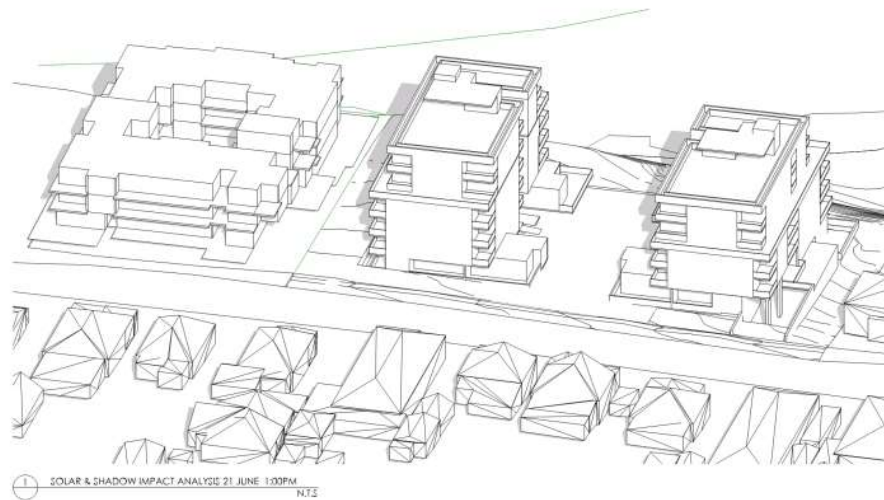
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 LJ JN 25.03.20

CONQUEST

PROJECT
 PROPOSED RESIDENTIAL DEVELOPMENT
 85-91 THOMAS STREET, PARRAMATTA
 SOLAR ACCESS STUDY

PP 21 P5
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LEGEND



NOTE:

THIS IS A STUDY OF THE SOLAR IMPACT OF THE PROPOSED DEVELOPMENT ONTO THE EASTERN NEIGHBORING BUILDING. USING A SIMPLE PERCENTAGE FIGURE OF EXISTING SOLAR ACCESS COVERAGE TO THE PROPOSED OVERSHADOWING COVERAGE PER HOUR, THE OVERALL MEAN SHADOW IMPACT IS LESS THAN 20%.



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PS PRELIMINARY ESSAY
PW PRELIMINARY ESSAY
PS PRELIMINARY ESSAY
PS PRELIMINARY ESSAY
PS PRELIMINARY ESSAY

REV DESCRIPTION

PW PS 18.11.19
PW PS 22.11.19
PW PS 28.11.19
PW PS 14.01.20
LT PS 28.02.20

BY DATE

CONQUEST

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT
85-91 THOMAS STREET, PARRAMATTA
SOLAR & SHADOW IMPACT DIAGRAMS
- PART 2

DRWING PW LL
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SCALE 1/8 A1
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PROJECT NO.: P541

PROJECT NO.: P541

ADDRESS: 85-91 Thomas St, Parramatta

REVISION/ DATE:

GFA CALCULATION (sqm)

USE	BUILDING A	BUILDING B	TOTAL
RESIDENTIAL	213	-	213
RESIDENTIAL	505	530	1,035
RESIDENTIAL	482	482	964
RESIDENTIAL	482	482	964
RESIDENTIAL	334	482	816
RESIDENTIAL	334	334	668
RESIDENTIAL	-	334	334

GFA (sqm)	2,350	2,644	4,994
USE MIX	47%	53%	100%

DESCRIPTION	
SITE AREA (sqm)	6.32
MAXIMUM RESIDENTIAL FSR	0.8:1
MAXIMUM COMMERCIAL FSR	N/A
PROPOSED RESIDENTIAL FSR	0.8 : 1
PROPOSED COMMERCIAL FSR	N/A
TOTAL FSR	0.8 :

LEVEL	RESIDENTIAL	VISITORS	CAR SPACE
B1	45	0	45
B2	16	0	16
TOTAL	61	0	61

PRELIMINARY

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UNIT SCHEDULE (qty)

UNIT NO.	STUDIO	1 BED, 1 BATH	2 BED, 1 BATH	2 BED, 2 BATH	3 BED, 1 BATH	3 BED, 2 BATH	3 BED, 3 BATH	TOTAL
----------	--------	------------------	------------------	------------------	------------------	------------------	------------------	-------

B01				1				
B02		1						
B03		1						

A.G01				1				
A.G02						1		
A.G03				1				
A.G04				1				
A.G05						1		
B.G01						1		
B.G02						1		
B.G03				1				
B.G04				1				
B.G05						1		

A.101				1				
A.102				1				
A.103		1						
A.104				1				
A.105				1				
A.106				1				
B.101				1				
B.102				1				
B.103		1						
B.104				1				
B.105				1				
B.106				1				

A.201				1				
A.202				1				
A.203		1						
A.204				1				
A.205				1				
A.206				1				
B.201				1				
B.202				1				
B.203		1						
B.204				1				
B.205				1				
B.206				1				

AREA SCHEDULE (m2)

ADAPTABLE	CAR SPACE
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UNIT	PRIVATE OPEN SPACE	TOTAL	MIN. UNIT	MIN. PRIVATE OPEN SPACE
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75	56	131	75	15
53	17	70	50	15
61	16	77	50	15

77	18	95	75	15
96	32	128	95	15
78	20	98	75	15
75	41	116	75	15
97	78	175	95	15
98	32	130	95	15
100	36	136	95	15
78	20	98	75	15
75	41	116	75	15
97	78	175	95	15

78	11	89	75	10
78	11	89	75	10
53	9	62	50	8
78	14	92	75	10
75	27	102	75	10
75	27	102	75	10
78	11	89	75	10
78	11	89	75	10
53	9	62	50	8
78	14	92	75	10
75	27	102	75	10
75	27	102	75	10

78	11	89	75	10
78	11	89	75	10
53	9	62	50	8
78	14	92	75	10
75	27	102	75	10
75	27	102	75	10
78	11	89	75	10
78	11	89	75	10
53	9	62	50	8
78	14	92	75	10
75	27	102	75	10
75	27	102	75	10

STORAGE SCHEDULE (m3)

WITHIN UNIT	OUTSIDE OF UNIT	TOTAL	MIN REQ	% OF MIN REQUIRED WITHIN UNIT
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4	4	8	8	50%
3	3	6	6	50%
3	3	6	6	50%

4	4	8	8	50%
5	5	10	10	50%
4	4	8	8	50%
4	4	8	8	50%
5	5	10	10	50%
5	5	10	10	50%
5	5	10	10	50%
4	4	8	8	50%
4	4	8	8	50%
5	5	10	10	50%

4	4	8	8	50%
4	4	8	8	50%
3	3	6	6	50%
4	4	8	8	50%
4	4	8	8	50%
4	4	8	8	50%
4	4	8	8	50%
3	3	6	6	50%
4	4	8	8	50%
4	4	8	8	50%
4	4	8	8	50%

4	4	8	8	50%
4	4	8	8	50%
3	3	6	6	50%
4	4	8	8	50%
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4	4	8	8	50%
3	3	6	6	50%
4	4	8	8	50%
4	4	8	8	50%
4	4	8	8	50%

SOLAR ACCESS SCHEDULE (qty)

LIVING SPACE	PRIVATE OPEN SPACE	NO DIRECT SUNLIGHT TO UNIT
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NATURAL CROSS
VENTILATION
SCHEDULE (qty)

NATURALLY CROSS VENTILATED

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A.301				1			
A.302				1			
A.303		1					
A.304						1	
B.301				1			
B.302				1			
B.303		1					
B.304				1			
B.305				1			
B.306				1			

A.401				1			
A.402				1			
A.403		1					
A.404						1	
B.401				1			
B.402				1			
B.403		1					
B.404						1	

B.501				1			
B.502				1			
B.503		1					
B.504						1	

UNITS	0	11	0	39	0	9	0	59
UNIT MIX	0.0%	18.6%	0.0%	66.1%	0.0%	15.3%	0.0%	100.0%

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0	59
0.0%	

81	10	91	75	10
76	22	98	75	10
52	8	60	50	8
98	19	117	95	12
78	11	89	75	10
78	11	89	75	10
53	9	62	50	8
78	14	92	75	10
75	14	89	75	10
75	14	89	75	10

81	10	91	75	10
76	22	98	75	10
52	8	60	50	8
98	19	117	85	12
81	10	91	75	10
76	22	98	75	10
52	8	60	50	8
98	19	117	95	12

81	10	91	75	10
76	22	98	75	10
52	8	60	50	8
98	19	117	95	12

4	4	8	8	50%
4	4	8	8	50%
3	3	6	6	50%
5	5	10	10	50%
4	4	8	8	50%
4	4	8	8	50%
3	3	6	6	50%
4	4	8	8	50%
4	4	8	8	50%
4	4	8	8	50%

5	5	10	8	63%
5	5	10	8	63%
3	3	6	6	50%
5	5	10	10	50%
5	5	10	8	63%
5	5	10	8	63%
3	3	6	6	50%
5	5	10	10	50%

4	4	8	8	50%
4	4	8	8	50%
3	3	6	6	50%
5	5	10	10	50%

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1	1		1

57	57	2	45
97%	97%	3%	76%

85 to 91 Thomas Street, Parramatta Rezoning

Traffic and Access Assessment Report

Prepared for: Conquest Group of Companies

October 2016

Report No: PT16051r01_Final

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1. Introduction

This report has been prepared on behalf of Think Planers Pty Limited on behalf of Century 888 Pty Ltd to present findings of a traffic and access assessment of the proposed rezoning of the site known as 85 to 91 Thomas Street, Parramatta to provide multi-unit residential housing.

The study has assessed existing traffic conditions, access arrangements, potential traffic impacts and includes a design assessment of the road network for compliance with relevant Council policies.

Further, the traffic assessment of this report has included all known developments either completed since 2009 or currently under construction in the vicinity of the proposed development site.

The remainder of the report is set out as follows:

- Section 2 provides a summary of planning / reporting to date on developments surrounding the site
- Chapter 3 describes the existing traffic conditions; and
- Section 4 summarises the proposed development
- Section 5 analyses potential traffic impacts of the proposal; and
- Section 6 presents findings of this assessment.



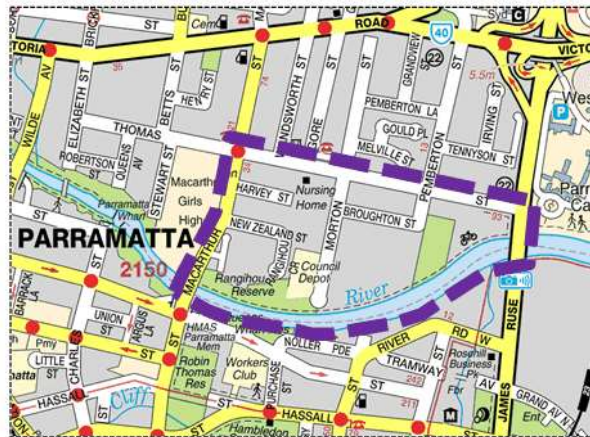
2. Background Report Review

The following presents a summary of the known planning and traffic reports undertaken in the vicinity of the development site.

2.1 Elizabeth Street Structure Plan

This report, prepared by HBO + EMTB Urban Planning and Design, analysed the potential yields and development structure which could be achieved for all lands bounded by Macarthur Street in the west, Thomas Street in the north, James Ruse Drive in the east and the Parramatta River in the south. This report presented the original planning / design framework for these lands including the site at 2 Morton Street. The land holdings reviewed are shown in [Figure 1](#).

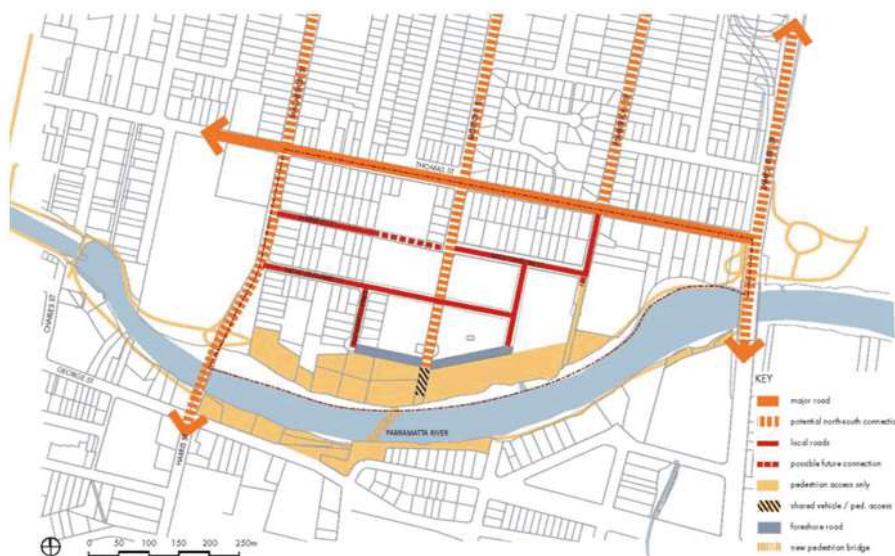
Figure 1 – Elizabeth St Structure Plan Study Area



The key elements of the structure plan in relation to traffic, transport and parking matters, were as follows:

- Extend New Zealand Street east to Morton Street and through the site at 2 Morton Street.
- Extend Harvey Street east to Morton Street / Broughton Street intersection.
- Extend Morton Street south to Parramatta River.
- Create a foreshore road from the southern end of Morton Street to the east to create development opportunities along the river's edge.
- Create loop road between Morton Street and Rancho Crescent.
- Create north to south and east to west street network within lands at 2 Morton Street
- Extend existing shared pedestrian / cyclepath between Macarthur Street and Morton Street east to James Ruse Drive
- Construct a pedestrian bridge over the Parramatta River connecting Morton Street to Noller Parade and Parramatta CBD.
- Encourage the provision of a bus route along Thomas Street to connect with existing surrounding bus services

A layout of the suggested ultimate access network for the precinct from this report is shown in [Figure 2](#).

Figure 2 – Elizabeth Street Structure Plan Ultimate Access Network

2.2 2 Morton Street, Parramatta – Rezoning Traffic Report 2009

Brown Consulting prepared a detailed traffic and transport assessment of the proposed rezoning of 2 Morton Street in November 2009. This assessment included an existing / future traffic generation review, intersection capacity analysis of the surrounding road network, review of access arrangements and recommendations for parking provision for the site at 2 Morton Street as a whole.

The following staging plan for the site, as shown in **Figure 3**, was adopted

¹ Elizabeth St Structure Plan Report – HBO + EMTB Urban Planning & Design September 2006

Figure 3 – 2009 Rezoning Application Adopted Staging Plan



The assessment included sensitivity of an overall FSR for development of the site ranging from 1.2:1 to 1.4:1 which yielded the following potential number of units by type assuming a development mix of 60% one bedroom units, 30% two bedroom units and 10% three bedroom units.

Table 1 - FSR = 1.2:1

Block	No. One Bedroom Units	No. Two Bedroom Units	No. Three Bedroom Units	Total No. Units
A	139	69	23	231
B	92	46	15	153
C	115	58	19	192
Total	344	173	57	576

Table 2 - FSR = 1.4:1

Block	No. One Bedroom Units	No. Two Bedroom Units	No. Three Bedroom Units	Total No. Units
A	164	82	28	274
B	98	50	16	164
C	142	72	23	237
Total	404	204	67	675

Thus the site had the potential to yield some 675 units adopting the proposed FSR of 1.4:1.

The following conclusions are noted from the original rezoning traffic report:

- *"The traffic generated by the development which could be achieved with the proposed FSR will not have a significant impact on the operation of surrounding streets."*

- *Subject to the implementation of the DCP road network the surrounding road network can accommodate the potential increase in traffic without the need to provide intersection or road upgrades.*
- *Future traffic flows on surrounding streets would be in line with their current classification.*
- *Key intersections surrounding the development site would continue to operate at a satisfactory level of service in the future.*
- *The installation of a pedestrian bridge in the future will enable resident's easy walking access to the Parramatta CBD which in turn will reduce the reliance on private vehicle usage.*
- *Management of access and driveways during staging of the development will be suitably managed in accordance with the staging plan as detailed in Section 4 of the report."*

The report found that the rezoning of the site to provide some 675 unit dwellings would not result in unsatisfactory traffic conditions on the surrounding road network.

As stated above the report included an assessment of traffic conditions in 2009. The two-way traffic flows on streets surrounding the development in 2009 are presented below:

Table 3 – Existing 2-way Peak Hour Traffic Volumes (vph)

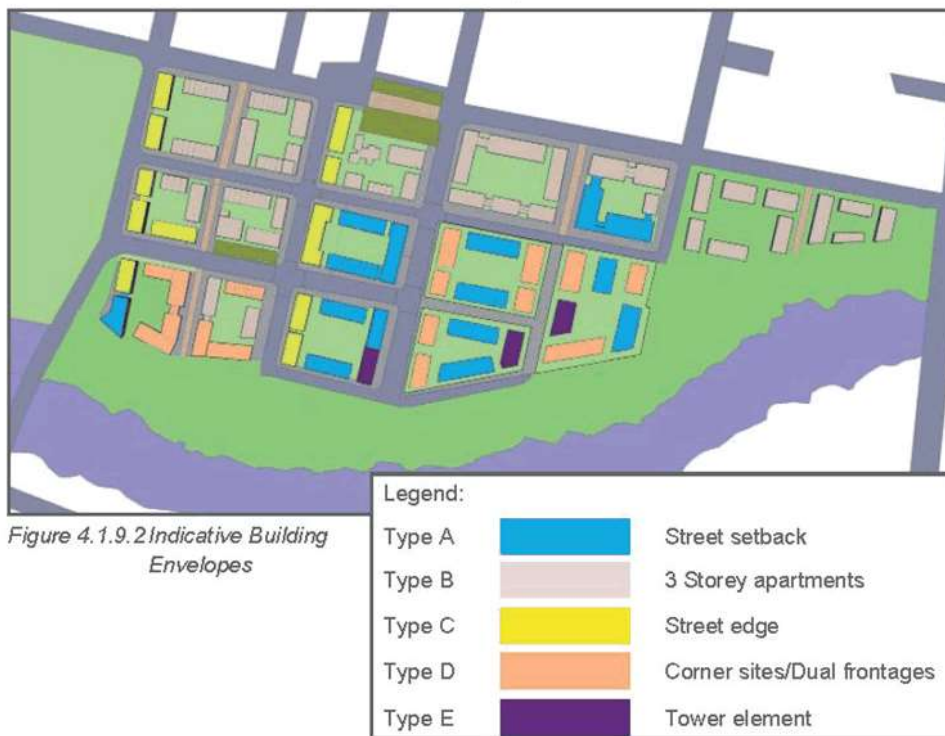
Location		Morning Peak	Evening Peak
Macarthur Street	North of Thomas Street	1,690	1,802
	South of Thomas Street	1,933	1,958
Thomas Street	West of Macarthur Street	328	322
	East of Macarthur Street	389	346
	West of Morton Street	307	268
	East of Morton Street	208	159
	West of Pemberton Street	192	159
	East of Pemberton Street	140	144
	West of James Ruse Drive	124	118
Morton Street	North of Thomas Street	82	90
	South of Thomas Street	119	99
Pemberton Street	North of Thomas Street	128	102
	South of Thomas Street	17	17

2.3 Parramatta LEP /DCP 2011

The Parramatta Council LEP (2011) and DCP includes 'special precincts' where design guidelines, road networks and the like are recommended. The proposed development site is included in what is known as 'Area 3' in the 'Morton Street Precinct' in the Parramatta DCP 2011 as shown in the figure from the DCP below.



Further, the recommended road network, building envelopes and overall site configuration has been detailed in the DCP and is shown in the figure below.

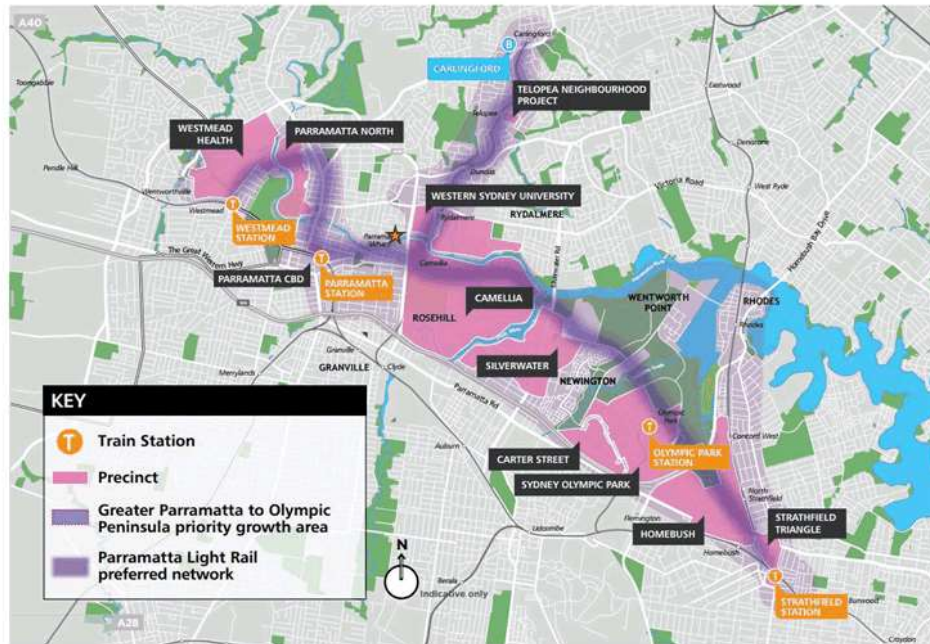


2.4 Parramatta Light Rail Project

This major public transport project is anticipated to connect Westmead / Parramatta in the east with Homebush in the east and provide a supplementary major public transport corridor to the western railway line.

The preferred corridor for the project is shown below:

Figure 4 – Preferred Corridor of Parramatta Light Rail Project



The development site is shown by the red star above.

Therefore, with the proposed construction of the pedestrian bridge to service the development lands identified within the Elizabeth Street structure plan would provide direct access to this new major public transport project.

3. Site Location / Existing Traffic / Parking Conditions

3.1 Site Location

The location of the development site is shown in **Figure 5**.

Figure 5 - Site Location



Source: Google maps

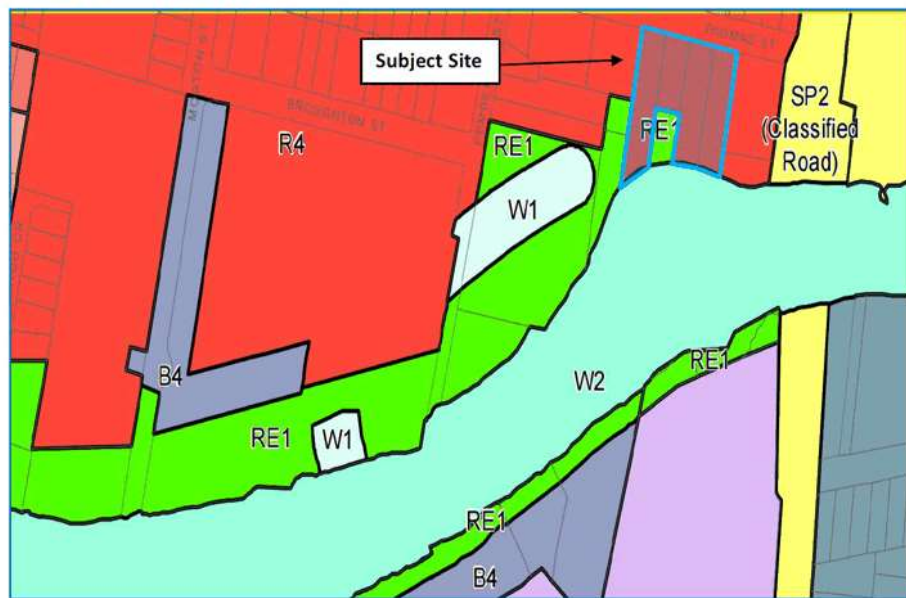
The land is bounded by Thomas Street in the north, a new multi storey residential tower in the east, the Parramatta River in the south and existing medium density dwellings in the west. Further west is the large development site known as 2 Morton Street which has delivered some 770 residential dwellings.

Further, in 2014 consent was granted to the disused Council Depot on the western side of Morton Street to provide a residential development comprising six (6) residential flat buildings ranging in height from 4 to 11 storeys consisting of 355 dwellings with basement car parking for 471 car parking spaces comprising 386 resident spaces and 85 visitor spaces.

The existing site consists of four (4) detached residential dwellings all with driveway access to Thomas Street.

The site is zoned R4 – High Density Residential as shown below from the LEP:

Figure 6 – Existing Site Zoning



3.2 Classification Criteria

It is usual to classify roads according to a road hierarchy in order to determine their functional role within the road network. Changes to traffic flows on the roads can then be assessed within the context of the road hierarchy. Roads are classified according to the role they fulfil and the volume of traffic they should appropriately carry. The RTA has set down the following guidelines for the functional classification of roads.

- Arterial Road – typically a main road carrying over 15,000 vehicles per day and fulfilling a role as a major inter-regional link (over 1,500 vehicles per hour)
- Sub-arterial Road – defined as secondary inter-regional links, typically carrying volumes between 5,000 and 20,000 vehicles per day (500 to 2,000 vehicles per hour)
- Collector Road – provides a link between local roads and regional roads, typically carrying between 2,000 and 10,000 vehicles per day (250 to 1,000 vehicles per hour). At volumes greater than 5,000 vehicles per day, residential amenity begins to decline noticeably.
- Local Road – provides access to individual allotments, carrying low volumes, typically less than 2,000 vehicles per day (250 vehicles per hour).

3.3 Existing Road Network

The existing road network located in the vicinity of the proposed development is described below.

Morton Street – is a local road providing access to Victoria Street in the north and industrial sites in the south. The street generally consists of a single travel lane in each direction with parallel parking on both sides of the street. The intersections with Thomas Street and Broughton Street are priority controlled intersections. Four (4) hour parking restrictions are installed on both sides of the street south of Thomas Street more than likely to remove all day commuter parking from adjacent residential properties. Parramatta Council's main depot is located on the western side of Morton Street south of Broughton Street.

Broughton Street / Pemberton Street – are local roads linking Morton Street in the west with Thomas Street in the north. Along its east – west section, the street is approximately 13m wide but narrows to 9m wide in its north – south section.

Thomas Street – is a local collector road linking James Ruse Drive in the east with Macarthur Street in the west. The street is approximately 13m for its full length and consists of a single travel lane in each direction with parallel parking on both sides of the street. The intersection of Thomas Street / James Ruse Drive is left in / left out only. The intersection of Thomas Street / Macarthur Street is traffic signal controlled. All remaining intersections are priority controlled intersections.

3.4 Existing Traffic Flows

To gauge existing traffic conditions, intersection counts were undertaken at three (3) locations. These were:

1. Thomas Street / James Ruse Drive
2. Thomas Street / Morton Street
3. Thomas Street / Macarthur Street

Given the small scale of the proposal compared with other development sites in Morton Street, the scale of the intersection counts was reflective of the scale of the development in terms of assessing the potential traffic impacts of the proposal.

There are currently no proposals for improvement works in either Victoria Road and / or James Ruse Drive of which developments in the surrounding area can contribute to. Thus, intersection counts on these arterial roads are not considered necessary.

Further, major projects including the under-construction West Connex project will significantly increase arterial road capacity through the Parramatta area which in turn would have the potential to reduce demands on the Victoria Road corridor.

Copies of the intersection counts can be found in [Appendix A](#) of this report. The peak flows by direction in each street at each intersection are summarised below for a weekday and Saturday conditions.

Table 4 - Summary of 2016 Weekday Peak Period Volumes in vicinity of site (veh/hr)

Road	Location	AM		PM	
		NB/EB	SB/WB	NB/EB	SB/WB
Thomas Street	West of James Ruse Drive				
Thomas Street	East of Morton Street	68	143	88	132
Thomas Street	West of Morton Street	109	221	137	198
Morton Street	North of Thomas Street	41	53	50	50
Morton Street	South of Thomas Street	47	22	60	43
Thomas Street	East of Macarthur Street	133	272	155	241
Macarthur Street	North of Thomas Street	593	735	837	774
Macarthur Street	South of Thomas Street	664	943	872	923

From Table 4 it can be seen that existing flows on surrounding roads are in generally in line with their classification. As a comparison, the traffic flows recorded in the 2009 and 2014 traffic reports for the developments at 2a Morton Street and 1A Morton Street have been compared with flows recorded in 2016. This comparison is presented below:



Table 5 – 2009 / 2014 versus 2016 Weekday Peak Period Volumes in vicinity of site (veh/hr)

		AM	PM
Road	Location	Two – Way	Two - Way
2016 Existing Counts			
Thomas Street	East of Morton Street	211	220
Thomas Street	West of Morton Street	330	335
Morton Street	North of Thomas Street	94	100
Morton Street	South of Thomas Street	69	103
Thomas Street	East of Macarthur Street	405	396
Macarthur Street	North of Thomas Street	1328	1611
Macarthur Street	South of Thomas Street	1607	1795
2009 Rezoning Traffic Report Volumes			
Thomas Street	West of James Ruse Drive	124	118
Thomas Street	East of Morton Street	208	159
Thomas Street	West of Morton Street	307	268
Morton Street	North of Thomas Street	82	90
Morton Street	South of Thomas Street	119	99
Thomas Street	East of Macarthur Street	389	346
Macarthur Street	North of Thomas Street	1,690	1,802
Macarthur Street	South of Thomas Street	1,933	1,958
2014 1A Morton St Traffic Report Volumes			
Thomas Street	East of Morton Street	251	226
Thomas Street	West of Morton Street	360	324
Morton Street	North of Thomas Street	81	74
Morton Street	South of Thomas Street	114	106
Thomas Street	East of Macarthur Street	445	396
Macarthur Street	North of Thomas Street	1,519	1,736
Macarthur Street	South of Thomas Street	1,836	1,916

The following is noted from [Table 5](#)

- Traffic flows in Morton Street south of Thomas Street have increased in the AM peak which is expected given the volume of development which has occurred. However, the additional 50 AM peak hour trips are less than the expected traffic generation of 2A Morton Street.
- Traffic flows in Morton Street south of Thomas Street in the PM peak have not increased.
- Despite the additional traffic from Morton Street developments, traffic flows in Thomas Street both east (PM only) and west (both AM & PM) of Morton Street have not increased to those recorded in 2009.
- Traffic flows in Thomas Street east of Morton Street have increased by only 60 vehicles in the AM peak (two-way).
- Traffic flows in Macarthur Street both north and south of Thomas Street have decreased by some 16% in both peak periods between 2009 and 2016 traffic flows.
- Traffic flows recorded in the 2014 traffic report for 1A Morton Street were greater than those flows recorded in 2016.

3.5 Existing Intersection Operating Conditions Analysis

All intersections surveyed have been analysed using the Sidra Intersection analysis program. Sidra Intersection determines the average delay that vehicles encounter, the degree of saturation of the intersection, and the level of service. The degree of saturation is the ratio of the arrival rate of vehicles to the capacity of the approach. Sidra Intersection provides analysis of the operating conditions which can be compared to the performance criteria set out in [Table 6](#).

Table 6 – Level of Service Criteria

Level of Service	Average Delay per Vehicle (secs/veh)	Signals & Roundabouts	Give Way & Stop Signs
A	less than 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays & spare capacity	Acceptable delays & Spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Operating near capacity	Near capacity & accident study required
E	57 to 70	At capacity; at signals, incidents will cause excessive delays Roundabouts require other control mode	At capacity, requires other control mode
F	> 70	Extra capacity required	Extreme delay, traffic signals or other major treatment required

Adapted from RTA Guide to Traffic Generating Developments, 2002.

For roundabouts and priority intersections, the reported average delay is for the individual movement with the highest average delay per vehicle. At signalised intersections, the reported average delay is over all movements.

The existing weekday and weekend day intersection operating conditions are presented in [Table 7](#). Average delay is expressed in seconds per vehicle.

Table 7 – Existing Weekday Intersection Operating Conditions

Intersection	Control	Morning Peak		Evening Peak	
		Av Delay	LOS	Av Delay	LOS
Thomas Street / Morton Street	Priority	8.8	A	9.1	A
Thomas Street / Macarthur Street	Signals	16.7	B	22.4	B

Avg Delay (sec/veh) is over all movements at signals, and for worst movement at priority and roundabouts

From [Table 7](#), it can be seen that all intersections in the vicinity of the development site currently operate at a satisfactory level of service with adequate spare capacity for increased demands.

3.6 Existing Intersection Operating Conditions versus Historical Conditions Analysis

As a further comparison, intersection operating conditions modelling in the previous traffic reports for 1A and 2A Morton Street redevelopments have been compared to existing intersection operating conditions. This comparison is presented below:

Table 8 – Existing Weekday Intersection Operating Conditions versus Historical Conditions

		Morning Peak		Evening Peak	
Intersection	Control	Av Delay	LOS	Av Delay	LOS
2016					
Thomas Street / Morton Street	Priority	8.8	A	9.1	A
Thomas Street / Macarthur Street	Signals	16.7	B	22.4	B
2009 – 2A Morton St Report					
Thomas Street / Morton Street	Priority	11.2	A	10.6	A
Thomas Street / Macarthur Street	Signals	9.7	A	9.7	A
2014 – 1A Morton St Report					
Thomas Street / Morton Street	Priority	4.6	A	4.6	A
Thomas Street / Macarthur Street	Signals	23.3	B	14.0	B

Avg Delay (sec/veh) is over all movements at signals, and for worst movement at priority and roundabouts

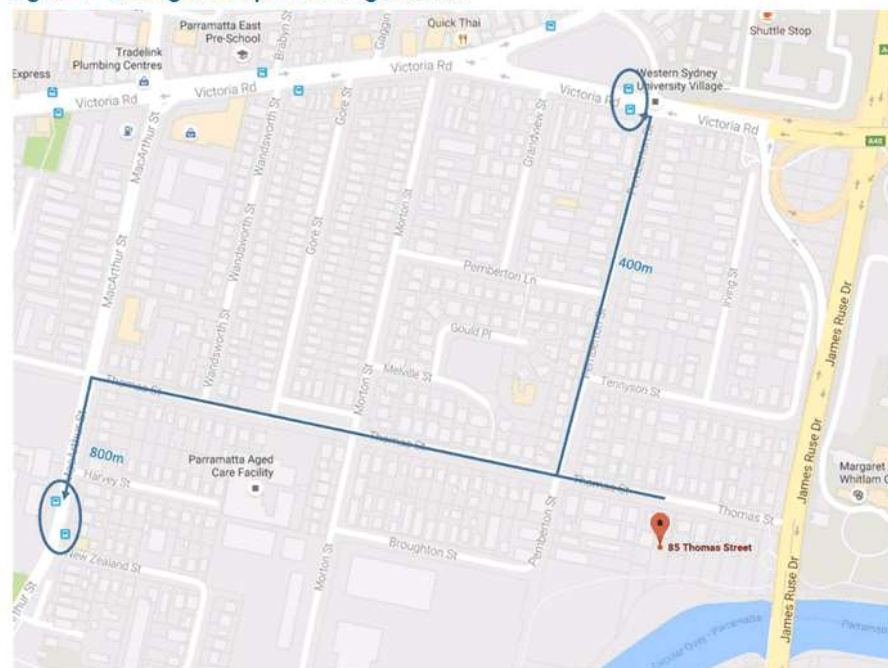
The following observations have been made from the comparisons presented in Table 8.

- AM and PM peak hour intersection operating conditions have remained similar between the years 2009 to 2016 with little change in intersection operating conditions.
- All intersections surrounding the development site currently operate at a satisfactory level of service with spare capacity to accommodate additional demands.

3.7 Existing Public Transport Operations

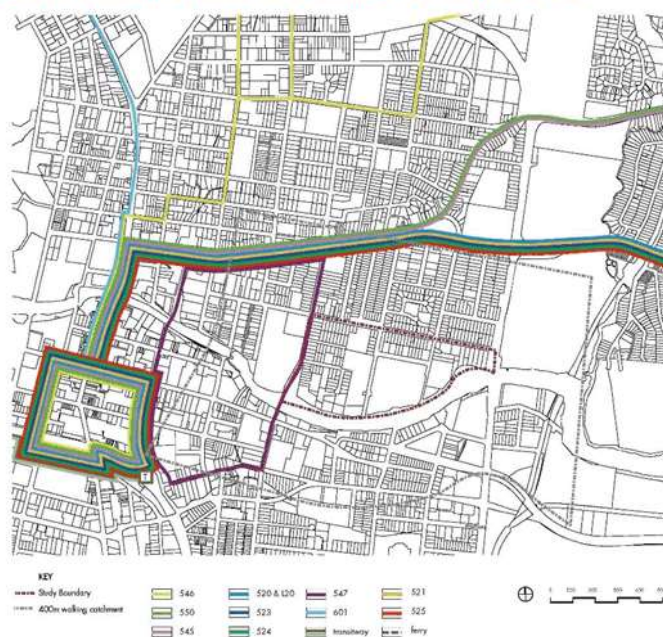
All existing bus services in the vicinity of the site operate along major roads in the area. The existing bus stops by direction and the associated walking distance from the centroid of the development site are shown in

Figure 7 – Existing Bus Stops + Walking Distance



The existing bus services which operate via the existing bus stops in the area shown in [Table 7](#).

Figure 8 – Existing Bus Services Operating in Vicinity of the Site



A summary of the existing services is provided in [Table 9](#).

Table 9 - Existing Bus Services

Route No.	Origin	Destination	Via	6:00am – 9:00am Freq*	4:00pm – 7:00pm Freq*
520 / L20	Parramatta	Sydney CBD (and return)	Ryde	10-20mins	15-20mins
521	Parramatta	Eastwood (and return)	Dundas	30mins	---
523	Parramatta	Ryde (and return)	Ermington	40mins	30mins
524	Parramatta	Ryde (and return)	Meadowbank	30-40mins	30mins
525	Parramatta	Burwood (and return)	Homebush Bay	30-40mins	20-30mins
547	Parramatta	Parramatta (loop)	Macarthur Street	1 service	1 service

*avg. two way

From [Table 9](#) it can be seen that there are a number of bus services within reasonable walking distance of the site which provide access to surrounding employment and recreational centres.



4. The Proposed Development

The key elements of the proposed development in terms of yield, traffic and access matters are presented below:

1. Amend the Floor Space Ratio (FSR) from 0.8:1 to 1:56:1
2. Amend the Height of Building (HOB) from 11m to 34m.
3. A proposed apartment mix of 60% one bedroom units, 30% two bedroom units and 10% three bedroom units.
4. Construction of approximately 124 residential dwellings (subject to final detailed design at DA) and associated basement car park in accordance with the provision requirements of Council's DCP.
5. Pedestrian / cycleway infrastructure for connectivity to existing networks.
6. Parking provision would be provided in basement with vehicular access from the minor street within the development site. Parking provision is proposed to comply with Council's relevant policy.

Plans of the potential arrangement of the building are provided in [Appendix B](#) of this report.



5. Traffic and Access Assessment

The following presents an analysis of potential future traffic impacts of the proposed development.

5.1 Existing Site Traffic Generation

The RMS Guide to Traffic Generating Developments suggests a peak hour rate of 0.85 trips per dwelling for single dwelling houses. Therefore, the existing four (4) detached dwellings would generate in the order of 4 peak hour vehicle trips two way.

5.2 Potential Development Traffic Generation

As stated above, the potential yield of the revised FSR would achieve in the order of 124 units.

The RTA Guide to Traffic Generating Developments suggests a traffic generation rate of 0.29 vehicle trips per dwelling for high density development within a Metropolitan Sub Regional centre. It could be argued that Parramatta CBD represents a Metropolitan Regional Centre at the traffic generation rate of 0.24 vehicle trips per dwelling could be applied. However, 0.29 has been chosen to provide a conservative estimate.

Therefore, the potential development of the site would generated in the order of 36 peak hour trips two way or a net increase of 32 peak hour vehicle trips on the network.

5.3 Trip Distribution

For all residential development, the standard RTA inbound / outbound split was adopted. That is 80% of trips in the AM peak were outbound trips and 20% were inbound. The reverse occurred in the PM peak.

The existing traffic counts showed traffic flows in Morton Street during the peak hours were generally 75% westbound and 25% eastbound of the total two way flows.

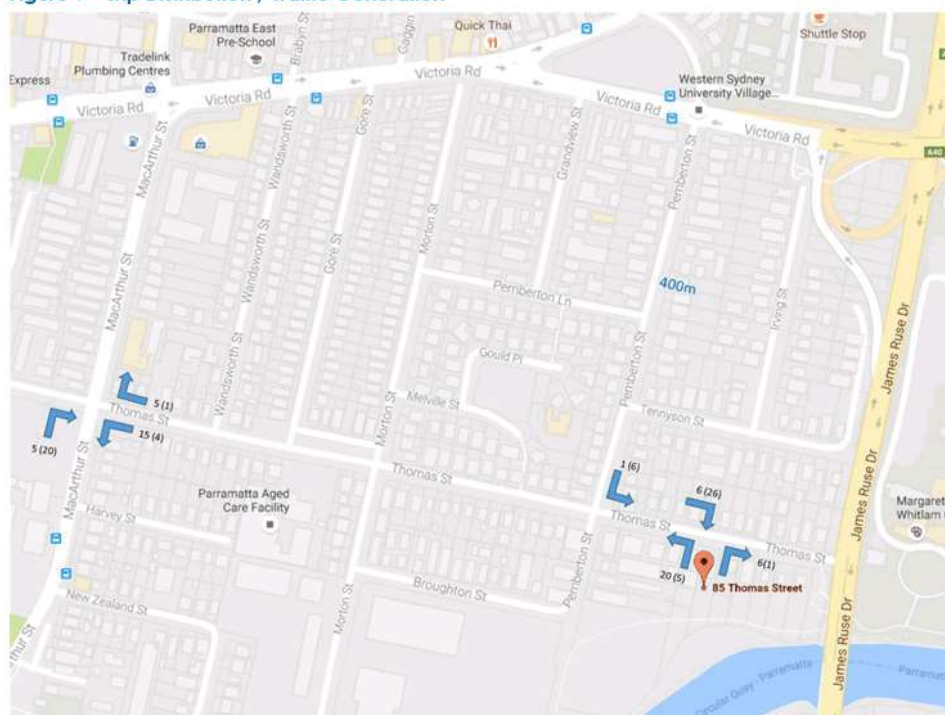
It has been assumed that traffic generated by the proposed development would follow the same distribution. At the intersection of Morton Street and Macarthur Street, trips would be distributed 25% to the north and 75% to the south.

This follows the same trip distribution adopted in the report for 2A Morton Street for consistency in the assumptions.

For vehicles, which would travel east along Thomas Street and turn left into James Ruse Drive, these return journeys have been assumed to travel along Pemberton Street and turn left into Thomas Street.

The resulting additional traffic on the surrounding network generated by the development proposal is shown below.

Figure 9 – Trip Distribution / Traffic Generation



5.4 Future Traffic Flows

The traffic generated by the proposal has been added to the surrounding road network as per the adopted trip distribution detailed above. The resulting future traffic flows are presented below.

Table 10 - Summary of 2016 Weekday Peak Period Volumes in vicinity of site (veh/hr)

Road	Location	AM		PM	
		NB/EB	SB/WB	NB/EB	SB/WB
Thomas Street	East of Morton Street	89	148	94	153
Thomas Street	West of Morton Street	114	226	143	219
Morton Street	North of Thomas Street	41	55	50	57
Morton Street	South of Thomas Street	47	22	60	43
Thomas Street	East of Macarthur Street	138	293	161	262
Macarthur Street	North of Thomas Street	598	735	839	774
Macarthur Street	South of Thomas Street	669	959	893	927

From Table 10 it can be seen that traffic flows in the future on the surrounding road network would remain in line with their respective classification. Further, there would be minimal change to peak hour traffic flows in Morton Street.

5.5 Future Intersection Operation

The future traffic flows on the surrounding road network have been assessed in SIDRA. The resulting future intersection operation is presented below.

Table 11 – Future Weekday Intersection Operating Conditions

Intersection	Control	Morning Peak		Evening Peak	
		Av Delay	LOS	Av Delay	LOS
Thomas Street / Morton Street	Priority	9.3	A	7.9	A
Thomas Street / Macarthur Street	Signals	16.7	B	19.3	B

Avg Delay (sec/veh) is over all movements at signals, and for worst movement at priority and roundabouts

From **Table 11** it can be seen that at full development of the development site, all intersections surveyed would continue to operate at satisfactory levels of service.

Overall the potential traffic impacts of the development are considered satisfactory.

6. Summary of Findings

This report has reviewed the potential traffic impacts of the proposed rezoning to achieve an FSR of 1.56:1 at the site known as 85-91 Thomas Street and a potential 124 dwellings. This report has included the potential traffic impacts of known major developments in the vicinity of the development site. The findings of this review are presented below:

1. The traffic impacts of the development would be minimal with future traffic flows on surrounding roads within acceptable limits.
2. Intersections surrounding the development would continue to operate at levels of service to that which currently occurs.
3. The site is located within 400-800m walking distances to a large number of local and regional bus services.
4. The construction of the proposed Parramatta Light Rail project combined with the proposed pedestrian bridge servicing the Elizabeth Street precinct would markedly increase accessibility to public transport options for residents of the area.
5. The traffic analysis presented in this report has been undertaken in accordance with RMS standards and has fully quantified the potential impacts of both known projects and this project.

Overall the traffic impacts of the proposal are considered acceptable.

Project: 85 to 91 Thomas Street, Parramatta

25

7. Appendix A – Intersection Counts

Positive Traffic Pty Ltd

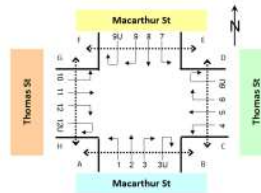
October 2016



Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 1. Thomas St / Macarthur St

Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : 15 mins Data

Class 1 Class 2 Class 3
 Cars Trucks Buses

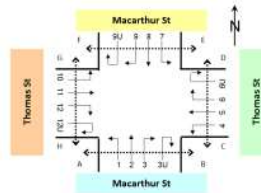


MATRIX
 Traffic and Transport Data

Approach	Macarthur St																Thomas St															
Direction	Direction 1 (Left Turn)				Direction 2 (Through)				Direction 3 (Right Turn)				Direction 3U (U Turn)				Direction 4 (Left Turn)				Direction 5 (Through)				Direction 6 (Right Turn)				Direction 6U (U Turn)			
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total
6:00 to 6:15	3	0	0	3	105	6	0	111	12	0	0	12	0	0	0	0	9	0	0	9	1	0	0	1	4	0	0	4	1	0	0	1
6:15 to 6:30	1	0	0	1	108	2	0	110	19	0	0	19	0	0	0	0	13	0	0	13	0	0	0	0	4	0	0	4	0	0	0	0
6:30 to 6:45	3	0	0	3	123	9	0	132	28	3	0	31	0	0	0	0	20	0	0	20	6	0	0	6	5	0	0	5	0	0	0	0
6:45 to 7:00	12	1	0	13	115	8	0	123	23	2	0	25	0	0	0	0	26	2	0	28	3	0	0	3	8	0	0	8	0	0	0	0
7:00 to 7:15	5	0	0	5	135	5	0	140	36	0	0	36	0	0	0	0	27	1	0	28	4	0	0	4	10	1	0	11	0	0	0	0
7:15 to 7:30	12	0	0	12	116	2	0	118	13	1	0	14	0	0	0	0	29	0	0	29	4	0	0	4	3	0	0	3	0	0	0	0
7:30 to 7:45	20	0	0	20	138	4	0	142	36	2	0	38	0	0	0	0	37	2	0	39	10	0	0	10	4	1	0	5	0	0	0	0
7:45 to 8:00	16	0	0	16	98	0	1	99	20	0	0	20	0	0	0	0	46	0	0	46	7	0	0	7	5	0	0	5	0	0	0	0
8:00 to 8:15	24	0	1	25	136	4	0	140	22	0	0	22	0	0	0	0	44	0	0	44	13	0	0	13	5	0	0	5	0	0	0	0
8:15 to 8:30	22	0	1	23	120	0	2	122	36	1	0	37	0	0	0	0	58	2	1	61	7	0	0	7	9	1	0	10	0	0	0	0
8:30 to 8:45	24	0	0	24	87	1	1	89	36	0	0	36	0	0	0	0	50	1	0	51	12	0	0	12	7	0	0	7	0	0	0	0
8:45 to 9:00	45	0	1	46	103	1	0	104	17	1	0	18	0	0	0	0	32	1	0	33	12	0	0	12	12	0	0	12	0	0	0	0
9:00 to 9:15	34	1	0	35	106	2	0	108	11	0	0	11	0	0	0	0	35	0	0	35	0	0	0	0	13	0	0	13	0	0	0	0
9:15 to 9:30	30	0	0	30	88	2	0	90	15	0	0	15	0	0	0	0	21	2	0	23	10	0	0	10	10	0	0	10	0	0	0	0
9:30 to 9:45	6	0	0	6	99	1	0	100	11	1	0	12	0	0	0	0	27	0	0	27	8	0	0	8	3	1	0	4	0	0	0	0
9:45 to 10:00	7	0	0	7	94	2	0	96	18	1	0	19	0	0	0	0	29	3	0	32	5	0	0	5	4	2	0	6	0	0	0	0
AM Totals	226	2	8	231	1,771	51	4	1,826	773	12	0	785	0	0	0	0	529	14	1	544	102	0	0	102	106	6	0	112	1	0	0	1
15:00 to 15:15	28	0	0	28	119	1	1	121	16	0	0	16	0	0	0	0	43	3	0	46	11	0	0	11	8	0	0	8	0	0	0	0
15:15 to 15:30	33	0	0	33	152	0	0	152	15	0	0	15	0	0	0	0	33	1	0	34	9	0	0	9	9	0	0	9	0	0	0	0
15:30 to 15:45	12	0	1	13	105	1	0	106	23	0	0	23	0	0	0	0	54	2	0	56	6	0	0	6	4	1	0	5	0	0	0	0
15:45 to 16:00	7	0	0	7	122	2	0	124	20	0	0	20	0	0	0	0	40	0	0	40	8	1	0	9	6	0	0	6	0	0	0	0
16:00 to 16:15	12	0	0	12	153	0	0	153	20	0	0	20	0	0	0	0	11	1	0	12	5	0	0	5	6	0	1	7	0	0	0	0
16:15 to 16:30	10	0	0	10	142	0	0	142	14	0	0	14	0	0	0	0	34	0	0	34	4	0	0	4	11	1	0	12	0	0	0	0
16:30 to 16:45	11	0	0	11	163	1	1	165	21	0	0	21	0	0	0	0	43	2	0	45	7	0	0	7	6	0	0	6	0	0	0	0
16:45 to 17:00	11	0	0	11	185	0	1	186	24	0	0	24	0	0	0	0	40	2	0	42	10	0	0	10	13	1	0	14	0	0	0	0
17:00 to 17:15	30	0	0	30	171	1	0	172	22	0	0	22	0	0	0	0	47	0	0	47	8	0	0	8	7	0	0	7	0	0	0	0
17:15 to 17:30	36	0	0	36	183	1	0	184	24	0	0	24	0	0	0	0	42	0	0	42	5	0	0	5	15	0	0	15	0	0	0	0
17:30 to 17:45	9	1	0	10	186	3	0	189	18	1	0	19	0	0	0	0	27	0	0	27	5	0	0	5	7	0	0	7	0	0	0	0
17:45 to 18:00	15	0	0	15	184	1	0	185	26	0	0	26	0	0	0	0	54	1	0	55	10	0	0	10	12	1	0	13	0	0	0	0
18:00 to 18:15	12	0	0	12	159	0	0	159	26	0	0	26	0	0	0	0	45	1	0	46	12	0	0	12	8	0	0	8	0	0	0	0
18:15 to 18:30	18	0	0	18	130	0	0	130	25	0	0	25	0	0	0	0	30	0	0	30	11	0	0	11	10	1	0	11	0	0	0	0
18:30 to 18:45	16	0	0	16	121	0	0	121	20	0	0	20	0	0	0	0	31	1	0	32	10	0	0	10	11	1	0	12	0	0	0	0
18:45 to 19:00	12	0	0	12	115	0	0	115	25	0	0	25	0	0	0	0	21	0	0	21	6	0	0	6	8	0	0	8	0	0	0	0
PM Totals	233	1	1	235	2,376	18	3	2,392	889	1	0	890	0	0	0	0	613	14	0	627	128	1	0	130	141	6	1	148	0	0	0	0

Approach	Macarthur St																Thomas St																Crossing Pedestrians									
Direction	Direction 7 (Left Turn)				Direction 8 (Through)				Direction 9 (Right Turn)				Direction 9U (U Turn)				Direction 10 (Left Turn)				Direction 11 (U Through)				Direction 12 (Right Turn)				Direction 12U (U Turn)													
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	A	B	C	D	E	F	G	H	Total	
6:00 to 6:15	5	1	0	6	65	2	0	67	0	0	0	0	0	0	0	0	8	0	0	8	4	0	0	4	39	0	0	39	0	0	0	0	0	0	0	2	1	0	1	4		
6:15 to 6:30	10	0	0	10	74	2	0	76	0	0	0	0	0	0	0	0	6	0	0	6	2	0	0	2	25	1	0	26	0	0	0	0	0	4	0	0	0	1	0	1	4	
6:30 to 6:45	8	0	0	8	82	3	0	85	4	0	0	4	0	0	0	0	8	0	0	8	2	0	0	2	25	0	0	25	0	0	0	0	3	0	2	0	0	4	0	3	10	
6:45 to 7:00	11	0	0	11	115	3	0	118	1	0	0	1	0	0	0	0	13	0	0	13	4	0	0	4	14	0	0	14	0	0	0	0	0	1	1	0	0	3	0	0	5	
7:00 to 7:15	7	0	0	7	137	1	0	138	3	1	0	4	0	0	0	0	11	1	0	12	5	1	0	6	39	0	0	39	0	0	0	0	2	0	3	4	1	4	1	2	17	
7:15 to 7:30	3	0	0	3	161	2	0	163	3	0	0	3	0	0	0	0	11	0	0	11	4	0	0	4	15	0	0	15	0	0	0	0	4	0	1	1	0	0	0	1	7	
7:30 to 7:45	7	0	0	7	162	1	0	163	7	0	0	7	0	0	0	0	12	0	0	12	7	0	0	7	16	0	0	16	0	0	0	0	2	0	1	0	0	7	0	3	13	
7:45 to 8:00	10	0	0	10	179	2	0	181	7	0	0	7	0	0	0	0	11	1	0	12	3	0	0	3	13	0	0	13	0	0	0	0	4	3	1	1	1	7	1	2	20	
8:00 to 8:15	9	1	1	11	154	2	1	156	7	1	1	9	0	0	0	0	18	1	0	19	10	0	0	10	11	0	0	11	0	0	0	0	6	0	1	0	2	2	2	5	18	
8:15 to 8:30	3	0	0	3	159	8	0	167	11	0	0	11	0	0	0	0	22	0	0	22	6	0	0	6	21	0	0	21	0	0	0	0	3	0	1	0	2	7	0	3	16	
8:30 to 8:45	8	1	0	9	134	2	0	136	5	1	0	6	0	0	0	0	24	0	0	24	4	0	0	4	14	0	0	14	0	0	0	0	14	1	0	0	2	14	3	4	38	
8:45 to 9:00	8	0	0	8	145	1	0	146	6	0	1	7	0	0	0	0	20	1	0	21	13	0	0	12	17	0	0	27	0	0	0	0	14	1	4	0	0	9	1	0	21	
9:00 to 9:15	5	0	0	5	166	2	0	168	5	0	0	5	0	0	0	0	15	0	0	15	4	0	0	4	11	0	0	11	0	0	0	0	2	0	1	4	3	4	0	2	10	
9:15 to 9:30	13	1	0	14	153	2	1	156	6	1	0	7	0	0	0	0	8	2	0	10	2	0	0	2	8	0	0	8	0	0	0	0	2	0	2	0	4	3	0	1	12	
9:30 to 9:45	3	2	0	5	110	2	0	112	6	1	0	7	0	0	0	0	5	1	0	6	3	0	0	3	14	0	0	14	0	0	0	0	1	0	0	0	2	3	0	2	8	
9:45 to 10:00	6	0	0	6	103	6	0	109	1	0	0	1	0	0	0	0	4	0	0	4	5	0	0	5	11	1	0	12	0	0	0	0	6	1	2	1	0	0	2	1	3	12
AM Totals	114	6	1	121	2,181	41	2	2,144	73	5	2	79	0	0	0	0	196	7	0	203	76	1	0	77	251	2	0	253	0	0	0	0	62	8	31	10	19	71	9	31	233	
10:00 to 10:15	11	0	0	11	128	3	0	131	6	0	4	10	0	0	0	0	18	0	0	18	5	0	0	5	14	0	0	14	0	0	0	0	9	0	2	0	1	10	0	1	0	14
10:15 to 10:30	12	1	0	13	138	3	1	142	19	0	2	21	0	0	0	0	39	0	0	39	8	0	0	8	24	1	0	25	0	0	0	0	1	26	1	5	15	2	14	0	64	
10:30 to 10:45	11	0	0	11	154	3	0	157	8	0	0	8	0	0	0	0	9	0	3	10	4	0	0	4	23	0	0	23	0	0	0	0	0	0	12	6	2	0	0	1	20	
10:45 to 10:00	8	0	1	9	162	9	0	165	5	0	0	5	0	0	0	0	12	0	1	13	4	0	0	4	15	0	0	15	0	0	0	0	1	2	4	1	2	1	3	3	17	
10:00 to 10:15	8	0	0	8	162	3	0	165	6	0	0	6	0	0	0	0	13	1	0	14	6	0	0	6	39	0	0	39	0	0	0	0	0	2	1	4	5	3	1	0	16	
10:15 to 10:30	8	0	0	8	174	3	0	177	6	0	0	6	0	0	0	0	13	0	0	13	6	0	0	6	15	0	0	15	0	0	0	0	1	8	3	1	9	1	1	1	23	
10:30 to 10:45	7	0	0	7	179	3	0	182	8	1	0	9	0	0	0	0	8	1	0	9	3	0	0	3	14	0	0	14	0	0	0	0	0	3	2	1	5	1	1	0	13	
10:45 to 10:00	11	0	0	11	152	4	0	156	6	0	0	6	0	0	0	0	17	0	0	17	8	0	0	8	10	0	0	10	0	0	0	0	1	3	2	2	10	1	5	0	24	
10:00 to 10:15	13	0	0	13	165	1	0	166	15	0	0	15	0	0	0	0	24	0	0	24	2	0	0	2	17	0	0	17	0	0	0	0	1	1	0	1	6	0	2	1	14	
10:15 to 10:30	3	0	0	3	167	1	0	168	10	0	0	10	0	0	0	0	13	0	0	13	0	0	0	0	12	0	0	12	0	0	0	0	3	7	0	2	7	7	1	6	35	
10:30 to 10:45	12	0	0	12	162	0	0	162	8	0	0	8	0	0	0	0	15	0	0	15	10	0	0	10	15	1	0	16	0	0	0	0	4	7	0	0	11	5	3	1	31	
10:45 to 10:00	16	0	0	16	174	2	0	176	5	0	0	5	0	0	0	0	13	0	0	13	2	0	0	2	15	0	0	15	0	0	0	0	0	2	0	1	5	4	3	2	17	
10:00 to 10:15	10	0	0	10	152	1	0	153	8	0	0	8	0	0	0	0	15	0	0	15	1	0	0	1	12	0	0	12	0	0	0	0	1	0	0	2	1	4	0	0	10	
10:15 to 10:30	11	0	0	11	179	2	0	181	10	1	0	11	0	0	0	0	5	1	0	6	0	0	0	0	13	0	0	12	0	0	0	0	1	3	2	1	4	0	2	0	13	
10:30 to 10:45	10	0	0	10	175	0	0	175	7	0	0	7	0	0	0	0	8	1	0	9	4	0	0	4	16	0	0	16	0	0	0	0	0	0	0	0	2	0	2	0	4	
10:45 to 10:00	7	0	0	7	140	0	1	141	5	0	0	5	0	0	0	0	6	0	0	6	4	0	0	4	11	0	0	11	0	0	0	0	0	1	1	0	0	1	0	0	3	
PM Totals	160	1	1	162	2,529	32	2	2,563	132	2	6	140	0	0	0	0	228	4	2	234	71	0	0	71	246	2	0	248	0	0	0	0	34	67	26	30	65	30	41	15	318	

Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 1. Thomas St / Macarthur St
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Hourly Summary

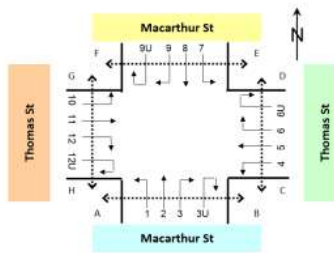


MATRIX
 Traffic and Transport Data

Approach	Macarthur St																Thomas St															
Direction	Direction 1 (Left Turn)				Direction 2 (Through)				Direction 3 (Right Turn)				Direction 3U (U Turn)				Direction 4 (Left Turn)				Direction 5 (Through)				Direction 6 (Right Turn)				Direction 6U (U Turn)			
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total
6:00 to 7:00	39	1	0	20	451	25	0	476	82	5	0	87	0	0	0	0	48	2	0	70	10	0	0	10	21	0	0	21	1	0	0	1
7:15 to 7:30	21	1	0	22	481	24	0	505	86	5	0	91	0	0	0	0	86	3	0	69	13	0	0	13	27	1	0	28	0	0	0	0
7:30 to 7:45	32	1	0	33	489	24	0	513	80	6	0	86	0	0	0	0	102	3	0	105	17	0	0	17	26	1	0	27	0	0	0	0
7:45 to 7:55	49	1	0	50	504	19	0	523	68	5	0	73	0	0	0	0	118	5	0	124	21	0	0	21	25	2	0	27	0	0	0	0
7:55 to 8:00	55	0	0	55	487	11	1	499	65	3	0	68	0	0	0	0	139	3	0	142	25	0	0	25	22	2	0	24	0	0	0	0
7:55 to 8:15	72	0	1	73	488	10	1	499	71	3	0	74	0	0	0	0	176	2	0	178	34	0	0	34	17	1	0	18	0	0	0	0
7:30 to 8:30	82	0	2	84	492	8	1	501	74	3	0	77	0	0	0	0	205	4	1	210	37	0	0	37	23	2	0	25	0	0	0	0
7:45 to 8:45	86	0	2	88	441	5	4	450	74	1	0	75	0	0	0	0	218	3	1	222	39	0	0	39	26	1	0	27	0	0	0	0
8:00 to 9:00	115	0	3	118	446	6	1	453	71	2	0	73	0	0	0	0	204	8	1	209	44	0	0	44	33	1	0	34	0	0	0	0
8:15 to 9:15	107	1	2	110	416	8	1	423	60	2	0	62	0	0	0	0	175	4	1	180	31	0	0	31	41	1	0	42	0	0	0	0
8:30 to 9:30	95	1	1	97	384	6	1	391	59	1	0	60	0	0	0	0	138	8	0	142	24	0	0	24	42	0	0	42	0	0	0	0
8:45 to 9:45	77	1	1	79	356	8	0	364	54	2	0	56	0	0	0	0	115	3	0	118	30	0	0	30	28	1	0	29	0	0	0	0
9:00 to 10:00	39	1	0	40	387	9	0	396	55	2	0	57	0	0	0	0	112	5	0	117	23	0	0	23	30	3	0	33	0	0	0	0
AM Totals	228	2	1	231	3,771	51	4	1,826	273	12	0	285	0	0	0	0	523	34	1	538	102	0	0	102	108	6	0	112	1	0	0	1
15:00 to 16:00	80	0	1	81	478	6	1	485	74	0	0	74	0	0	0	0	168	6	0	174	14	1	0	25	27	1	0	28	0	0	0	0
15:15 to 16:15	64	0	1	65	512	6	0	518	78	0	0	78	0	0	0	0	156	8	0	160	28	1	0	29	25	1	1	27	0	0	0	0
15:30 to 16:30	41	0	1	42	522	6	0	528	77	0	0	77	0	0	0	0	159	3	0	162	23	1	0	24	27	2	1	30	0	0	0	0
15:45 to 16:45	41	0	0	41	580	6	1	587	75	0	0	75	0	0	0	0	148	3	0	151	24	1	0	25	29	1	1	31	0	0	0	0
16:00 to 17:00	45	0	0	45	643	8	2	649	79	0	0	79	0	0	0	0	148	5	0	153	26	0	0	26	36	2	1	39	0	0	0	0
16:15 to 17:15	43	0	0	43	661	2	2	665	81	0	0	81	0	0	0	0	164	4	0	168	29	0	0	29	37	2	0	39	0	0	0	0
16:30 to 17:30	49	0	0	49	702	3	2	707	91	0	0	91	0	0	0	0	172	4	0	176	30	0	0	30	41	1	0	42	0	0	0	0
16:45 to 17:45	46	1	0	47	725	5	1	731	88	1	0	89	0	0	0	0	156	2	0	158	28	0	0	28	42	1	0	43	0	0	0	0
17:00 to 18:00	50	1	0	51	728	6	0	730	90	1	0	91	0	0	0	0	170	1	0	171	28	0	0	28	41	1	0	42	0	0	0	0
17:15 to 18:15	52	1	0	53	712	8	0	720	94	1	0	95	0	0	0	0	168	2	0	170	32	0	0	32	42	1	0	43	0	0	0	0
17:30 to 18:30	54	1	0	55	659	7	0	666	95	1	0	96	0	0	0	0	156	2	0	158	40	0	0	40	37	2	0	39	0	0	0	0
17:45 to 18:45	61	0	0	61	594	8	0	596	97	0	0	97	0	0	0	0	160	3	0	163	45	0	0	45	41	3	0	44	0	0	0	0
18:00 to 19:00	56	0	0	56	525	1	0	526	96	0	0	96	0	0	0	0	127	2	0	129	41	0	0	41	37	2	0	39	0	0	0	0
PM Totals	231	1	1	233	2,370	19	3	2,392	339	1	0	340	0	0	0	0	613	14	0	627	129	1	0	130	141	6	1	149	0	0	0	0

Approach	Macarthur St																Thomas St																Crossing Pedestrians									
Direction	Direction 7 (Left Turn)				Direction 8 (Through)				Direction 9 (Right Turn)				Direction 9U (U Turn)				Direction 10 (Left Turn)				Direction 11 (U Turn)				Direction 12 (Right Turn)				Direction 12U (U Turn)													
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	A	B	C	D	E	F	G	H	Total	
6:00 to 7:00	34	1	0	35	336	10	0	346	5	0	0	5	0	0	0	35	0	0	35	12	0	0	12	61	1	0	62	0	0	0	0	7	1	3	0	2	9	0	3	25		
6:15 to 7:15	36	0	0	36	408	9	0	417	8	1	0	9	0	0	0	38	1	0	39	13	1	0	14	61	1	0	62	0	0	0	0	9	1	6	4	1	52	1	4	36		
6:30 to 7:30	29	0	0	29	895	9	0	904	11	1	0	12	0	0	0	43	1	0	44	15	1	0	16	61	0	0	61	0	0	0	0	9	1	7	5	1	31	1	4	39		
6:45 to 7:45	28	0	0	28	575	7	0	582	14	1	0	15	0	0	0	47	1	0	48	20	1	0	21	66	0	0	66	0	0	0	0	8	1	6	3	1	14	1	6	42		
7:00 to 8:00	27	0	0	27	639	6	0	645	20	1	0	21	0	0	0	45	2	0	47	18	1	0	19	65	0	0	65	0	0	0	0	12	3	6	0	2	18	2	8	37		
7:15 to 8:15	29	1	1	31	658	7	1	666	24	1	1	26	0	0	0	52	2	0	54	23	0	0	23	57	0	0	57	0	0	0	0	16	3	4	2	3	16	3	11	38		
7:30 to 8:30	29	1	1	31	696	13	1	709	32	1	1	34	0	0	0	63	2	0	65	25	0	0	25	63	0	0	63	0	0	0	0	15	3	4	1	5	23	3	13	47		
7:45 to 8:45	30	2	1	33	628	14	1	643	10	2	1	13	0	0	0	75	2	0	77	22	0	0	22	59	0	0	59	0	0	0	0	17	4	3	1	7	30	6	18	62		
8:00 to 9:00	26	2	1	31	594	13	1	608	29	2	2	33	0	0	0	84	2	0	86	32	0	0	32	63	0	0	63	0	0	0	0	17	2	8	0	6	32	6	12	103		
8:15 to 9:15	24	1	0	25	604	13	0	617	27	1	1	29	0	0	0	81	1	0	82	26	0	0	26	63	0	0	63	0	0	0	0	13	2	8	4	7	34	4	9	101		
8:30 to 9:30	34	2	0	36	598	7	1	606	22	2	1	25	0	0	0	67	3	0	70	22	0	0	22	70	0	0	70	0	0	0	0	32	2	9	4	9	30	4	7	87		
8:45 to 9:45	29	0	0	29	524	7	1	532	23	2	1	26	0	0	0	48	4	0	52	21	0	0	21	70	0	0	70	0	0	0	0	19	1	9	4	9	19	1	5	67		
9:00 to 10:00	27	0	0	27	532	12	1	545	18	2	0	20	0	0	0	52	3	0	55	14	0	0	14	64	1	0	65	0	0	0	0	6	2	6	4	9	12	1	8	68		
AM Totals	114	6	1	121	2,161	41	2	2,144	72	5	2	79	0	0	0	196	7	0	203	76	1	0	77	251	2	0	253	0	0	0	0	62	8	23	10	19	71	9	81	239		
15:00 to 16:00	42	1	1	44	562	12	1	585	18	0	6	24	0	0	0	78	0	2	80	17	0	0	17	76	1	0	77	0	0	0	0	2	30	16	13	20	3	18	4	113		
15:15 to 16:15	39	1	1	41	616	12	1	629	18	0	2	20	0	0	0	73	1	2	76	18	0	0	18	81	1	0	82	0	0	0	0	2	30	17	10	24	8	18	4	117		
15:30 to 16:30	35	0	1	36	652	12	0	664	25	0	0	25	0	0	0	47	1	1	50	20	0	0	20	72	0	0	72	0	0	0	0	2	12	18	12	17	5	5	5	76		
15:45 to 16:45	31	0	1	32	677	12	0	689	25	1	0	26	0	0	0	40	2	1	43	19	0	0	19	65	0	0	65	0	0	0	0	2	15	9	7	20	6	6	4	69		
16:00 to 17:00	30	0	0	30	662	11	0	673	26	1	0	27	0	0	0	51	2	0	53	23	0	0	23	60	0	0	60	0	0	0	0	2	16	7	8	16	6	8	1	76		
16:15 to 17:15	41	0	0	41	670	11	0	681	15	1	0	16	0	0	0	62	1	0	63	19	0	0	19	58	0	0	58	0	0	0	0	3	15	6	7	20	3	9	2	76		
16:30 to 17:30	36	0	0	36	663	9	0	672	19	1	0	20	0	0	0	42	1	0	43	19	0	0	19	55	0	0	55	0	0	0	0	5	14	4	8	28	9	11	7	86		
16:45 to 17:45	41	0	0	41	666	6	0	672	19	0	0	19	0	0	0	59	0	0	59	26	0	0	26	54	1	0	55	0	0	0	0	9	18	2	7	14	13	13	8	104		
17:00 to 18:00	44	0	0	44	688	8	0	692	18	0	0	18	0	0	0	45	0	0	45	20	0	0	20	59	1	0	60	0	0	0	0	8	17	0	4	29	16	11	10	87		
17:15 to 18:15	41	0	0	41	675	8	0	679	11	0	0	11	0	0	0	56	0	0	56	21	0	0	21	54	1	0	55	0	0	0	0	8	16	0	5	26	20	9	9	89		
17:30 to 18:30	49	0	0	49	687	5	0	692	11	1	0	12	0	0	0	48	1	0	49	15	0	0	15	54	1	0	55	0	0	0	0	6	12	2	4	23	13	8	3	71		
17:45 to 18:45	47	0	0	47	626	5	0	631	10	1	0	11	0	0	0	41	2	0	43	9	0	0	9	55	0	0	55	0	0	0	0	2	5	3	4	14	8	7	2	44		
18:00 to 19:00	38	0	0	38	592	3	1	596	10	1	0	11	0	0	0	34	2	0	36	11	0	0	11	51	0	0	51	0	0	0	0	2	4	3	1	8	5	4	0	30		
PM Totals	160	1	1	162	2,529	82	2	2,509	152	2	8	160	0	0	0	228	4	2	234	71	0	0	71	244	2	0	246	0	0	0	0	34	67	28	30	89	30	41	15	318		

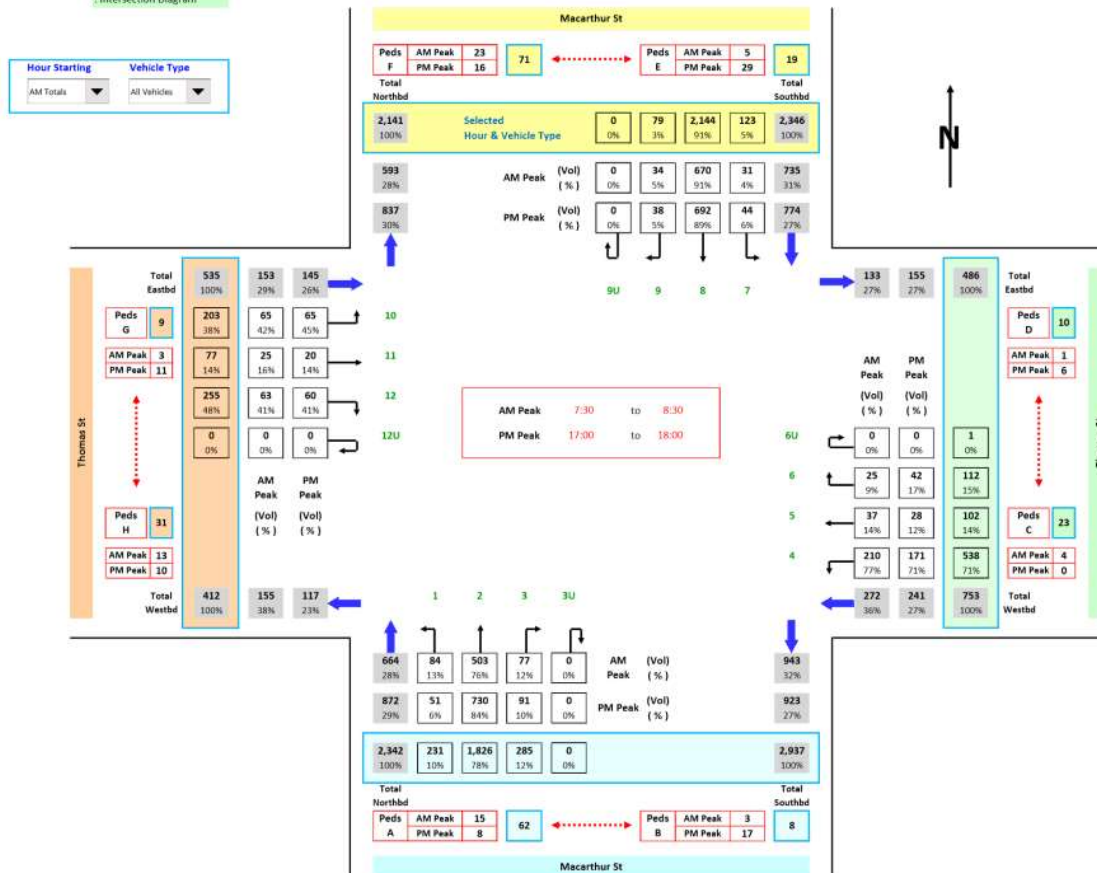
Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 1. Thomas St / Macarthur St
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Peak Hour Summary



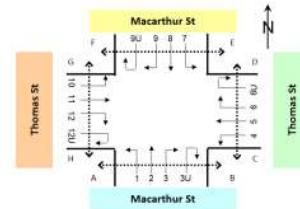
Approach	Macarthur St				Thomas St				Macarthur St				Thomas St				Grand Total
	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	
AM 7:30 to 8:30	648	11	5	664	265	6	1	272	717	15	3	735	151	2	0	153	1,824
PM 17:30 to 18:00	864	8	0	872	239	2	0	241	770	4	0	774	144	1	0	145	2,032

Approach	Macarthur St				Thomas St				Macarthur St				Thomas St				Grand Total
	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	
6:00 to 7:00	552	31	0	583	100	2	0	102	375	11	0	386	108	1	0	109	1,180
6:15 to 7:15	588	30	0	618	126	4	0	130	452	10	0	462	112	3	0	115	1,325
6:30 to 7:30	601	31	0	632	145	4	0	149	535	10	0	545	119	2	0	121	1,447
6:45 to 7:45	621	25	0	646	165	7	0	172	617	8	0	625	133	2	0	135	1,578
7:00 to 8:00	605	14	1	620	186	5	0	191	686	7	0	693	128	3	0	131	1,635
7:15 to 8:15	631	13	2	646	227	3	0	230	711	9	3	723	132	2	0	134	1,733
7:30 to 8:30	648	11	5	664	265	6	1	272	717	15	3	735	151	2	0	153	1,824
7:45 to 8:45	601	6	6	613	283	4	1	288	688	18	3	709	156	2	0	158	1,768
8:00 to 9:00	612	8	6	646	281	5	1	287	651	17	4	672	199	2	0	201	1,806
8:15 to 9:15	583	7	5	595	247	5	1	253	655	15	1	671	190	1	0	191	1,710
8:30 to 9:30	518	8	2	548	214	4	0	218	654	11	2	667	159	3	0	162	1,595
8:45 to 9:45	527	11	1	539	183	4	0	187	626	12	2	640	139	4	0	143	1,509
9:00 to 10:00	481	12	0	493	165	8	0	173	577	17	1	595	90	4	0	94	1,355
AM Totals	2,270	65	7	2,342	732	20	1	753	2,289	52	5	2,346	525	10	0	535	5,976
15:00 to 16:00	632	6	2	640	229	8	0	237	662	13	8	683	171	1	2	174	1,734
15:15 to 16:15	654	6	1	661	209	6	1	216	683	13	4	710	172	2	2	176	1,763
15:30 to 16:30	640	6	1	647	209	6	1	216	712	12	1	725	139	1	2	142	1,730
15:45 to 16:45	696	6	1	703	201	5	1	207	733	13	1	747	130	2	1	133	1,790
16:00 to 17:00	767	4	2	773	210	7	1	218	729	14	0	743	134	2	0	136	1,870
16:15 to 17:15	785	2	2	789	230	6	0	236	746	12	0	758	139	1	0	140	1,923
16:30 to 17:30	842	3	2	847	243	5	0	248	738	10	0	748	136	1	0	137	1,980
16:45 to 17:45	859	7	1	867	226	3	0	229	746	6	0	752	149	1	0	150	1,998
17:00 to 18:00	864	8	0	872	239	2	0	241	770	4	0	774	144	1	0	145	2,032
17:15 to 18:15	858	10	0	868	242	3	0	245	747	4	0	751	131	1	0	132	1,996
17:30 to 18:30	808	9	0	817	233	4	0	237	767	6	0	773	117	2	0	119	1,946
17:45 to 18:45	752	4	0	756	246	6	0	252	703	6	0	709	105	2	0	107	1,824
18:00 to 19:00	679	3	0	682	205	4	0	209	660	4	1	665	96	2	0	98	1,654
PM Totals	2,842	21	4	2,867	883	21	1	905	2,821	35	9	2,865	545	6	2	553	7,280

Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 1. Thomas St / Macarthur St
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Intersection Diagram



Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 1. Thomas St / Macarthur St
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Pedestrian Data

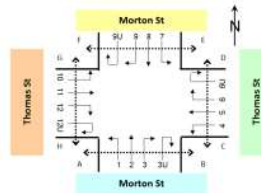


Direction	Pedestrians							
Time Period	A	B	C	D	E	F	G	H
6:00 to 6:15	0	0	0	0	2	1	0	1
6:15 to 6:30	4	0	0	0	0	1	0	1
6:30 to 6:45	3	0	2	0	0	4	0	1
6:45 to 7:00	0	1	1	0	0	3	0	0
7:00 to 7:15	2	0	3	4	1	4	1	2
7:15 to 7:30	4	0	1	1	0	0	0	1
7:30 to 7:45	2	0	1	0	0	7	0	3
7:45 to 8:00	4	3	1	1	1	7	1	2
8:00 to 8:15	6	0	1	0	2	2	2	5
8:15 to 8:30	3	0	1	0	2	7	0	3
8:30 to 8:45	14	1	0	0	2	14	3	4
8:45 to 9:00	14	1	6	0	0	9	1	0
9:00 to 9:15	2	0	1	4	3	4	0	2
9:15 to 9:30	2	0	2	0	4	3	0	1
9:30 to 9:45	1	0	0	0	2	3	0	2
9:45 to 10:00	1	2	3	0	0	2	1	3
AM Totals	62	4	23	10	19	71	4	31
15:00 to 15:15	0	2	0	1	10	0	1	0
15:15 to 15:30	1	26	1	5	15	2	14	0
15:30 to 15:45	0	0	11	6	2	0	0	1
15:45 to 16:00	1	2	4	1	2	1	3	3
16:00 to 16:15	0	2	1	4	5	3	1	0
16:15 to 16:30	1	8	2	1	8	1	1	1
16:30 to 16:45	0	3	2	1	5	1	1	0
16:45 to 17:00	1	3	2	2	10	1	5	0
17:00 to 17:15	1	1	0	3	6	0	2	1
17:15 to 17:30	1	7	0	2	7	7	3	6
17:30 to 17:45	4	7	0	0	11	5	3	1
17:45 to 18:00	0	2	0	1	5	4	3	2
18:00 to 18:15	1	0	0	2	3	4	0	0
18:15 to 18:30	1	3	2	1	4	0	2	0
18:30 to 18:45	0	0	0	0	2	0	2	0
18:45 to 19:00	0	1	1	0	0	1	0	0
PM Totals	14	67	26	30	95	30	41	15

Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 2. Thomas St / Morton St

Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : 15 mins Data

Class 1 Class 2 Class 3
 Cars Trucks Buses

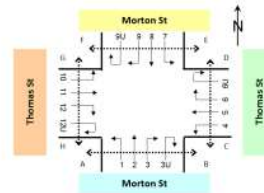


MATRIX
 Traffic and Transport Data

Approach	Morton St																Thomas St															
Direction	Direction 1 (Left Turn)				Direction 2 (Through)				Direction 3 (Right Turn)				Direction 3U (U Turn)				Direction 4 (Left Turn)				Direction 5 (Through)				Direction 6 (Right Turn)				Direction 6U (U Turn)			
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total
6:00 to 6:15	6	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6	1	0	7	5	0	0	5	0	0	0	0	0	0	0	
6:15 to 6:30	3	0	0	3	0	0	0	0	1	0	0	1	0	0	0	0	8	0	0	8	14	0	0	14	4	0	0	4	0	0	0	
6:30 to 6:45	32	0	0	32	4	0	0	4	6	1	0	7	1	0	0	1	12	1	0	13	15	0	0	15	2	0	0	2	1	0	1	
6:45 to 7:00	8	1	0	9	1	0	0	1	1	0	0	1	0	0	0	7	4	0	11	23	1	0	24	3	0	0	3	0	0	0		
7:00 to 7:15	11	0	0	11	0	0	0	0	4	1	0	5	1	0	0	1	6	5	0	11	22	1	0	23	2	0	0	2	0	0	0	
7:15 to 7:30	8	1	0	9	0	0	0	0	4	0	0	4	0	0	0	0	2	2	0	4	23	0	0	23	1	0	0	1	0	0	0	
7:30 to 7:45	5	2	0	7	0	0	0	0	2	1	0	3	0	0	0	0	2	1	0	3	22	0	0	22	1	0	0	1	2	0	2	
7:45 to 8:00	15	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	2	1	0	3	22	0	0	22	1	0	0	1	0	0	0	
8:00 to 8:15	14	0	0	14	0	0	0	0	2	0	0	2	0	0	0	0	0	2	0	2	30	0	0	30	1	0	0	1	0	0	0	
8:15 to 8:30	9	1	0	10	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	40	1	0	41	2	0	0	2	0	0	0	
8:30 to 8:45	9	1	0	10	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	11	0	0	11	1	0	0	1	0	0	0		
8:45 to 9:00	7	1	0	8	0	1	0	1	0	0	0	0	0	0	0	0	2	0	0	2	31	1	0	32	1	0	0	1	0	0	0	
9:00 to 9:15	5	0	0	5	0	0	0	0	1	1	0	2	0	0	0	0	2	0	0	2	25	0	0	25	0	0	0	0	0	0	0	
9:15 to 9:30	10	0	0	10	0	0	0	0	1	1	0	2	0	0	0	0	1	0	0	1	21	1	0	22	4	0	0	4	0	0	0	
9:30 to 9:45	5	0	0	5	1	0	0	1	4	0	0	4	0	0	0	0	1	0	0	1	25	0	0	25	0	0	0	0	0	0	0	
9:45 to 10:00	8	3	0	11	1	0	0	1	0	0	0	0	0	0	0	0	3	0	0	3	13	2	0	15	0	0	0	0	0	0	0	
AM Totals	189	10	0	199	8	1	0	9	26	6	0	32	2	0	0	2	34	17	0	51	362	7	0	369	28	0	0	28	8	0	8	
15:00 to 15:15	15	3	0	18	0	0	0	0	6	0	0	6	0	0	0	0	0	0	0	0	24	1	0	25	2	0	0	2	0	0	0	
15:15 to 15:30	11	3	0	14	0	0	0	0	2	0	0	2	0	0	0	0	2	1	0	3	28	0	0	28	1	0	0	1	0	0	0	
15:30 to 15:45	29	1	0	30	1	0	0	1	4	0	0	4	0	0	0	0	1	0	0	1	25	0	0	25	4	0	0	4	1	0	1	
15:45 to 16:00	10	0	0	10	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	31	1	0	32	3	1	0	4	0	0	0	
16:00 to 16:15	5	1	0	6	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	26	0	0	26	1	0	0	1	0	0	0	
16:15 to 16:30	6	1	0	7	1	0	0	1	0	0	0	0	0	1	0	1	1	1	0	2	18	0	0	19	1	0	0	1	0	0	0	
16:30 to 16:45	12	1	0	13	0	0	0	0	1	1	0	2	0	0	0	0	0	0	0	0	27	0	0	27	2	0	0	2	0	0	0	
16:45 to 17:00	11	2	0	13	0	0	0	0	2	0	0	2	1	0	0	1	1	0	0	1	23	1	0	24	3	0	0	3	0	0	0	
17:00 to 17:15	15	0	0	15	0	0	0	0	2	0	0	2	0	1	0	1	1	0	0	1	41	0	0	41	5	0	0	5	1	0	1	
17:15 to 17:30	18	0	0	18	0	0	0	0	4	0	0	4	0	1	0	1	2	0	0	2	27	0	0	27	2	0	0	2	0	0	0	
17:30 to 17:45	6	0	0	6	1	0	0	1	3	0	0	3	0	0	0	0	0	0	0	0	18	0	0	18	2	0	0	2	0	0	0	
17:45 to 18:00	12	3	0	15	0	0	0	0	4	1	0	5	0	0	0	0	3	0	0	3	30	0	0	30	1	0	0	1	0	0	0	
18:00 to 18:15	11	0	0	11	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	1	35	0	0	35	7	0	0	7	0	0	0	
18:15 to 18:30	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	35	1	0	36	3	0	0	3	0	0	0	
18:30 to 18:45	20	1	0	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	23	0	0	23	2	0	0	2	0	0	0	
18:45 to 19:00	8	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	0	0	17	1	0	0	1	0	0	0	
PM Totals	174	14	0	188	8	0	0	8	29	2	0	31	1	0	0	4	13	8	0	15	432	4	0	436	40	1	0	41	2	0	2	

Approach	Morton St																Thomas St																Crossing Pedestrians									
Direction	Direction 7 (Left Turn)				Direction 8 (Through)				Direction 9 (Right Turn)				Direction 9U (U Turn)				Direction 10 (Left Turn)				Direction 11 (U Through)				Direction 12 (Right Turn)				Direction 12U (U Turn)													
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	A	B	C	D	E	F	G	H	Total					
6:00 to 6:15	0	0	0	0	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3	14	1	0	15	0	0	0	0	1	0	0	0	0	0	0	0	0	1				
6:15 to 6:30	0	0	0	0	1	0	0	1	1	0	0	1	0	0	0	0	4	0	0	4	0	0	0	29	0	0	0	0	1	0	0	0	0	0	0	0	0	1				
6:30 to 6:45	0	0	0	0	3	0	0	3	2	0	0	2	0	0	0	0	3	0	0	3	8	0	0	8	10	2	0	21	0	0	0	0	3	0	5	0	0	3	12			
6:45 to 7:00	3	0	0	3	0	0	0	0	1	0	0	1	0	0	0	0	6	0	0	6	5	1	0	8	11	0	12	0	0	0	0	1	0	5	0	0	1	0	1			
7:00 to 7:15	2	0	0	2	1	0	0	1	7	0	0	7	0	0	0	0	4	1	0	5	12	1	0	13	5	0	0	5	0	0	0	0	2	0	2	1	0	0	0	4		
7:15 to 7:30	3	0	0	3	0	0	0	0	2	0	0	2	0	0	0	0	3	0	0	3	7	0	0	7	5	1	0	8	0	0	0	0	0	3	0	0	1	1	7			
7:30 to 7:45	1	0	0	1	0	0	0	0	10	0	0	10	0	0	0	0	6	0	0	6	11	0	0	11	1	2	0	3	0	0	0	0	0	0	0	0	0	0	0			
7:45 to 8:00	5	0	0	5	0	0	0	0	7	0	0	7	0	0	0	0	7	0	0	7	9	0	0	8	7	0	0	7	0	0	0	0	0	0	1	0	1	0	0	4		
8:00 to 8:15	3	0	0	3	0	0	0	0	15	1	1	17	0	0	0	12	0	1	18	15	0	0	15	4	0	0	4	1	0	0	0	0	1	2	1	0	0	0	0	8		
8:15 to 8:30	1	0	0	1	0	0	0	0	13	0	0	13	0	0	0	0	3	0	0	3	17	1	0	18	3	0	0	3	0	0	0	0	0	1	0	1	2	0	0	0	4	
8:30 to 8:45	2	0	0	2	1	0	0	1	8	0	0	8	0	0	0	6	0	0	6	15	0	0	15	1	0	0	2	0	0	0	0	10	1	2	0	1	3	1	1	10		
8:45 to 9:00	1	0	0	1	0	1	0	1	6	0	0	6	0	0	12	0	0	12	10	0	0	10	6	1	0	7	0	0	0	0	1	1	1	4	0	1	0	0	0	0		
9:00 to 9:15	0	0	0	0	0	0	0	0	8	0	0	8	0	0	0	5	0	0	5	8	0	0	8	7	0	0	7	0	0	0	0	3	0	6	2	0	0	0	0	0	12	
9:15 to 9:30	1	0	0	1	0	0	0	0	7	1	0	8	0	0	0	5	0	0	5	11	0	0	11	0	0	1	0	7	0	0	0	0	2	2	3	0	0	0	0	7		
9:30 to 9:45	2	0	0	2	0	0	0	0	3	1	0	4	0	0	0	2	0	0	2	12	0	0	12	1	1	0	2	0	0	0	0	2	1	0	0	0	0	0	0	0	1	
9:45 to 10:00	1	0	0	1	2	0	0	2	8	0	0	8	0	0	0	5	0	0	5	7	1	0	8	7	0	0	2	0	0	0	0	0	1	3	0	0	0	3	0	0	7	
AM Totals	25	0	0	25	8	1	0	9	101	3	1	105	0	0	0	86	1	1	88	154	4	0	140	111	11	0	122	1	0	0	1	37	10	28	9	2	6	8	18	130		
15:00 to 15:15	2	0	0	2	0	0	0	0	7	0	0	7	0	0	0	3	0	0	3	13	0	0	14	5	0	0	5	0	0	0	0	1	1	0	0	0	0	0	0	0	0	
15:15 to 15:30	1	0	0	1	1	0	0	1	5	0	0	5	0	0	0	5	0	0	5	20	0	0	20	6	1	0	7	0	0	0	0	1	8	0	1	1	0	0	0	0	0	
15:30 to 15:45	0	0	0	0	0	0	0	0	5	0	0	5	0	0	0	10	0	0	10	13	1	0	14	7	0	0	7	0	0	0	0	0	6	0	4	0	0	2	3	0	0	15
15:45 to 16:00	2	0	0	2	0	0	0	0	6	0	0	6	0	0	0	8	0	1	9	16	0	0	16	1	0	0	3	0	0	0	0	0	2	1	4	1	0	1	0	0	14	
16:00 to 16:15	2	0	0	2	0	1	0	1	6	0	1	7	0	0	0	8	0	0	8	17	0	0	17	8	0	0	8	0	0	0	0	1	4	0	0	0	0	0	0	1	6	
16:15 to 16:30	4	0	0	4	0	0	0	0	11	0	0	11	0	0	0	9	0	0	9	13	0	0	12	5	0	0	5	0	0	0	0	2	4	1	1	0	0	0	0	10		
16:30 to 16:45	1	0	0	1	0	0	0	0	10	0	0	10	0	0	0	6	0	0	6	17	0	0	17	6	0	0	6	0	0	0	0	3	4	0	2	2	0	0	0	0	11	
16:45 to 17:00	3	0	0	3	0	0	0	0	9	0	0	9	0	0	0	9	0	0	9	11	0	0	11	11	0	0	11	0	0	0	0	0	9	0	0	1	1	0	0	0	7	
17:00 to 17:15	2	0	0	2	0	0	0	0	6	0	0	6	0	0	0	5	0	0	5	16	0	0	16	6	0	0	6	0	0	0	0	2	0	1	1	1	0	0	0	5		
17:15 to 17:30	4	0	0	4	0	0	0	0	10	0	0	10	0	0	0	4	0	0	4	17	0	0	17	8	0	0	8	0	0	0	0	1	3	0	1	0	1	1	0	7		
17:30 to 17:45	2	1	0	3	1	0	0	1	10	0	0	10	0	0	0	9	0	0	9	17	0	0	17	7	0	0	7	0	0	0	0	2	5	0	0	0	0	2	0	0		
17:45 to 18:00	0	0	0	0	0	0	0	0	11	0	0	11	0	0	0	12	0	0	12	15	0	0	15	15	0	0	13	0	0	0	0	0	5	0	2	0	0	0	0	7		
18:00 to 18:15	5	0	0	5	0	0	0	0	8	0	0	8	0	0	0	11	0	0	11	17	0	0	17	7	0	0	7	0	0	0	0	0	3	1	1	0	1	0	1	7		
18:15 to 18:30	3	0	0	3	0	0	0	0	6	0	0	6	0	0	0	5	0	0	5	12	0	0	12	9	0	0	9	0	0	0	0	1	0	0	0	0	0	0	1	2		
18:30 to 18:45	1	0	0	1	0	0	0	0	12	0	0	12	0	0	0	9	0	0	9	7	0	0	7	5	0	0	5	0	0	0	0	1	0	0	0	0	0	0	1	0		
18:45 to 19:00	0	0	0	0	0	0	0	0	9	0	0	9	0	0	0	3	0	0	3	20	0	0	20	12	0	0	12	0	0	0	0	1	2	0	1	0	1	0	0	0	4	
PM Totals	30	1	0	31	2	1	0	3	121	0	1	122	0	0	0	113	0	1	114	240	3	0	242	118	1	0	119	0	0	0	0	14	48	4	20	8	5	9	3	1		

Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 2: Thomas St / Morton St
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Hourly Summary

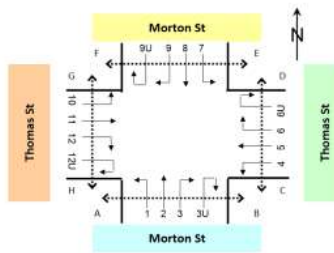


MATRIX
 Traffic and Transport Data

Approach	Morton St																Thomas St															
Direction	Direction 1 (Left Turn)				Direction 2 (Through)				Direction 3 (Right Turn)				Direction 3U (U Turn)				Direction 4 (Left Turn)				Direction 5 (Through)				Direction 6 (Right Turn)				Direction 6U (U Turn)			
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total
6:00 to 7:00	29	1	0	30	5	0	0	5	8	1	0	9	1	0	0	1	33	6	0	39	57	1	0	58	9	0	0	9	1	0	0	1
6:15 to 7:15	36	1	0	37	5	0	0	5	13	2	0	14	2	0	0	2	33	10	0	43	74	2	0	76	11	0	0	11	1	0	0	1
6:30 to 7:30	30	2	0	41	5	0	0	5	15	2	0	17	2	0	0	2	27	12	0	39	83	2	0	85	8	0	0	8	1	0	0	1
6:45 to 7:45	32	4	0	36	1	0	0	1	11	2	0	13	1	0	0	1	17	12	0	29	90	2	0	92	7	0	0	7	2	0	0	2
7:00 to 8:00	37	3	0	40	0	0	0	0	10	2	0	12	1	0	0	1	12	9	0	21	89	1	0	90	5	0	0	5	2	0	0	2
7:15 to 8:15	40	3	0	43	0	0	0	0	8	1	0	9	0	0	0	0	6	6	0	12	97	0	0	97	4	0	0	4	2	0	0	2
7:30 to 8:30	41	3	0	44	0	0	0	0	4	2	0	6	0	0	0	0	4	4	0	8	114	1	0	115	5	0	0	5	2	0	0	2
7:45 to 8:45	45	3	0	47	1	0	0	1	2	1	0	3	0	0	0	0	2	3	0	5	123	1	0	124	5	0	0	5	0	0	0	0
8:00 to 9:00	39	5	0	42	1	1	0	2	2	1	0	3	0	0	0	0	2	2	0	4	130	2	0	134	5	0	0	5	0	0	0	0
8:15 to 9:15	30	3	0	33	1	1	0	2	1	2	0	3	0	0	0	0	4	0	0	4	127	2	0	129	4	0	0	4	0	0	0	0
8:30 to 9:30	31	2	0	33	1	1	0	2	2	2	0	4	0	0	0	0	5	0	0	5	108	2	0	110	6	0	0	6	0	0	0	0
8:45 to 9:45	27	1	0	28	1	1	0	2	6	2	0	8	0	0	0	0	6	0	0	6	102	2	0	104	5	0	0	5	0	0	0	0
9:00 to 10:00	26	3	0	31	2	0	0	2	6	2	0	8	0	0	0	0	7	0	0	7	84	3	0	87	4	0	0	4	0	0	0	0
AM Totals	133	10	0	143	8	1	0	9	29	6	0	32	2	0	0	2	54	17	0	71	562	7	0	569	23	0	0	23	3	0	0	1
15:00 to 16:00	55	7	0	62	1	0	0	1	13	0	0	13	0	0	0	0	5	1	0	4	108	2	0	110	10	1	0	11	1	0	0	1
15:15 to 16:15	45	5	0	50	1	0	0	1	7	0	0	7	0	0	0	0	3	2	0	5	110	1	0	111	9	1	0	10	1	0	0	1
15:30 to 16:30	40	3	0	43	2	0	0	2	5	0	0	5	0	1	0	1	2	2	0	4	100	1	0	101	9	1	0	10	1	0	0	1
15:45 to 16:45	33	3	0	36	1	0	0	1	2	1	0	3	0	1	0	1	1	2	0	3	102	1	0	103	7	1	0	8	0	0	0	0
16:00 to 17:00	34	5	0	39	1	0	0	1	3	1	0	4	1	1	0	2	2	2	0	4	94	1	0	95	7	0	0	7	0	0	0	0
16:15 to 17:15	44	4	0	48	1	0	0	1	5	1	0	6	1	2	0	3	3	1	0	4	109	1	0	110	11	0	0	11	1	0	0	1
16:30 to 17:30	55	3	0	58	0	0	0	0	9	1	0	10	1	2	0	3	4	0	0	4	114	1	0	115	12	0	0	12	1	0	0	1
16:45 to 17:45	40	2	0	42	1	0	0	1	11	0	0	11	1	2	0	3	4	0	0	4	105	1	0	106	12	0	0	12	1	0	0	1
17:00 to 18:00	40	3	0	43	1	0	0	1	13	1	0	14	0	2	0	2	6	0	0	6	116	0	0	116	10	0	0	10	1	0	0	0
17:15 to 18:15	42	3	0	45	2	0	0	2	11	1	0	12	0	1	0	1	6	0	0	6	114	0	0	114	12	0	0	12	0	0	0	0
17:30 to 18:30	39	3	0	42	2	0	0	2	7	1	0	8	0	0	0	0	5	0	0	5	122	1	0	123	13	0	0	13	0	0	0	0
17:45 to 18:45	43	4	0	47	1	0	0	1	4	1	0	5	0	0	0	0	5	0	0	5	127	1	0	128	13	0	0	13	0	0	0	0
18:00 to 19:00	39	1	0	40	1	0	0	1	0	0	0	0	0	0	0	0	2	0	0	2	114	1	0	115	13	0	0	13	0	0	0	0
PM Totals	174	18	0	190	4	0	0	4	29	2	0	31	1	3	0	4	13	3	0	16	432	4	0	436	40	1	0	41	2	0	0	2

Approach	Morton St																Thomas St																Crossing Pedestrians									
Direction	Direction 7 (Left Turn)				Direction 8 (Through)				Direction 9 (Right Turn)				Direction 9U (U Turn)				Direction 10 (Left Turn)				Direction 11 (Through)				Direction 12 (Right Turn)				Direction 12U (U Turn)													
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	A	B	C	D	E	F	G	H	Total	
6:00 to 7:00	3	0	0	3	4	0	0	4	7	0	0	7	0	0	0	0	16	0	0	16	22	1	0	23	63	4	0	67	0	0	0	0	6	0	10	0	0	1	0	7	24	
6:15 to 7:15	5	0	0	5	5	0	0	5	11	0	0	11	0	0	0	0	17	1	0	18	11	3	0	33	54	5	0	57	0	0	0	0	7	0	12	1	0	1	0	8	29	
6:30 to 7:30	8	0	0	8	4	0	0	4	12	0	0	12	0	0	0	0	16	1	0	17	33	3	0	34	40	4	0	44	0	0	0	0	8	0	15	1	0	1	1	8	34	
6:45 to 7:45	9	0	0	9	1	0	0	1	20	0	0	20	0	0	0	0	19	1	0	20	35	3	0	37	22	4	0	26	0	0	0	0	7	1	10	1	0	1	1	8	27	
7:00 to 8:00	11	0	0	11	1	0	0	1	26	0	0	26	0	0	0	0	20	1	0	21	39	1	0	40	16	5	0	21	0	0	0	0	9	1	6	1	1	1	1	3	23	
7:15 to 8:15	12	0	0	12	0	0	0	0	34	1	1	36	0	0	0	0	28	0	1	29	42	0	0	42	17	3	0	20	1	0	0	0	1	2	4	0	1	1	1	2	20	
7:30 to 8:30	10	0	0	10	0	0	0	0	45	1	1	47	0	0	0	0	28	0	1	29	52	1	0	53	15	2	0	17	1	0	0	0	1	2	2	1	1	1	1	1	18	
7:45 to 8:45	11	0	0	11	1	0	0	1	43	1	1	45	0	0	0	0	28	0	1	29	56	1	0	57	15	1	0	16	1	0	0	0	1	36	2	4	2	2	4	2	1	53
8:00 to 9:00	7	0	0	7	1	1	0	2	42	1	1	44	0	0	0	0	33	0	1	34	57	1	0	58	14	2	0	14	1	0	0	0	1	14	3	4	4	1	4	2	1	35
8:15 to 9:15	4	0	0	4	1	1	0	2	35	0	0	35	0	0	0	0	26	0	0	26	50	1	0	51	17	2	0	19	0	0	0	0	15	2	10	4	1	4	2	1	43	
8:30 to 9:30	4	0	0	4	1	1	0	2	29	1	0	30	0	0	0	0	26	0	0	26	44	0	0	44	20	3	0	23	0	0	0	0	16	4	12	4	1	4	1	1	45	
8:45 to 9:45	4	0	0	4	0	1	0	1	24	2	0	26	0	0	0	0	24	0	0	24	41	0	0	41	20	3	0	23	0	0	0	0	8	4	10	4	0	1	0	0	20	
9:00 to 10:00	4	0	0	4	2	0	0	2	24	2	0	26	0	0	0	0	17	0	0	17	38	1	0	39	14	2	0	16	0	0	0	0	4	6	9	2	0	3	0	0	28	
AM Totals	25	0	0	25	8	1	0	9	101	5	1	107	0	0	0	0	86	1	1	88	126	4	0	130	111	11	0	122	1	0	0	1	37	10	29	9	2	9	3	11	110	
15:00 to 16:00	5	0	0	5	1	0	0	1	23	0	0	23	0	0	0	0	20	0	1	21	82	3	0	84	21	1	0	22	0	0	0	0	1	12	1	9	3	3	6	0	35	
15:15 to 16:15	5	0	0	5	1	1	0	2	22	0	1	23	0	0	0	0	26	0	1	27	66	1	0	67	24	1	0	25	0	0	0	0	2	16	1	9	2	2	6	1	30	
15:30 to 16:30	8	0	0	8	0	1	0	1	28	0	1	29	0	0	0	0	32	0	1	33	58	1	0	59	25	0	0	23	0	0	0	0	3	18	2	9	1	2	6	1	42	
15:45 to 16:45	9	0	0	9	0	1	0	1	33	0	0	33	0	0	0	0	28	0	1	29	62	0	0	62	22	0	0	22	0	0	0	0	4	16	2	7	3	0	3	1	38	
16:00 to 17:00	10	0	0	10	0	1	0	1	36	0	1	37	0	0	0	0	29	0	0	29	57	0	0	57	30	0	0	30	0	0	0	0	9	6	17	1	4	3	0	0	34	
16:15 to 17:15	10	0	0	10	0	0	0	0	36	0	0	36	0	0	0	0	29	0	0	29	54	0	0	54	28	0	0	28	0	0	0	0	2	13	1	7	4	0	0	0	33	
16:30 to 17:30	10	0	0	10	0	0	0	0	35	0	0	35	0	0	0	0	24	0	0	24	61	0	0	61	31	0	0	31	0	0	0	0	0	10	1	7	4	1	1	0	30	
16:45 to 17:45	11	1	0	12	1	0	0	1	35	0	0	35	0	0	0	0	27	0	0	27	61	0	0	61	32	0	0	32	0	0	0	0	5	11	1	5	2	1	1	0	28	
17:00 to 18:00	8	1	0	9	1	0	0	1	37	0	0	37	0	0	0	0	30	0	0	30	65	0	0	65	34	0	0	34	0	0	0	0	5	13	1	4	1	1	1	3	28	
17:15 to 18:15	9	1	0	10	1	0	0	1	39	0	0	39	0	0	0	0	36	0	0	36	64	0	0	64	35	0	0	35	0	0	0	0	3	16	1	4	0	2	3	1	30	
17:30 to 18:30	8	1	0	9	1	0	0	1	35	0	0	35	0	0	0	0	37	0	0	37	61	0	0	61	36	0	0	36	0	0	0	0	2	14	1	1	0	1	2	2	25	
17:45 to 18:45	7	0	0	7	0	0	0	0	37	0	0	37	0	0	0	0	37	0	0	37	51	0	0	51	34	0	0	34	0	0	0	0	1	9	1	1	0	1	0	2	17	
18:00 to 19:00	7	0	0	7	0	0	0	0	35	0	0	35	0	0	0	0	28	0	0	28	56	0	0	56	33	0	0	33	0	0	0	0	2	6	1	1	1	1	1	0	24	
PM Totals	80	1	0	81	2	1	0	3	131	0	1	132	0	0	0	0	113	0	1	114	240	2	0	242	118	1	0	119	0	0	0	0	14	48	4	20	8	5	9	3	111	

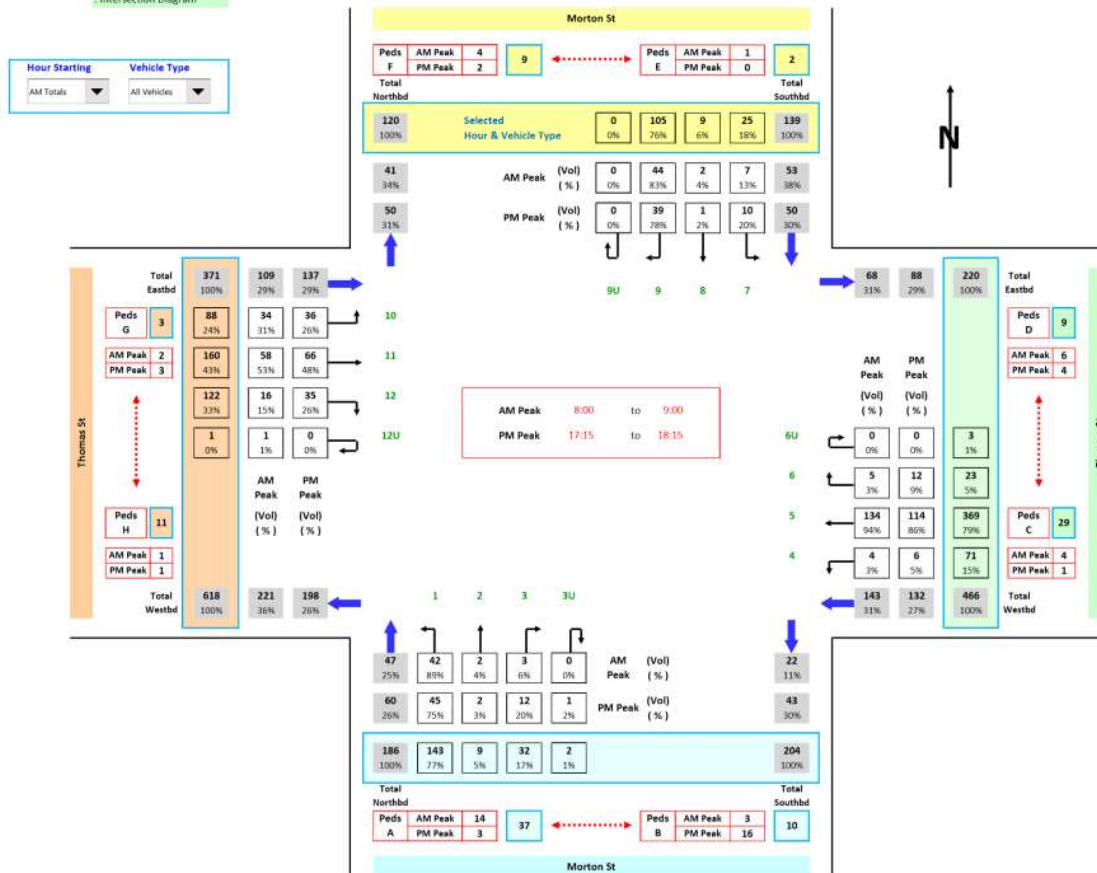
Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 2. Thomas St / Morton St
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Peak Hour Summary



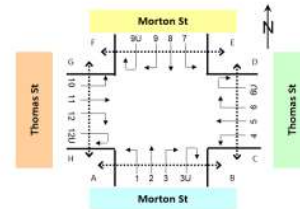
Approach	Morton St				Thomas St				Morton St				Thomas St				Grand Total
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	
AM 8:00 to 9:00	42	5	0	47	139	4	0	143	50	2	1	53	105	3	1	109	352
PM 17:15 to 18:15	55	5	0	60	132	0	0	132	49	1	0	50	137	0	0	137	379

Approach	Morton St				Thomas St				Morton St				Thomas St				Grand Total
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	
6:00 to 7:00	43	2	0	45	100	7	0	107	14	0	0	14	101	5	0	106	272
6:15 to 7:15	53	3	0	56	119	12	0	131	21	0	0	21	102	6	0	108	316
6:30 to 7:30	61	4	0	65	119	14	0	133	34	0	0	34	88	7	0	95	317
6:45 to 7:45	45	6	0	51	116	14	0	130	30	0	0	30	76	7	0	83	294
7:00 to 8:00	48	5	0	53	108	10	0	118	38	0	0	38	77	5	0	82	291
7:15 to 8:15	48	4	0	52	109	6	0	115	46	1	1	48	88	3	1	92	307
7:30 to 8:30	45	5	0	50	125	5	0	130	55	1	1	57	96	3	1	100	337
7:45 to 8:45	48	3	0	51	130	4	0	134	55	1	1	57	100	2	1	103	345
8:00 to 9:00	42	5	0	47	139	4	0	143	50	2	1	53	105	3	1	109	352
8:15 to 9:15	32	6	0	38	135	2	0	137	40	1	0	41	93	3	0	96	312
8:30 to 9:30	34	5	0	39	119	2	0	121	34	2	0	36	92	3	0	95	291
8:45 to 9:45	34	4	0	38	113	2	0	115	28	3	0	31	85	3	0	88	272
9:00 to 10:00	36	5	0	41	95	1	0	96	32	2	0	34	71	3	0	74	247
AM Totals	169	17	0	186	442	24	0	466	134	4	1	139	354	16	1	371	1,162
15:00 to 16:00	69	7	0	76	122	4	0	126	29	0	0	29	109	3	1	113	344
15:15 to 16:15	53	5	0	58	123	4	0	127	28	1	1	30	118	2	1	121	336
15:30 to 16:30	47	4	0	51	112	4	0	116	36	1	1	38	113	1	1	115	320
15:45 to 16:45	36	5	0	41	110	4	0	114	42	1	1	44	112	0	1	113	312
16:00 to 17:00	39	7	0	46	103	3	0	106	46	1	1	48	116	0	0	116	316
16:15 to 17:15	51	7	0	58	124	2	0	126	46	0	0	46	113	0	0	113	343
16:30 to 17:30	61	6	0	67	135	1	0	136	45	0	0	45	116	0	0	116	364
16:45 to 17:45	58	4	0	62	126	1	0	127	47	1	0	48	120	0	0	120	357
17:00 to 18:00	60	6	0	66	131	0	0	131	46	1	0	47	129	0	0	129	375
17:15 to 18:15	55	5	0	60	132	0	0	132	49	1	0	50	137	0	0	137	379
17:30 to 18:30	48	4	0	52	140	1	0	141	44	1	0	45	134	0	0	134	372
17:45 to 18:45	48	5	0	53	145	1	0	146	44	0	0	44	122	0	0	122	365
18:00 to 19:00	40	1	0	41	129	1	0	130	42	0	0	42	117	0	0	117	330
PM Totals	208	21	0	229	487	8	0	495	163	2	1	166	471	3	1	475	1,365

Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 2. Thomas St / Morton St
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 Intersection Diagram



Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 2. Thomas St / Morton St
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Pedestrian Data



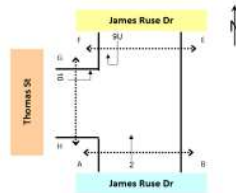
MATRIX
 Traffic and Transport Data

Direction	Pedestrians							
Time Period	A	B	C	D	E	F	G	H
6:00 to 6:15	1	0	0	0	0	0	0	0
6:15 to 6:30	1	0	0	0	0	0	0	1
6:30 to 6:45	1	0	5	0	0	0	0	3
6:45 to 7:00	1	0	5	0	0	1	0	3
7:00 to 7:15	2	0	2	1	0	0	0	1
7:15 to 7:30	2	0	3	0	0	0	1	1
7:30 to 7:45	2	1	0	0	0	0	0	1
7:45 to 8:00	3	0	1	0	1	1	0	0
8:00 to 8:15	2	1	0	0	0	0	0	0
8:15 to 8:30	1	0	1	2	0	0	1	0
8:30 to 8:45	10	1	2	0	1	3	1	1
8:45 to 9:00	1	1	1	4	0	1	0	0
9:00 to 9:15	3	0	6	2	0	0	0	0
9:15 to 9:30	2	2	3	0	0	0	0	0
9:30 to 9:45	2	1	0	0	0	0	0	0
9:45 to 10:00	1	3	0	0	0	3	0	0
AM Totals	37	10	29	9	2	9	8	11
15:00 to 15:15	0	0	0	0	1	1	0	0
15:15 to 15:30	1	4	0	1	1	0	0	0
15:30 to 15:45	0	6	0	4	0	2	3	0
15:45 to 16:00	0	2	1	4	1	0	3	0
16:00 to 16:15	1	4	0	0	0	0	0	1
16:15 to 16:30	2	6	1	1	0	0	0	0
16:30 to 16:45	3	4	0	2	2	0	0	0
16:45 to 17:00	0	3	0	3	1	0	0	0
17:00 to 17:15	2	0	1	1	1	0	0	0
17:15 to 17:30	1	3	0	1	0	1	1	0
17:30 to 17:45	2	5	0	0	0	0	2	0
17:45 to 18:00	0	5	0	2	0	0	0	0
18:00 to 18:15	0	3	1	1	0	1	0	1
18:15 to 18:30	0	1	0	0	0	0	0	1
18:30 to 18:45	1	0	0	0	0	0	0	0
18:45 to 19:00	1	2	0	0	1	0	0	0
PM Totals	14	48	4	20	8	5	9	9

Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 3. Thomas St / James Ruse Dr

Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : 15 mins Data

Class 1 Class 2 Class 3
 Classifications : Cars Trucks Buses



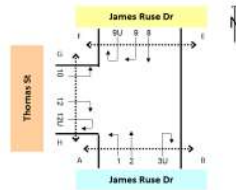
MATRIX
 Traffic and Transport Data

Approach	James Ruse Dr											
Direction	Direction 1 (Left Turn)				Direction 2 (Through)				Direction 3U (U Turn)			
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total
6:00 to 6:15				0	513	47	0	560				0
6:15 to 6:30				0	552	76	0	628				0
6:30 to 6:45				0	580	80	1	661				0
6:45 to 7:00				0	518	62	0	581				0
7:00 to 7:15				0	530	52	1	583				0
7:15 to 7:30				0	561	47	0	608				0
7:30 to 7:45				0	631	55	1	687				0
7:45 to 8:00				0	552	46	0	598				0
8:00 to 8:15				0	540	57	1	598				0
8:15 to 8:30				0	508	59	2	574				0
8:30 to 8:45				0	572	47	1	620				0
8:45 to 9:00				0	513	48	1	562				0
9:00 to 9:15				0	399	39	0	438				0
9:15 to 9:30				0	396	51	5	452				0
9:30 to 9:45				0	531	81	1	613				0
9:45 to 10:00				0	448	64	1	513				0
AM Totals	0	0	0	0	6,367	611	22	6,999	0	0	0	0
10:00 to 10:15				0	494	44	1	539				0
10:15 to 10:30				0	545	35	2	582				0
10:30 to 10:45				0	465	29	0	494				0
10:45 to 11:00				0	558	40	0	598				0
11:00 to 11:15				0	653	30	1	684				0
11:15 to 11:30				0	604	11	0	615				0
11:30 to 11:45				0	614	18	1	633				0
11:45 to 12:00				0	676	27	1	704				0
12:00 to 12:15				0	672	24	2	698				0
12:15 to 12:30				0	720	11	0	731				0
12:30 to 12:45				0	701	18	0	719				0
12:45 to 13:00				0	723	22	0	745				0
13:00 to 13:15				0	663	14	0	677				0
13:15 to 13:30				0	612	12	0	624				0
13:30 to 13:45				0	577	11	0	588				0
13:45 to 14:00				0	473	16	1	490				0
PM Totals	0	0	0	0	6,464	364	9	6,837	0	0	0	0

Approach	James Ruse Dr																Thomas St																Crossing Pedestrians					
Direction	Direction 8 (Through)				Direction 9 (Right Turn)				Direction 9U (U Turn)				Direction 10 (Left Turn)				Direction 12 (Right Turn)				Direction 12U (U Turn)																	
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	A	B	E	F	G	H	Total											
6:00 to 6:15				0				0	0	0	0	0	4	0	0	4				0	0	0			0	0	1	0	1									
6:15 to 6:30				0				0	0	0	0	0	11	0	0	11				0	0	0			0	0	1	0	1									
6:30 to 6:45				0				0	0	0	0	0	7	1	0	8				0	0	0			0	0	0	0	0									
6:45 to 7:00				0				0	0	0	0	0	15	0	0	15				0	0	0			0	0	0	0	0									
7:00 to 7:15				0				0	0	0	0	0	14	1	0	15				0	0	0			0	0	0	0	0									
7:15 to 7:30				0				0	0	0	0	0	16	0	0	16				0	0	0			0	0	0	0	0									
7:30 to 7:45				0				0	0	0	0	0	12	1	0	13				0	0	0			0	0	0	0	0									
7:45 to 8:00				0				0	0	0	0	0	11	0	0	11				0	0	0			0	0	0	0	0									
8:00 to 8:15				0				0	0	0	0	0	18	0	0	18				0	0	0			0	0	0	0	0									
8:15 to 8:30				0				0	0	0	0	0	14	2	0	16				0	0	0			0	0	0	0	0									
8:30 to 8:45				0				0	0	0	0	0	15	1	0	16				0	0	0			0	0	0	0	0									
8:45 to 9:00				0				0	0	0	0	0	11	0	0	11				0	0	0			0	0	0	0	0									
9:00 to 9:15				0				0	0	0	0	0	6	0	0	6				0	0	0			0	0	0	0	0									
9:15 to 9:30				0				0	0	0	0	0	5	2	0	5				0	0	0			0	0	0	0	0									
9:30 to 9:45				0				0	0	0	0	0	8	0	0	8				0	0	0			0	0	2	2	2									
9:45 to 10:00				0				0	0	0	0	0	4	1	0	5				0	0	0			0	0	0	0	0									
AM Totals	0	0	0	0	0	0	0	0	0	0	0	0	168	8	0	178	0	0	0	0	0	0	0	0	0	1	3	4										
10:00 to 10:15				0				0	0	0	0	0	16	1	0	17				0	0	0			0	0	0	0	0									
10:15 to 10:30				0				0	0	0	0	0	16	0	0	16				0	0	0			0	0	0	0	0									
10:30 to 10:45				0				0	0	0	0	0	7	1	0	8				0	0	0			0	0	1	0	1									
10:45 to 11:00				0				0	0	0	0	0	6	0	0	6				0	0	0			0	0	0	0	0									
11:00 to 11:15				0				0	0	0	0	0	13	0	0	13				0	0	0			0	0	0	0	0									
11:15 to 11:30				0				0	0	0	0	0	12	0	0	12				0	0	0			0	0	0	0	0									
11:30 to 11:45				0				0	0	0	0	0	15	1	0	16				0	0	0			0	0	0	0	0									
11:45 to 12:00				0				0	0	0	0	0	9	0	0	9				0	0	0			0	0	0	0	0									
12:00 to 12:15				0				0	0	0	0	0	14	0	0	14				0	0	0			0	0	0	0	0									
12:15 to 12:30				0				0	0	0	0	0	22	0	0	22				0	0	0			0	0	0	0	0									
12:30 to 12:45				0				0	0	0	0	0	16	0	0	16				0	0	0			0	0	0	0	0									
12:45 to 13:00				0				0	0	0	0	0	14	1	0	15				0	0	0			0	0	0	0	0									
13:00 to 13:15				0				0	0	0	0	0	11	0	0	11				0	0	0			0	0	0	0	0									
13:15 to 13:30				0				0	0	0	0	0	7	0	0	7				0	0	0			0	0	0	0	0									
13:30 to 13:45				0				0	0	0	0	0	6	0	0	6				0	0	0			0	0	0	0	0									
13:45 to 14:00				0				0	0	0	0	0	9	0	0	9				0	0	0			0	0	0	0	0									
PM Totals	0	0	0	0	0	0	0	0	0	0	0	0	283	4	0	287	0	0	0	0	0	0	0	0	0	1	0											

Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 3, Thomas St / James Ruse Dr

Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Hourly Summary

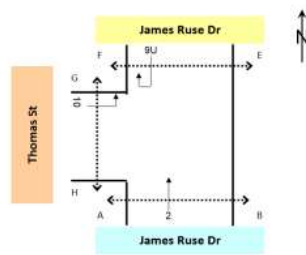


MATRIX
 Traffic and Transport Data

Approach		James Ruse Dr											
Direction	Time Period	Direction 1 (Left Turn)				Direction 2 (Through)				Direction 3U (U Turn)			
		Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total
	6:00 to 7:00	0	0	0	0	2,204	265	1	2,470	0	0	0	0
	6:15 to 7:15	0	0	0	0	2,203	270	2	2,475	0	0	0	0
	6:30 to 7:30	0	0	0	0	2,170	241	2	2,413	0	0	0	0
	6:45 to 7:45	0	0	0	0	2,223	216	2	2,441	0	0	0	0
	7:00 to 8:00	0	0	0	0	2,294	200	2	2,496	0	0	0	0
	7:15 to 8:15	0	0	0	0	2,284	205	2	2,491	0	0	0	0
	7:30 to 8:30	0	0	0	0	2,283	217	9	2,509	0	0	0	0
	7:45 to 8:45	0	0	0	0	2,172	209	9	2,390	0	0	0	0
	8:00 to 9:00	0	0	0	0	2,093	211	10	2,314	0	0	0	0
	8:15 to 9:15	0	0	0	0	2,092	193	9	2,294	0	0	0	0
	8:30 to 9:30	0	0	0	0	1,880	185	7	2,072	0	0	0	0
	8:45 to 9:45	0	0	0	0	1,841	219	7	2,067	0	0	0	0
	9:00 to 10:00	0	0	0	0	1,776	235	9	2,020	0	0	0	0
	AM Totals	0	0	0	0	8,367	831	22	9,200	0	0	0	0
	15:00 to 16:00	0	0	0	0	2,009	140	3	2,152	0	0	0	0
	15:15 to 16:15	0	0	0	0	2,137	154	8	2,299	0	0	0	0
	15:30 to 16:30	0	0	0	0	2,240	112	1	2,353	0	0	0	0
	15:45 to 16:45	0	0	0	0	2,189	101	2	2,292	0	0	0	0
	16:00 to 17:00	0	0	0	0	2,507	88	1	2,596	0	0	0	0
	16:15 to 17:15	0	0	0	0	2,546	82	4	2,632	0	0	0	0
	16:30 to 17:30	0	0	0	0	2,682	80	4	2,766	0	0	0	0
	16:45 to 17:45	0	0	0	0	2,709	80	3	2,892	0	0	0	0
	17:00 to 18:00	0	0	0	0	2,818	75	2	2,895	0	0	0	0
	17:15 to 18:15	0	0	0	0	2,805	65	0	2,870	0	0	0	0
	17:30 to 18:30	0	0	0	0	2,897	66	0	2,963	0	0	0	0
	17:45 to 18:45	0	0	0	0	2,573	59	0	2,632	0	0	0	0
	18:00 to 19:00	0	0	0	0	2,323	53	1	2,377	0	0	0	0
	PM Totals	0	0	0	0	9,684	764	9	10,457	0	0	0	0

Approach	James Ruse Dr												Thomas St												Crossing Pedestrians								
Direction	Direction 8 (Through)				Direction 9 (Right Turn)				Direction 9U (U Turn)				Direction 10 (Left Turn)				Direction 12 (Right Turn)				Direction 12U (U Turn)												
Time Period	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	Cars	Trucks	Buses	Total	A	B		E	F	G	H	Total	
6:00 to 7:00	0	0	0	0	0	0	0	0	0	0	0	0	37	1	0	38	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1		
6:15 to 7:15	0	0	0	0	0	0	0	0	0	0	0	0	47	2	0	49	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	
6:30 to 7:30	0	0	0	0	0	0	0	0	0	0	0	0	52	2	0	54	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6:45 to 7:45	0	0	0	0	0	0	0	0	0	0	0	0	57	2	0	59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:00 to 8:00	0	0	0	0	0	0	0	0	0	0	0	0	55	2	0	57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:15 to 8:15	0	0	0	0	0	0	0	0	0	0	0	0	57	1	0	58	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:30 to 8:30	0	0	0	0	0	0	0	0	0	0	0	0	55	3	0	58	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:45 to 8:45	0	0	0	0	0	0	0	0	0	0	0	0	58	3	0	61	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8:00 to 9:00	0	0	0	0	0	0	0	0	0	0	0	0	58	3	0	61	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8:15 to 9:15	0	0	0	0	0	0	0	0	0	0	0	0	46	3	0	49	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8:30 to 9:30	0	0	0	0	0	0	0	0	0	0	0	0	35	3	0	38	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8:45 to 9:45	0	0	0	0	0	0	0	0	0	0	0	0	28	2	0	30	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	2	
9:00 to 10:00	0	0	0	0	0	0	0	0	0	0	0	0	21	3	0	24	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	2	
AM Totals	0	0	0	0	0	0	0	0	0	0	0	0	189	9	0	198	0	0	0	0	0	0	0	0	0	0	0	0	1	3	4	4	
10:00 to 10:05	0	0	0	0	0	0	0	0	0	0	0	0	45	2	0	47	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	
10:15 to 10:15	0	0	0	0	0	0	0	0	0	0	0	0	42	1	0	43	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1		
10:30 to 10:30	0	0	0	0	0	0	0	0	0	0	0	0	38	1	0	39	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1		
10:45 to 10:45	0	0	0	0	0	0	0	0	0	0	0	0	46	1	0	47	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
10:00 to 17:00	0	0	0	0	0	0	0	0	0	0	0	0	49	1	0	50	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
16:15 to 17:15	0	0	0	0	0	0	0	0	0	0	0	0	50	1	0	51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
16:30 to 17:30	0	0	0	0	0	0	0	0	0	0	0	0	40	1	0	41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
16:45 to 17:45	0	0	0	0	0	0	0	0	0	0	0	0	41	0	0	41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
17:00 to 18:00	0	0	0	0	0	0	0	0	0	0	0	0	44	1	0	45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
17:15 to 18:15	0	0	0	0	0	0	0	0	0	0	0	0	43	1	0	44	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
17:30 to 18:30	0	0	0	0	0	0	0	0	0	0	0	0	48	1	0	49	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
17:45 to 18:45	0	0	0	0	0	0	0	0	0	0	0	0	38	1	0	39	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
18:00 to 19:00	0	0	0	0	0	0	0	0	0	0	0	0	33	0	0	33	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
PM Totals	0	0	0	0	0	0	0	0	0	0	0	0	189	4	0	193	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	

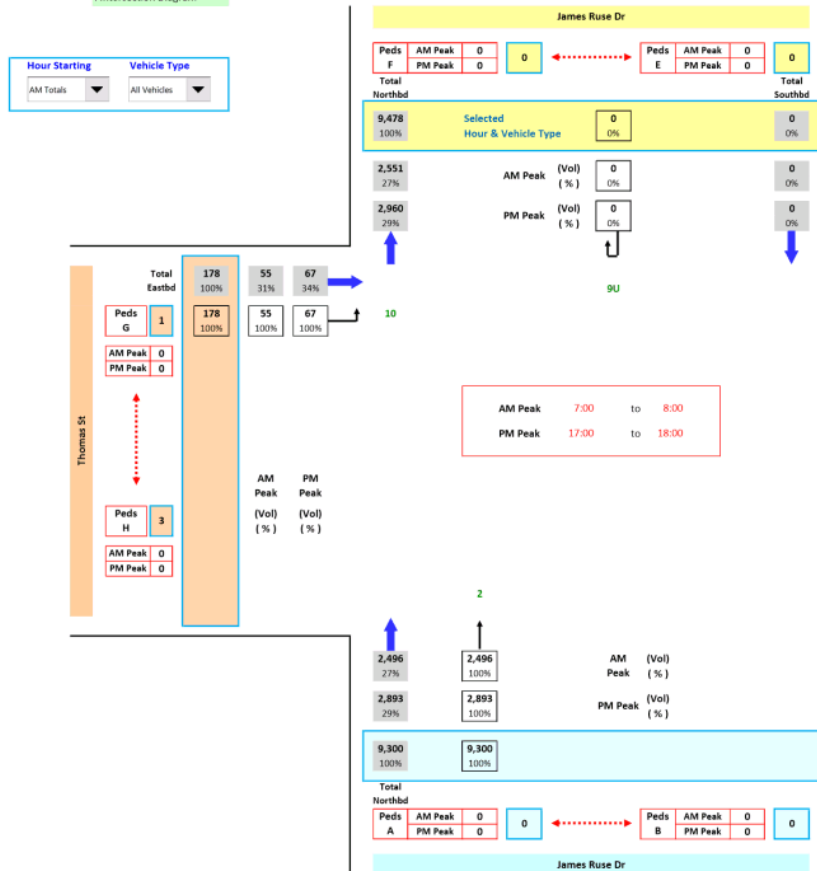
Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 3. Thomas St / James Ruse Dr
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Peak Hour Summary



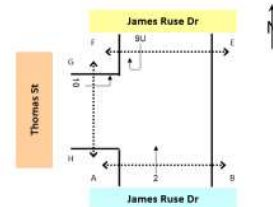
Approach	James Ruse Dr				Grand Total
	Cars	Trucks	Buses	Total	
Time Period					
AM 7:00 to 8:00	2,294	200	2	2,496	
PM 17:00 to 18:00	2,816	75	2	2,893	

Approach	James Ruse Dr				Grand Total
	Cars	Trucks	Buses	Total	
Time Period					
6:00 to 7:00	2,204	265	1	2,470	
6:15 to 7:15	2,201	270	2	2,473	
6:30 to 7:30	2,170	241	2	2,413	
6:45 to 7:45	2,221	216	2	2,439	
7:00 to 8:00	2,294	200	2	2,496	
7:15 to 8:15	2,284	205	2	2,491	
7:30 to 8:30	2,231	217	9	2,457	
7:45 to 8:45	2,172	209	9	2,390	
8:00 to 9:00	2,093	211	10	2,314	
8:15 to 9:15	1,992	193	9	2,194	
8:30 to 9:30	1,880	185	7	2,072	
8:45 to 9:45	1,841	219	7	2,067	
9:00 to 10:00	1,776	235	9	2,020	
AM Totals	8,367	911	22	9,300	
10:00 to 11:00	2,018	148	3	2,169	
11:15 to 12:15	2,137	134	3	2,274	
12:30 to 13:30	2,240	112	1	2,353	
13:45 to 14:45	2,389	101	2	2,492	
15:00 to 16:00	2,507	88	3	2,598	
16:15 to 17:15	2,566	82	4	2,652	
16:30 to 17:30	2,682	80	4	2,766	
16:45 to 17:45	2,769	80	3	2,852	
17:00 to 18:00	2,816	75	2	2,893	
17:15 to 18:15	2,805	65	0	2,870	
17:30 to 18:30	2,697	66	0	2,763	
17:45 to 18:45	2,573	59	0	2,632	
18:00 to 19:00	2,323	53	1	2,377	
PM Totals	9,664	364	9	10,037	

Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 3. Thomas St / James Ruse Dr
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Intersection Diagram



Job No. : N2681
 Client : Positive Traffic
 Suburb : Thomas Street
 Location : 3. Thomas St / James Ruse Dr
 Day/Date : Tuesday, 20th September 2016
 Weather : Fine
 Description : Classified Intersection Count
 : Pedestrian Data



Direction	Pedestrians							
Time Period	A	B						
			E	F	G	H		
6:00 to 6:15	0	0	0	0	1	0		
6:15 to 6:30	0	0	0	0	0	1		
6:30 to 6:45	0	0	0	0	0	0		
6:45 to 7:00	0	0	0	0	0	0		
7:00 to 7:15	0	0	0	0	0	0		
7:15 to 7:30	0	0	0	0	0	0		
7:30 to 7:45	0	0	0	0	0	0		
7:45 to 8:00	0	0	0	0	0	0		
8:00 to 8:15	0	0	0	0	0	0		
8:15 to 8:30	0	0	0	0	0	0		
8:30 to 8:45	0	0	0	0	0	0		
8:45 to 9:00	0	0	0	0	0	0		
9:00 to 9:15	0	0	0	0	0	0		
9:15 to 9:30	0	0	0	0	0	0		
9:30 to 9:45	0	0	0	0	0	2		
9:45 to 10:00	0	0	0	0	0	0		
AM Totals	0	0	0	0	1	2		
15:00 to 15:15	0	0	0	0	0	0		
15:15 to 15:30	0	0	0	0	0	0		
15:30 to 15:45	0	0	0	0	1	0		
15:45 to 16:00	0	0	0	0	0	0		
16:00 to 16:15	0	0	0	0	0	0		
16:15 to 16:30	0	0	0	0	0	0		
16:30 to 16:45	0	0	0	0	0	0		
16:45 to 17:00	0	0	0	0	0	0		
17:00 to 17:15	0	0	0	0	0	0		
17:15 to 17:30	0	0	0	0	0	0		
17:30 to 17:45	0	0	0	0	0	0		
17:45 to 18:00	0	0	0	0	0	0		
18:00 to 18:15	0	0	0	0	0	0		
18:15 to 18:30	0	0	0	0	0	0		
18:30 to 18:45	0	0	0	0	0	0		
18:45 to 19:00	0	0	0	0	0	0		
PM Totals	0	0	0	0	1	0		

8. Appendix B Plans of Potential Development



31 July 2018

General Manager
City of Parramatta Council
PO Box 32
Parramatta NDW 2124

**ADVICE RELATING TO OVERSHADOWING ON COASTAL SALTMARSH
AND MANGROVE COMMUNITIES AT 85-91 THOMAS STREET,
PARRAMATTA**

Cumberland Ecology
PO Box 2474
Carlingford Court 2118
NSW Australia
Telephone (02) 9868 1933
Mobile 0425 333 466
Facsimile (02) 9868 1977
Web: www.cumberlandecology.com.au

In November my company, Cumberland Ecology prepared a report titled:

*85-91 Thomas Street, Parramatta - Assessment of the Effects of Shading on
Mangrove and Saltmarsh Vegetation Communities for Builtcom Constructions Pty
Ltd.*

The purpose of this letter to you is to summarise the implications of research results that were provided in that report to DPI Fisheries.

DPI Fisheries reviewed a development proposal for 85-91 Thomas Street, Parramatta (the subject site) and noted that the proposed height of the building was such that it could result in harmful shading of mangroves and saltmarsh communities located immediately to the south of the subject land, along the Parramatta River.

Cumberland Ecology staff consulted with DPI Fisheries to gain a clear understanding of the issue raised, and to agree upon a research project that could clarify the nature and extent of potential impacts (harm) that could be caused by shading if the proposal was approved and built.

Studies were made of the condition of mangroves and saltmarsh at a number of sites around Sydney, including along the Parramatta River to see if these communities could grow and survive within shaded sites that received at least as much shading as could be caused by the proposal. The research also factored in the seasonality of shading and daily duration of shading.

The research was successful in demonstrating that the proposal would have only minimal shading during a part of the year upon the nearby mangroves and saltmarsh communities along the Parramatta River. It also clearly showed that such communities could withstand a degree of shading without apparent significant impacts.



DPI Fisheries reviewed the report prepared by Cumberland Ecology and agreed with the findings made in relation to the two vegetation communities. DPI's comment (cced to Parramatta Council) on Wednesday, 13 December 2017 12:21 PM via email was:

DPI Fisheries has considered this report and does not see any reason for potential shading issues on mangrove and saltmarsh species to prevent the lodgement of this development, as currently proposed, as a planning proposal.

In conclusion, Cumberland Ecology and DPI Fisheries agree that the proposed development at 85-91 Thomas Street, Parramatta agree that no significant ecological impacts are likely as a result of the proposal upon mangroves and saltmarsh. There is therefore no ecological reason why the proposed development should not be approved.

The contact at DPI was Carla Ganassin and her email response is attached in Appendix A:

Carla Ganassin | Fisheries Manager | Aquatic Ecosystems Unit
NSW Department of Primary Industries | Fisheries NSW
Block E, Level 3, 84 Crown Street, Wollongong NSW 2500
T: 02 4222 8342 | F: 02 4225 9056 | E: carla.ganassin@dpi.nsw.gov.au
W: www.dpi.nsw.gov.au

In conclusion, we remain of the view that the proposed development will not have a significant impact upon either mangroves or saltmarsh and there is no reason the building height should be reduced. Should you wish for further clarification, please do not hesitate to contact me on 9868 1933.

Yours sincerely

A handwritten signature in black ink that reads "David Robertson".

Dr. David Robertson
Director
david.robertson@cumberlandecology.com.au
cc: gitanjali.katrak@cumberlandecology.com.au



Appendix A

85-91 Thomas Street, Parramatta - DPI
Email Response

Angela Mees

Subject: FW: FW: Thomas St - Final Report

From: Carla Ganassin [<mailto:carla.ganassin@dpi.nsw.gov.au>]

Sent: Wednesday, 13 December 2017 12:21 PM

To: Angela Mees; David Robertson

Cc: KKuo@cityofparramatta.nsw.gov.au

Subject: Re: FW: Thomas St - Final Report

Dear Angela,

Re: Advice relating to impact of overshadowing on saltmarsh and mangrove communities from a potential proposal to increase building height at [85-91 Thomas Street, Parramatta](#)

DPI Fisheries has received the following final report on the above matter via emailed download on 22 November 2017.

- '85-91 Thomas Street, Parramatta - Assessment of the Effects of Shading on Mangrove and Saltmarsh Vegetation Communities for Conquest Group of Companies' (Cumberland Ecology, November 2017)

DPI Fisheries has considered this report and does not see any reason for potential shading issues on mangrove and saltmarsh species to prevent the lodgement of this development, as currently proposed, as a planning proposal. It is noted that the November 2017 version of this document includes reference to the findings of the shading experiment on saltmarsh species contained within the Clark and Hannon paper.

Please note that DPI Fisheries consideration of this matter at this stage has strongly considered the:

- site specific saltmarsh and mangrove species composition and distribution, and
- site specific nature of the shading created by the proposed building which is relatively isolated from other nearby tall buildings.

In an email to Cumberland Ecology dated 9 November 2017, DPI Fisheries recommended that the seasonal shading example from Bobbin Head could be added to any information submitted with the planning proposal for this site. As it provides an example of shading of a comparable scale and seasonal nature to that likely to be created by this proposal. This example should demonstrate the following:

- the nature and extent of shading at the site (i.e. solid or dappled)
- the extent of shading, i.e. approximate area and any daily or seasonal changes to the shading
- the species compositions and condition of mangrove and saltmarsh habitat within the shaded area, and
- whether there is any difference in the species composition and condition within shaded areas compared to unshaded areas.

DPI Fisheries will provide the final (and next) comment on this matter once it is submitted as a planning proposal.

Regards,

Carla Ganassin | Fisheries Manager | Aquatic Ecosystems Unit
 NSW Department of Primary Industries | Fisheries NSW
 Block E, Level 3, 84 Crown Street, Wollongong NSW 2500
 SEND MAIL TO: Locked Bag 1 | Nelson Bay NSW 2315
 T: 02 4222 8342 | F: 02 4225 9056 | E: carla.ganassin@dpi.nsw.gov.au
 W: www.dpi.nsw.gov.au

Conserve, Share, Provide

PERMIT APPLICATION FORMS & FISH HABITAT PROTECTION POLICIES AT:
www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/toolkit
 EMAIL COMPLETED APPLICATIONS TO: ahp.central@dpi.nsw.gov.au
 APPLICATION PROCESSING TIMES (from date received): 28 days for Permits & Consultations; 40 days for IDA Referrals

85-91 THOMAS STREET, PARRAMATTA NSW

**Assessment of the Effects of Shading on Mangrove and
Saltmarsh Vegetation Communities**

For:

Conquest Group of Companies

November 2017

Final Report



PO Box 2474
Carlingford Court 2118



Report No. 16166RP2

The preparation of this report has been in accordance with the brief provided by the Client and has relied upon the data and results collected at or under the times and conditions specified in the report. All findings, conclusions or recommendations contained within the report are based only on the aforementioned circumstances. The report has been prepared for use by the Client and no responsibility for its use by other parties is accepted by Cumberland Ecology.

Version	Date Issued	Amended by	Details

Approved by: Dr David Robertson

Position: Director

Signed: David Robertson

Date: 22 November, 2017



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Executive Summary

S1 Purpose

Cumberland Ecology Pty. Ltd. (Cumberland Ecology) has been commissioned by Conquest Group of Companies (Conquest) to assess the effect of shading on mangrove and saltmarsh communities adjacent to a proposed multi storey residential development at 85 - 91 Thomas Street, Parramatta (the "subject site").

The purpose of this report is to assess the effect of shading on the vegetation and habitats protected under the NSW *Fisheries Management Act 1994* (FM Act). In particular, this report focuses on the concerns raised by NSW Fisheries in relation to the potential shading impacts that could arise as a result of the development on the mangrove and saltmarsh communities present in the adjacent Baludarri wetlands, located to the south to south-west of the subject site.

S2 Background

Conquest is seeking approval to build a multi storey residential building with a promenade and recreational areas along the Parramatta River foreshore. The planning proposal has been submitted for consideration to Parramatta Council. Due to the proximity of the site to the Parramatta River and associated wetlands, the Council referred the proposal to NSW Department of Primary Industries (DPI) - Fisheries NSW (hereafter "Fisheries") for consideration. Fisheries responded and raised concerns about the potential of the proposal to shade wetlands and so impact two plant communities listed by the *Fisheries Management Act 1994*: Mangroves and Saltmarsh. In particular, Fisheries raised concerns about impacts to such vegetation within the nearby Baludarri Wetlands. The Baludarri wetland is located within the floodplain of the Parramatta River. The wetlands are situated on an alluvial floodplain and comprise a number of vegetation communities including Mangrove and Saltmarsh.

Prior to the preparation of this report, three previous assessments have been written by Cumberland Ecology in response to the concerns raised by Fisheries regarding potential effects of shading on saltmarsh and mangroves adjacent to the subject site. While these reports provided some relevant information, Fisheries prepared a written response calling for further details about impacts, including more detailed literature review and more detailed field assessments.

In order to clarify what Fisheries required to complete this assessment, a meeting was held on-site between staff of Fisheries, Conquest and Cumberland Ecology to discuss Fisheries' position regarding the shadowing assessment undertaken to date. It was made evident by Fisheries that additional information is required. Specifically, additional examples of mangrove and saltmarsh with natural and artificial shadowing, flora lists of these examples,



categorical changes in the effects of shading, duration of shading, edge effects, sensitivity during the growth season, refinement of the vegetation mapping, addition shade modelling for Spring and Autumn and photographic evidence.

The current investigation was designed to address the aforementioned requirements of Fisheries.

S3 Methods

Cumberland Ecology designed an investigation to gather information that could address the potential negative effects of shading on mangrove and saltmarsh communities. A literature review was undertaken pertaining to shading of these communities along the Parramatta River and potential shading impacts during the Spring growth season. A desktop review was performed to identify areas along the Parramatta River and other wetland sites where mangrove and saltmarsh vegetation is likely to be present. Sites were selected where saltmarsh and/or mangrove were present with a northern shade source as what may be the case at the subject site. These examples of shading required both natural sources (e.g. rock cliffs, large trees) and artificial sources (e.g. bridges, buildings) for comparison. Transect and plot data was collected at intervals away from the shading source. An attempt was made to transect the cross section of floristic change on a north-to-south direction with the starting point of each transect beginning at the base of the shade source. A statistical analysis of this data was performed to determine the effect of shading on species diversity and representative cover according to decreasing shading. Also, an analysis was performed to assess the effect of shading of natural versus artificial sources.

S4 Key Findings

Based upon all information generated by this investigation, the partial shading the proposed development at 85-91 Thomas Street Parramatta will create on the adjacent wetlands will not significantly negatively impact the mangrove or salt marsh communities present in the Baludarri Wetland.

Detailed analysis of shadow diagrams shows that the proposed development will only shade the wetlands for part of each day (several hours) all winter, and for half of spring and half of autumn. Shading will not occur for the warmer months of the year (half of spring, half of autumn and all summer).

A range of existing situations with variable shading, including many areas that receive shading all year around were examined. Investigations by Cumberland Ecology found that the factors most significant in limiting the distribution of these communities at Baludarri Wetlands are elevation, salinity and nutrient availability.

Examination of a variety of existing riparian areas beside artificial structures (bridges and walkways), and natural vegetation (tall trees and shrubs with dense canopies) revealed:

- complete shading throughout the day (and year) excluded mangrove and saltmarsh communities. Areas beneath bridges and closed low-elevation walkways were denuded of both communities;



- full-midday sun for extended periods excluded some diagnostic species of saltmarsh communities; and
- partial shading at certain times of day throughout the year from either natural or artificial sources (dense tall trees) was found not to negatively impact saltmarsh or mangrove communities.

The limited amount of shading likely to be produced from the proposed development is unlikely to significantly impact upon reproduction and regeneration by either saltmarsh or mangrove plants. This is for two reasons. First, the limited shading is not likely to curtail flowering or seed set by characteristic species of mangroves and saltmarsh. Secondly, even if shading did have such an impact, propagules of mangroves and saltmarsh are largely water dispersed. As such propagules from upstream or downstream in less shaded environs would therefore be able to colonise the partially shaded areas.

Circumstantial evidence from other sites that were examined indicate that the dispersal mechanisms and pioneering character of the species comprising these communities has apparently enabled the distribution of the two communities to occupy both natural and artificial shaded environments. Sites shaded by elevated structures throughout part of the day did not lack mangrove and saltmarsh diagnostic species.

An assessment of significance was completed as required under Section 5A of the *Environmental Planning and Assessment Act 1979* to demonstrate that no significant detrimental impact was likely upon saltmarsh. This concluded no significant impact was likely and that no Species Impact Statement was warranted.

Considering the data analysis conducted and the examples of artificial and natural shading found in the area, we conclude that partial shading at certain times of the day is not a major driver of these communities and the plants they contain.



Chapter 1

Introduction

1.1 Purpose

Cumberland Ecology Pty. Ltd. (Cumberland Ecology) has been commissioned by Conquest Group of Companies (Conquest) to assess the effect of shading on mangrove and saltmarsh communities adjacent to a proposed multi storey residential development at 85 - 91 Thomas Street, Parramatta (the "subject site").

The purpose of this report is to assess the effect of shading on the vegetation and habitats protected under the NSW *Fisheries Management Act 1994* (FM Act). In particular, this report focuses on the concerns raised by NSW Fisheries in relation to the shading impacts of the development on the saltmarsh community present in the adjacent Baludarri wetlands, located to the south to south-west of the subject site.

The specific aims of this report are to:

- Undertake a field survey and collect data to assess the effect of shading on mangrove and saltmarsh communities from natural and artificial shading sources within the Sydney Metropolitan Area and Greater Hunter;
- Review literature to detail the effects of shading on the distribution and productivity of mangrove and saltmarsh communities;
- Complete a statistical analysis of the data collected by Cumberland Ecology to determine the impact of shading by the proposed development on the distribution of Baludarri wetlands mangrove and saltmarsh communities; and
- Where relevant, recommend measures for mitigation in order to manage impacts on flora and fauna or habitats of conservation value.

1.2 Background

i. Subject Site

The subject site is located at 85 - 91, Thomas Street, Parramatta and consists of Lot 13, Lot 15 and Lot 16 of DP 1239 and Lot 141 and Lot 142 of DP 537053. The subject site is bordered by Thomas Street to the north, existing residential developments to the west and



east and foreshore vegetation and pathways along the Parramatta River to the south (**Figure 1.1**).

The land within Lot 141 DP 537053 is zoned RE1 – Public Recreation while the remainder of the subject site is zoned R4 – High Density Residential under the Parramatta *Local Environment Plan 2011* (LEP). The northern half of Lots 13, 15 and 16 DP 1239 and Lot 142 DP 537053 contain existing residential developments that are fronted by Thomas Street. The southern half of Lots 13, 15 and 16 DP 1239 and Lot 141 DP 537053 consists of plantings from revegetation works. The revegetation areas of all four lots slope down towards the Parramatta River foreshore while the residential areas of all four lots are located on higher ground overlooking the river.

ii. *Vegetation of the Subject Site*

Cumberland Ecology (2017) undertook flora surveys and provided detailed vegetation mapping for the subject site and foreshore areas. As shown in **Figure 1.1**, the vegetation at the subject site and foreshore areas includes

- Mangroves,
- Mangrove-saltmarsh intergrade,
- *Juncus kraussii* saltmarsh,
- *Typha* wetland,
- *Carex* dominated wetland; and
- Exotic and revegetation plantings.

iii. *Proposed Development*

Conquest is seeking approval to build a multi storey residential building with a promenade and recreational areas along the foreshore.

Under the planning proposal prepared for the development, the southern half of Lot 3 DP 1239 (85 Thomas St) is to be rezoned to RE1 Public Recreation and added to the Land Reservation Acquisition Map (Local Open Space). The southern halves of Lot 15 and Lot 16 DP 1239 (89 – 91 Thomas St.) are to be dedicated to Council for addition to the Natural Resources – Biodiversity and the Natural Resources – Riparian Land Waterways zones under the Parramatta LEP.

The planning proposal has been submitted for consideration by Parramatta Council and because of the proximity of the site to the Parramatta River and associated wetlands, the Council referred the proposal to NSW Department of Primary Industries (DPI) - Fisheries NSW (hereafter "Fisheries") for consideration.

Fisheries responded and raised concerns about the potential of the proposal to shade wetlands and so impact two plant communities listed by the *Fisheries Management Act*



1994: Mangroves and Saltmarsh. In particular, Fisheries raised concerns about impacts to such vegetation within the nearby Baludarri Wetlands.

The Baludarri wetland is located in the Parramatta LGA and sits within the floodplain of the Parramatta River. The wetlands are situated on an undulating alluvial floodplain originally formed by the ancient river system draining the Wianamatta Group Shales of the Cumberland Lowlands. It comprises four vegetation communities and their intergrades being mangrove, saltmarsh, *Typha* wetlands and *Carex* dominated wetlands. The mangrove community is present along the extent of the shoreline with a narrow band of Mangrove-saltmarsh intergrade present towards the eastern extent of the surveyed cycleway. The saltmarsh occurs as a narrow band along the landward side of the mangroves and intergrades with other wetland communities and exotic vegetation. Mangrove saplings within this intergrading band suggest potential mangrove encroachment on the saltmarsh habitat. Weed encroachment also occurs from the landward side of this band. Mangrove and Saltmarsh communities are found in estuarine shoreline environments throughout the Parramatta River and Sydney Harbour. Whilst mangrove communities are relatively conspicuous, only recently have the major patches of saltmarsh been identified and mapped.

iv. Responses to Fisheries

Cumberland Ecology considered the response of Fisheries and has subsequently undertaken the following assessments on effects of shading on saltmarsh and mangroves:

- Cumberland Ecology (2016) 85-91 Thomas Street, Parramatta NSW. Saltmarsh Assessment prepared for Conquest Group of Companies (Final report 16166RP1, dated September 2016);
- Cumberland Ecology (2017) Ecological Assessment of Impact of Shading on Saltmarsh from proposed development at 85-91 Thomas Street Parramatta. Letter prepared by Cumberland Ecology Pty Ltd for NSW DPI | Fisheries NSW (Reference 16166-Let4, dated 3 March 2017);
- Cumberland Ecology (2017) Preliminary response to DPI Fisheries advice relating to impact overshadowing on coastal saltmarsh communities from a proposal to increase building height at 85-91 Thomas Street, Parramatta. Letter prepared for NSW DPI | Fisheries NSW (Reference 16166-Let6, dated 16 June 2017).

Fisheries NSW has responded to Cumberland Ecology's various assessments:

- Ganassin (2017b) Request for advice relating to impact overshadowing on Coastal Saltmarsh Communities from a potential proposal to increase building height at 85-91 Thomas Street, Parramatta. Letter issued by Carla Ganassin of NSW DPI | Fisheries NSW (Reference C17/215, dated 19 May 2017) to Parramatta City Council.
- Ganassin (2017a) Advice relating to impact of overshadowing on saltmarsh and mangrove communities from a potential proposal to increase building height at 85-91 Thomas Street, Parramatta. Letter issued by Carla Ganassin of NSW DPI |



Fisheries NSW (reference C17/310, dated 21 July 2017) to Cumberland Ecology Pty Ltd.

With regard to the most recent letter (Ganassin 2017a), a meeting was held on-site on 29 August 2017 between Fisheries, Conquest and Cumberland Ecology to discuss Fisheries' position and objections regarding the shadowing assessment undertaken to date. It was made evident by Fisheries that additional information is required.

Fisheries explained that the following information was required in order to clarify the potential impacts of shading:

- Additional examples of mangrove and saltmarsh with natural and artificial shading;
- Flora species list for areas of mangrove and saltmarsh used as examples;
- Description of the category of shading at each area of mangrove and saltmarsh used as example;
- Assessment of duration of shading at each area of mangrove and saltmarsh used as example;
- Information on edge effects caused by shadowing casted by bridges, buildings and naturally shaded saltmarshes;
- Effect of shading on saltmarsh during Spring, the growth season;
- Modification of vegetation map for the subject site to more accurately show vegetation distribution;
- Provision of additional figures showing the shading extent over vegetation communities at the subject site during Spring and Autumn;
- Provision of photographs showing shading over vegetation and including date, time, species shaded and type of shading.

This report summarises how each of these matters has been researched and dealt with by Cumberland Ecology.



Figure 1.1. Vegetation Mapping at the Subject Site



Chapter 2

Methods

2.1 Rationale

Cumberland Ecology designed an investigation to gather robust information that could address the following questions regarding the potential negative effects of shading on mangrove and saltmarsh communities:

- Assuming that shadowing caused by man-made structures is the key factor affecting the long-term survival of mangrove and saltmarsh along the Parramatta River, is there a statistically significant difference in the number of species present in mangrove and saltmarsh areas with natural versus artificial shadowing?
- For areas where built structures exist (e.g. buildings, warehouses or other man-made structures) and produce shading over mangrove and saltmarsh vegetation:
 - Has the duration of shadowing on mangrove and saltmarsh vegetation negatively affected the number of species or the condition (vigour or health) of these vegetation communities?
 - Has the type of shadowing on mangrove and saltmarsh vegetation negatively affected the number of species or the condition (vigour or health) of these vegetation communities?
 - Have mangrove and saltmarsh vegetation communities been negatively affected so as to be of risk of local extinction?
 - Are there statistically significant differences in the number of species present in mangrove and saltmarsh areas during different seasons?

An investigation was completed to address the aforementioned questions as set out below:

2.2 Literature Review

Cumberland Ecology undertook a literature review of the effects of shading on saltmarsh and mangrove communities in previous letters and reports (Cumberland Ecology 2016, Cumberland Ecology 2017, Cumberland Ecology 2017). According to the information requested by Fisheries, additional information was searched for with regards to:



- Undertaking a literature review on effects of shading on saltmarsh and distribution of saltmarsh on the Parramatta River; and
- The effect of shading on saltmarsh during the Spring growth season.

The following peer reviewed scientific papers, including publications used by Fisheries as per letter C17/310 (dated 21 July 2017), were reviewed:

- Ball, M.C. and Critchley, C. (1982) Photosynthetic responses to irradiance by the Grey Mangrove, *Avicennia marina*, grown under different light regimes. *Plant Physiology* 90: 1101-1106.
- Clarke, L.D. and Hannon, N.D. (1971) The Mangrove Swamp and Salt Marsh Communities of the Sydney District: IV. The significance of Species Interaction. *Journal of Ecology* 59: 535-553.
- Hutchings, P. And Saenger, P. (1987) *The Ecology of Mangroves*. University of Queensland Press.
- Kelleway, J., Williams, R.J., and Allen, C.B. (2000). An assessment of the Saltmarsh of the Parramatta River and Sydney Harbour. NSW Department of Primary Industries: Cronulla Fisheries Research Centre of Excellence.
- Krauss, K.W., Lovelock, C.E., McKee, K.L., Lopez-Hoffman, L., Ewe, S.M.L. and Sousa, W.P. (2008) Environmental drivers in mangrove establishment and early development: A review. *Aquatic Botany* 89: 107-127.

2.3 Desktop Assessment of Potential Field Sites

i. Preliminary Site Selection

The following steps were taken to identify candidate sites for field investigation:

- Undertake a desktop review to identify areas along the Parramatta River and other wetland sites where mangrove and saltmarsh vegetation are likely to be present.
- Contacted Fisheries (Mr Gregory West) to obtain the shapefile of distribution of saltmarsh and mangroves across the Sydney Metropolitan Area (including the Parramatta River, Georges River and Hawkesbury River) and Greater Hunter.
- Prepare field maps for the selected sites. The criteria used to select sites included the following:
 - Select sites where saltmarsh and/or mangrove are likely to be present on a north-to-south aspect. This criterion was chosen because the shading to be casted by the proposed development will have a north-to-south aspect;



- Each selected site was chosen due to being mapped for mangroves and saltmarsh as well as having a significant degree of shading either from natural or artificial sources;
- Select sites where shading on saltmarsh and/or mangrove is caused by naturally occurring structures (e.g. rock cliffs, larger trees, steep slopes, etc).
- Select sites where shading on saltmarsh and/or mangrove is caused by man-made structures (such as bridges, buildings, etc.).

ii. *Selected Survey Sites*

Based on the desktop assessment, a total of seven sites were selected for field surveys. The locations of these sites are indicated in Figure 2.1 and Figure 2.2 and include:

- Baludarri Wetlands at Thomas Street, Parramatta;
- Bobbin Head at Ku-ring Gai Chase National Park;
- Salt Pan Creek at Salt Pan Reserve, Padstow;
- Landing Lights Wetlands, Cooks Cove;
- Blacksmith Wetlands, Blacksmith;
- Wentworth Point for Newington Reserve at Sydney Olympic Park; and
- Rhodes Park, Concord.

2.4 Field Survey and Data Collection

Cumberland Ecology's aquatic ecologist and botanist undertook the following scope of works for each site identified as likely to contain saltmarsh/mangroves:

- Use a handheld Geographic Positioning System (GPS) to record the location and extent of the saltmarsh and mangrove vegetation;
- Undertake photographic records of each site. As requested by Fisheries, for each photograph the following information will be provided: shading over vegetation, date, time, species shaded and type of shading;
- Record time of the day, man-made structures present and whether or not these are casting shadowing on the vegetation;
- Undertake a flora survey at each saltmarsh and mangrove site. The survey consisted of sampling five quadrates along a transect, as follows:
 - Transects and Plots: Each Transect consisted of five 1 m² plots (i.e. 1m by 1m quadrates) spaced at 1 m intervals away from the shading source.



- An attempt was made to select areas where transects on a north-to-south direction were available. As mentioned above, this direction was chosen to make the data comparable to the shading to be produced by the proposed development on saltmarsh community, which will have a north-to-south aspect.
- The starting point of each transect was at the base of the shading source, except for one transect where the estuary occurred at the base of the shading source and the transect was started at the shoreline south of the shading source.
- Floristic Data: On each 1 m² plot, the flora species present and their respective cover abundance was collected. Wherever, bare soil and leaf litter were present, the cover abundance of these habitat elements was also recorded.
- Where available, 1m by 1m plots were surveyed to assess duration of shading. This was done by selecting two areas with no shading (as controls for no-shading), two areas with natural shadowing and two areas with artificial solid shading.
- Other environmental data that was aimed to be collected at each area included: height of plot and transect (AHD), distance of plot from the river's edge; distance of plot from the closest structure casting shadowing and slope. As requested by Fisheries, descriptions of the category of shading will also be provided; and
- Where buildings and bridges are found shadowing saltmarshes, assessment of edge effects will be undertaken. This was done by surveying two 1m by 1m plots in the shaded area and two plots of the same dimension in areas of free of artificial shading.

2.5 Statistical Methods and Analyses

2.5.1 Statistical Methods

i. Non-metric multidimensional scaling

Non-parametric statistical analyses were undertaken in software PRIMER v7 (Clarke K.R. et al. 2014, Clarke K.R. and Gorley R.N. 2015). A similarity matrix was created using Bray-Curtis index (Bray J.R. and Curtis J.T. 1957), followed by a non-metric multidimensional scaling (nMDS) ordination that constructs a "map" or configuration of the samples in two-dimensions whose inter-point distances have the same rank order as the corresponding dissimilarities between samples. The stress value of the 2-dimensions nMDS provides an indication of how well the graphic "map" of samples represents the real distribution of similarities of the samples. A rough rule of thumb for 2-dimensional nMDS is that a stress value of <0.05 gives an excellent representation with no prospect to misinterpretation, a stress value of <0.1 gives a good ordination with no real prospects of a misleading interpretation, a stress value of <0.2 still gives a potentially useful 2-dimensional picture and



a stress value of >0.3 indicates that the points are close to being arbitrarily placed in the 2-dimensional ordination space.

ii. Analysis of similarities

An analysis of similarities (ANOSIM) was undertaken to test for differences among levels of a given factor similarly to an analysis of variance, but for multivariate datasets. The routine ANOSIM of PRIMER v7 (Clarke K.R. and Gorley R.N. 2015) allows testing hypothesis of differences for one-way, two-way and three-way sets of data. Predictions were tested for cover abundance data of the species of plants using a non-parametric multivariate analysis of variance (routine ANOSIM (Clarke K.R. et al. 2014) with Bray-Curtis dissimilarities (Bray J.R. and Curtis J.T. 1957). The dissimilarities of the assemblages of plants in each 1m by 1m quadrant are graphically presented in a non-parametric multi-dimensional (nMDS) plot generated with PRIMER (Clarke K.R. et al. 2014, Clarke K.R. and Gorley R.N. 2015).

2.5.2 Statistical Analysis

i. Analysis 1: Effect of Type and Level of Shading on Saltmarsh

The hypotheses that the type of shading (natural vs. artificial) and the level of shading (high, moderate-high, moderate, low-moderate and low) affects saltmarsh communities was tested with a two-way multivariate test (nMDS and ANOSIM). Transects perpendicular to the river's edge were undertaken at locations where the level of shading reduces from high to low towards the river's edge.

A total of 18 transects were sampled (16 North-to-South and two West-to-East) in five locations –

- Thomas Street, Parramatta (the subject site),
- Bobbin Head in Ku-ring-gai Chase National Park,
- Salt Pan Creek at Padstow,
- Landing Lights Wetland in Cooks Cove and
- Blacksmith Wetlands at Blacksmith.

Each transect was 10m long and sampled approximately in a North-South direction from a shade source, the same aspect as the proposed building at the subject site. Additional West-to-East transects were sampled at Thomas Street and Salt Pan Creek for the one-way multivariate analysis. A total of five 1m by 1m quadrates were sampled along each transect. Transects were sampled at natural sources and at artificial sources of shading. Natural sources of shading were sampled at Thomas Street (three transects shaded by mature trees), at Bobbin Head in Ku-ring-gai Chase National Park (two transects shaded by mature mangroves and rock cliffs), Landing Lights Wetland (two transects shaded by small trees) and at Blacksmiths Wetlands (six transects shaded by mature trees). Artificial sources of shading were sampled near the subject site (one transect shaded by James Ruse Drive) and at Salt Pan Creek (two transects shaded by the M5 Motorway). Cover and abundance



floristic data was collected from each of five 1m by 1m quadrates along the 10 m transect at 1 m intervals.

ii. *Analysis 2: Effect of Aspect of Transect on Saltmarshes*

It was noted that shading produced by the proposed building at the subject site would most likely shade saltmarsh located upper from the Parramatta River's edge, closer to the currently present boardwalk rather than close to the mangrove zone located adjacent to the river. It was also noted that a patch of Swamp Oaks with a west-to-east distribution is present close to the boardwalk and that saltmarsh species are present in close proximity under the Swamp Oaks. It was therefore, hypothesised that if shading by Swamp Oaks *per se* is a determining factor affecting the assemblage of saltmarsh then the assemblage of saltmarsh under Swamp Oaks sampled on a west-to-east transect would differ to the assemblage of saltmarsh species along the north-to-south transect shading gradient.

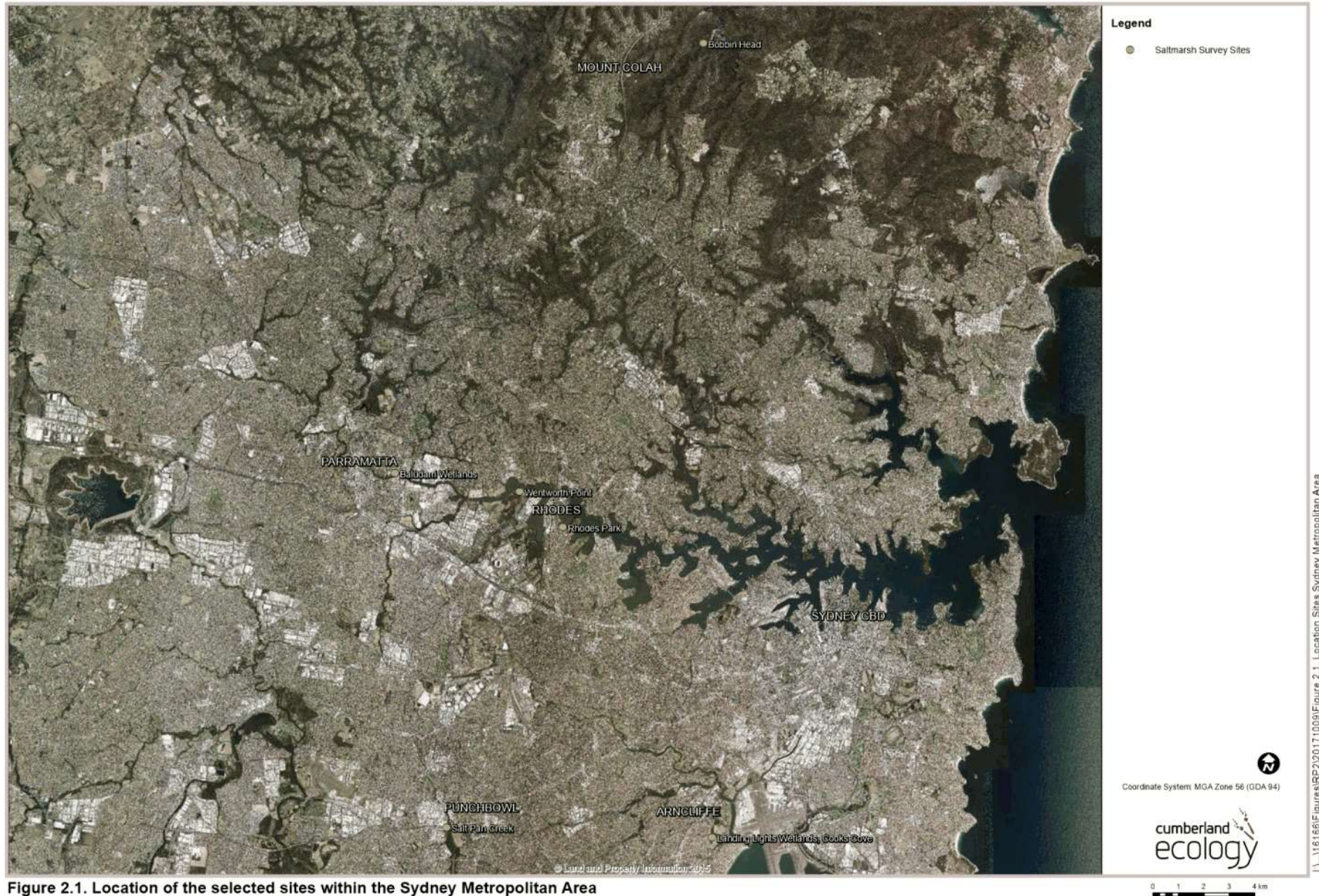
The tree transects sampled on a north-to-south aspect at the subject site is described in Analysis 1. Also, two additional transects were sampled on a west-to-east direction immediately adjacent to the Swamp Oak trees. A one-way multivariate analysis was undertaken for aspect of transect in two levels; 1. North-to-South, and, 2. West-to-East.

2.6 Shading Modelling

Fisheries requested provision of additional figures showing the shading extent over vegetation communities at the subject site for Spring and Autumn seasons.

The following scope of work was undertaken to collate the information and produce the additional figures.

- Cumberland Ecology would identified locations as having shadowing and these locations were provided to the client to engage a modeller to produce projections of shading at 9:00hrs, 12:00hrs and at 15:00hrs on a single day on each of the four seasons (Spring, Summer, Autumn and Winter).
- The Client has obtained a model of the shading extent in Spring and Autumn. That information has been subsequently provided to Cumberland Ecology.
- Cumberland Ecology added the Spring and Autumn shading on the vegetation layer to produce the following figures:
 - Shading Extent of Vegetation Communities Spring
 - Shading Extent of Vegetation Communities in Autumn







Chapter 3

Results

3.1 Literature Review

Cumberland Ecology undertook a review of literature regarding effects of shading on saltmarsh and mangroves. This included searching both general and topic-specific document databases with relevant search terms. This information is provided in sub-sections below.

3.1.1 *Effects of Shading on the distribution of Mangrove and Saltmarsh communities*

There is little literature with direct reference to the effects of shading on saltmarsh and mangroves communities though a number of documents cover shading as a contributing factor (covariate) in respect to other analyses. In general, the available literature confirms that reduced radiation can limit the productivity of wetland environments, however other factors have similar effects to shading and these effects cannot be easily discriminated from those associated with shading. These other factors include salinity, elevation and nutrient availability.

Clarke and Hannon (1971) make direct reference to the mangrove and saltmarsh communities of the Sydney district. Their study used three light intensity treatments to test species interactions typical of the zonation found in mangrove and saltmarsh communities. In brief, *Avicennia* mangroves that developed under shaded conditions were healthier though smaller than those in the full light treatments. *Aegiceras* was also favoured by shaded conditions when air temperatures increased in spring. In the field, healthy mangrove seedlings are found in shaded situations underneath the parent trees. Yellow, spotted-leaved seedlings were found in full sun in the *Arthrocnemum* (Samphire) zone. All saltmarsh species except mangroves were found to grow best at the highest light intensity. In the case of *Arthrocnemum* (Samphire) and *Suaeda* (Seablite), the requirement for high light is significant enough to play an important role in the distribution of these species since they cannot tolerate heavy shading for any length of time. Other saltmarsh species also were favoured by the highest light intensity used, but their growth was retarded rather than prevented by shading, indicating that they could survive at low intensities for long periods. Both *Juncus* and *Casuarina glauca* typically form a continuous cover with low light intensity at ground level. As such, *C. glauca* would probably have as much difficulty in establishing under the *Juncus* cover as within established *C. glauca* stands.

A number of Northern hemisphere studies investigate the importance to passive shading on marsh surfaces though few studies address the impact of shading on the productivity of



mature saltmarsh vegetation (SIBP 1997). Kearney *et al.* (1994) investigated the impacts of artificial shading on saltmarsh vegetation along the Connecticut coast. This study evaluated plant height and density under docks in order to develop methodology that could be used to define the ideal height of docks that would reduce the effect on saltmarsh vegetation. The density and average height of three dominant plant species beneath the docks were measured and compared to measurements of these species adjacent to the structure. The amount of photosynthetically active radiation (PAR, i.e. direct sunlight and reflective light) reaching plants beneath and adjacent to each structure was also measured. It was found that the height of the dock was an important factor controlling the amount of direct and reflective light reaching the vegetation under the dock. This was also apparent in the relative productivity of vegetation under and adjacent to structures. It was shown that a dock of less than 30 cm severely limited the productivity, while a height of 70 cm showed no effect to the three dominant plant species.

Kelleway *et al.* (2007) undertook a comprehensive field survey of the Parramatta River and Sydney Harbour estuary shoreline and identified a large number of saltmarsh patches. 'Saltmarshes of all sizes could be located and mapped, regardless of canopy cover and shading, saltmarsh plant density or species composition' (Kelleway 2007). The study found a number of areas of saltmarsh that are not mapped.

The available literature suggests the main drivers effecting the distribution of saltmarsh are salinity, elevation and nutrient availability. Complete shading is shown to exclude the community though partial shading is shown to effect productivity of certain species within salt marsh communities.

3.1.2 The impact of shading on Saltmarsh communities during the spring growth season

Huiskes *et al.* (1995) studied the dispersal of halophyte propagules by tidal currents in transects along the tidal gradient in a salt marsh in the Netherlands using standing nets fixed to the soil surface and floating nets. Significant interspecific differences were found in propagules caught in standing or in floating nets. The transport of propagules was mainly determined by the tidal currents: neither wind direction or speed nor the height of the high tide played a significant role. In the vegetated marsh a net upward transport of propagules with the flood currents was found. Comparatively few propagules were transported into the marsh from elsewhere with the incoming tide; a significantly higher number of propagules were transported out of the marsh with the ebb currents. There was substantial exchange of propagules within the marsh. The export of propagules especially of species growing in the lower parts of the marsh indicates a potential exchange between different salt marshes.

3.1.3 Literature used by Fisheries to provide advice

As described in Section 2.2, Cumberland Ecology reviewed the peer reviewed scientific published literature used by Fisheries (Ganassin 2017a) to provide advice on effects of shading on saltmarsh and mangrove vegetation.

The following sub-sections provide a summary of information provided in those peer reviewed documents.



i. *Ball and Critchley (1982)*

Ball and Critchley (1982) undertook a small study to assess the effect of shading on leaves of *Avicennia marina* at Cullendulla Creek, NSW. They collected a total of 12 seedlings, six of which were collected from a naturally exposed site and six from a naturally shaded understorey site. Those 12 seedlings were subdivided in three groups of four seedlings each, consisting of two seedlings from the naturally exposed and two seedlings from the naturally shaded sites. One group of seedlings were used to obtain gas exchange and fluorescence measurements immediately upon arrival to the laboratory on the same day of collection (25th February 1980). Another group was placed outdoor under full daylight (high light); whereas the third group was placed outdoors and beneath shade cloth in such way that only 6% incident light was available (low light). The latter two groups were watered until the third leaf pair was used for measurements. The authors found that:

- Figure 1A shows that there were variations in the quantum flux density of direct, vertical, diffuse and reflected light in the natural environment between 8:00 and 18:00 hrs on the 25th February 1980.
- Figure 1B shows that there were variations in the quantum flux density incident on the adaxial surface of experimental leaves 1 and 2 from the seedlings in the naturally exposed site. The pattern of quantum flux measured appears resembling the pattern of quantum flux in the environment (Figure 1A).
- Figure 1C shows the quantum flux incidence on leaves 1 and 2 collected from each of the seedlings sourced from the naturally shaded site. Comparison of Figure 1B and 1C shows that there is clearly less amount of light reaching leaves of seedlings in naturally shaded site compared with light incidence on leaves sourced from the naturally exposed site.
- A linear association was found between assimilation rate as a function of intercellular CO₂ concentration in leaves of *A. marina* seedlings collected from naturally exposed ($r = 0.99$) and naturally shaded understorey ($r = 0.96$).
- The effect of irradiance on gas exchange characteristics of leaves is provided graphically in Figure 3. The following was found:
 - There was a tendency for the average light saturated rate of assimilation in leaves grown under the low light regime to be lower than those of leaves grown under either the high light regime or under naturally exposed or naturally shaded sites. No statistically significant differences were found.
 - There were no statistically significant differences between apparent light compensation points or apparent quantum yields of naturally occurring and experimentally grown leaves despite their different light histories.
 - Stomatal conductance declined with light intensity in much the same manner as the assimilation rate. The stomatal conductance of leaves grown under



low light were significantly lower than those of leaves grown under either the high light or naturally exposed and shaded sites.

- Regarding fluorescence properties, it was found that there were no obvious effects of light conditions experienced during leaf growth on the Chl fluorescence induction kinetics.
- The authors concluded that:
 - The light environment had no effect on the light compensation point and that high and low light leaves showed no substantial differences in concentration of chlorophyll a and b. These results show that *A. marina* does not respond to light intensity in the same manner as other species and suggest that *A. marina* might have only a limited ability to acclimate to different light levels.
 - The leaves grown in the understorey shade environment possessed several attributes of shade species. However, unlike the responses of other species grown in understory conditions, both the gas exchange and chlorophyll fluorescence characteristics of the understorey leaves were undistinguishable from those on leaves grown in exposed habitats.
 - It appears that exposure to high intensity sunflecks may be sufficient to induce understory leaves to develop a photosynthetic capacity equivalent to that of exposed leaves.

The information as presented in this scientific paper clearly indicates that the Grey Mangrove (*A. marina*) does not behave in similar manner to other plant species with regards to responses to light regime. A very important point discussed therein is the role that sunflecks of full sunlight intensity have in vegetation forest with open structure, such as the open mangrove forest from which the seedlings used originated from. It notes that for individual mangrove plants grown under shading, the exposure to sunflecks appears to be sufficient for the plant to have a photosynthetic capacity similar to plants under constant exposure to full sunlight.

This is considered to be relevant for mangroves located near man-made infrastructure, such as the proposed building, where solid permanent shading of mangroves will not occur. Based on the findings of this study, it is expected that the daily and seasonal exposure of mangroves to sunflecks of full sunlight intensity would be sufficient to allow these trees to grow similarly to trees under constant exposed sunlight.

ii. *Clarke and Hannon (1971)*

Clarke and Hannon (1971) studied the significance of species interactions--via phytotoxic exudates, shading and associated growth--to assess their roles in causing the sharp zonation that often occurs between the dominant species of the Sydney mangrove and saltmarsh communities. Three light intensity treatments were used to test shading and



species interaction typical of the zonation found in mangrove and saltmarsh communities. The growth of *Arthrocnemum australasicum* (Chenopodiaceae) was reduced and its mortality was increased in association with *Avicennia marina* or *Juncus kraussii*. The survival rate of the larger *Arthrocnemum australasicum* seedlings diminished in deep shade but not in medium shade. *Avicennia marina* seedlings showed a slight reduction in leaf production and shoot mass as a result of reduced light intensity, though, the shaded plants were very healthy and there was no reduction in survival or shoot height due to shading. This result indicates mangroves have a degree of shade tolerance and can establish under a canopy. The older *Juncus kraussii* seedlings showed a small reduction in shoot mass and survival rate due to increased shading. The younger *Juncus kraussii* showed a reduction in germination, height and vigour with increased shading. The study shows no evidence of inhibition of *Arthrocnemum* by leachates or macerates of mangrove bark, leaves or soil, but the higher light requirement of all the species of the *Arthrocnemum* zone, compared with *Avicennia* or *Juncus*, was shown to prevent their migration into the adjacent zones where these other species are dominant. No reciprocal diminution in growth or survival of *Avicennia* or *Juncus* occurred when in association with *Arthrocnemum*. Survival and growth of seedlings of both *Casuarina glauca* and *Juncus* were inhibited by the presence of a layer of *Casuarina* litter on the soil surface but not by leachates or macerates of fresh *Casuarina* cladodes or *Casuarina* litter. The biotic factor exerts an important influence on species distribution in these communities, as does salinity and waterlogging, which have been previously examined. The growth in association of dominant species from each zone along an artificial gradient of elevation, salinity, soil and waterlogging produced a species zonation pattern which closely resembled the zonation pattern that occurs in the field. An assessment is made of the factors restricting the landward and seaward migration of all the prominent species in these communities under present day conditions; consideration of the past history and future developments of these communities is foreshadowed.

iii. *Hutchings and Saenger (1987)*

The Ecology of Mangroves (Hutchings and Saenger 1987) is a celebrated text, part of the Australian Ecology Series, which explores the origin of mangroves, their ecology, the evolution of the community as a whole and the species it contains. It is cited within Australian literature pertaining to past, present and future changes in vegetation.

According to the text, mangrove community turn-over throughout the Quaternary Ice ages was influenced by dramatic changes in sea-level due to significant amounts of sea-water being locked up in Northern Hemisphere glaciers and the Western Ice Shelf of Antarctica. These changes influenced global distribution of mangrove and associated saltmarsh communities.

During glacial periods the available shoreline for mangrove colonisation throughout the world increased due to the drop in sea-level. Palynological records show increases in the fossil pollen of mangrove species during these long glacial periods. The patterns and processes of mangrove species have been shaped by these past processes and are reflected in their current distribution and their remarkable tolerance to saline environmental conditions.



iv. *Krauss et al (2008)*

Krauss *et al* (2008) reviews the eco-physiological and growth constraints to the establishment and early development of mangrove seedlings in the intertidal zone. Mangroves have a global distribution within coastal tropical and subtropical climates, and have even expanded to some temperate locales. Where they do occur, mangroves provide a plethora of goods and services, ranging from coastal protection from storms and erosion to direct income for human societies. This is a critical life stage for mangroves, i.e., the period between dispersal and recruitment to the sapling stage. Krauss *et al* (2008) begins with some of the research that has set the precedent for seedling-level eco-physiological research in mangroves, and then focuses on recent advances (circa. 1995 to present) in the understanding of temperature, carbon dioxide, salinity, light, nutrient, flooding, and specific biotic influences on seedling survival and growth. They take a new approach in describing seedling response to global factors (e.g. temperature) along with site-specific factors (e.g. salinity). All variables will strongly influence the future of seedling dynamics in ways perhaps not yet documented in mature forests. Furthermore, understanding how different mangrove species can respond to global factors and regional influences is useful for diagnosing observed mortality within mangrove wetlands, managed or natural. Krauss *et al* (2008) provides an updated eco-physiological knowledge base for future research and reforestation activity, and for understanding important links among climate change, local physio-chemical condition, and establishment and early growth of mangrove seedlings.

3.1.4 Conclusion of Literature Review

After reviewing the available literature on saltmarsh and mangrove ecology and scientific published literature used by Fisheries (Ganassin 2017a) regarding the effects of shading on saltmarsh and mangrove vegetation, we conclude the most significant factors limiting the distribution of these wetland communities are elevation, salinity and nutrient availability (Hutchings and Saenger 1987).

The most significant factor is elevation at an appropriate gradient to allow sedimentation and alluvial deposition within the intertidal zone. Salinity is an abiotic factor yet the biotic tolerance of the species that comprise these wetland communities ensures less tolerant species are excluded from the intertidal zone thus ensuring the salt-tolerant character of these communities. Finally, nutrient availability is fundamental for the turn-over from mangrove to saltmarsh communities through the capture of detritus and decaying biomass.

The available literature pertaining to the direct effects of shading on these communities is limited though indirect reference to shading and its effects have been assessed. What we do know is that most of the species in these two communities are to a degree shade-tolerant and are able to propagate under a canopy. This character is reflected in the current broad distribution and establishment of mangrove communities throughout the sub-tropical regions of the world. The occurrence of salt marsh is more complex and requires the shoreward establishment of mangrove communities to capture adequate sediments for saltmarsh to establish effectively. The dependence of saltmarsh communities on the occurrence of shoreline mangrove communities usually is accompanied by a significant mangrove canopy early in establishment. Although shade intolerant saltmarsh species are numerous,



pioneering saltmarsh species are fundamental for early establishment of the community on the landward side of a mangrove canopy. For this reason shoreline disturbance, either natural or artificial, usually results in the removal of mangroves and associated saltmarsh communities. Although due to pioneering nature and high dispersal ability of mangroves and salt marsh species, once appropriate intertidal areas become available for colonisation, mangrove and saltmarsh species soon follow.

3.2 Selected Sites

The locations of the seven selected sites are shown in **Figures 2.1 and 2.2**. A summary of conditions at each selected site is provided below.

3.2.1 Baludarri Wetlands

At the Baludarri Wetlands, the shoreline is to the south and mature *Casuarina glauca* (Swamp Oak) trees provided natural sources of shading. Three transects, T1 to T3 (**Figure 3.1**), were collected at Baludarri Wetland. The James Ruse Drive Bridge over the Parramatta River shaded small pockets of saltmarsh and mangroves east of the subject site, a transect (i.e. T4, see **Figure 3.1**) was collected therein. Plot data was collected from the three naturally shaded transects and one artificially shaded transect is presented in **Table B.2**.

3.2.2 Bobbin Head

At Bobbin Head, the shoreline is toward the north and mature *Casuarina glauca* (Swamp Oak) and *Avicennia marina* (Grey Mangrove) trees provided natural sources of shading. Two transects, i.e. were surveyed at Bobbin Head. Plot data was collected from two naturally shaded transects, T1 and T2 shown in **Figure 3.2** and flora presented in **Table B.3**.

3.2.3 Salt Pan Creek

At Saltpan Creek, the shoreline is toward the north and the Motorway Bridge over Salt Pan Creek provided an artificial source of shading. Plot data was collected from two artificially shaded transects (**Table B.4**, see transects T1 and T2 in **Figure 3.3**).

3.2.4 Landing Lights Wetlands, Cooks Cove

At Cooks Cove, saltmarsh at the Landing Lights Wetland were chosen. Mature *Casuarina glauca* (Swamp Oak) and *Acacia falcata* (Hickory Wattle) trees provided natural sources of shading. Plot data was collected from two naturally shaded transects, T1 and T2 as shown in **Figure 3.4** and flora list presented in **Table B.5**.

3.2.5 Blacksmiths Wetlands

At Blacksmiths Wetlands, the shoreline is toward the north and mature *Casuarina glauca* (Swamp Oak) and *Avicennia marina* (Grey Mangrove) trees provided natural sources of shading. Plot data was collected from six naturally shaded transects, i.e. T1 to T6 shown in **Figure 3.5** and data listed in **Table B.6**.



3.2.6 Wentworth Point

As suggested by Fisheries during the meeting held on-site on the 29 August 2017, Wentworth Point was included as a site. Saltmarsh and mangrove is present at Newington Nature Reserve, which is part of Sydney Olympic Park. Floristics of saltmarsh and mangrove at Newington Nature Reserve were not collected due to access restrictions.

3.2.7 Rhodes Park

Rhodes Park is located to the north of the Concord Repatriation Hospital, Concord. At Rhodes Park, the shoreline is towards the north-east and mature *Avicennia marina* (Grey Mangrove) trees provided natural sources of shading. No transects were conducted due to the limited extent of saltmarsh. Only three 1m² plots on a west-east aspect were collected at this site. The saltmarsh species in these plots were *Samolus repens* and *Triglochin striata*.









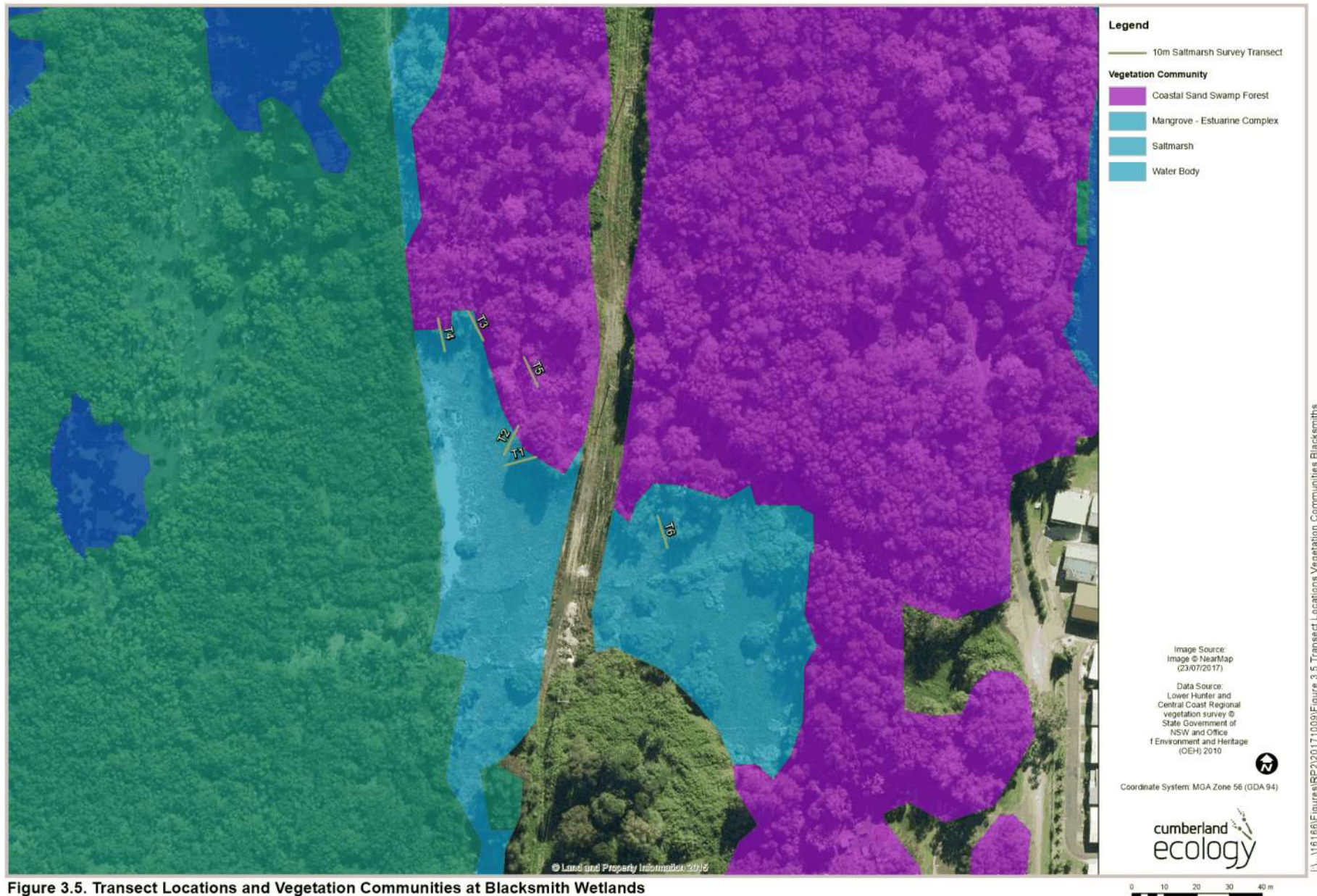


Figure 3.5. Transect Locations and Vegetation Communities at Blacksmith Wetlands



3.3 Field Survey

A total of 90 plots in sixteen north-to-south transects and two west-to-east transects were undertaken from five sites (Baludarra Wetland, Bobbin Head, Salt Pan Creek, Landing Lights Wetland and Blacksmith Wetland).

A summary of surveyed locations and GPS coordinates for each north-to-south transect is provided in **Table B.1 (Appendix B)**.

3.4 Flora Species

A total of 61 flora species were identified throughout the five sites - 22 native and 39 exotic species. A flora list for the five sites is provided in **Table A.1 (Appendix A)**. Across the sixteen north-to-south transects surveyed at the five sites, a total of 31 flora species were identified along the 16 north-to-south transects within the five sites - 17 native and 14 exotic species. The flora list of each transect within each site is provided in **Table B.2 – B.6 (Appendix B)**.

The number of flora species present was highest at Thomas Street, followed by Salt Pan Creek, Landing Lights Wetlands, Bobbin Head and Blacksmiths Wetland. However, weeds were dominant at Thomas Street (59%), Salt Pan Creek (56%) and Landing Lights Wetlands (52%) compared to the number of native species at those sites (see **Figure 3.6**).

Flora data for each plot within transects is provided in **Tables B.2 to B.6 (Appendix B)**.

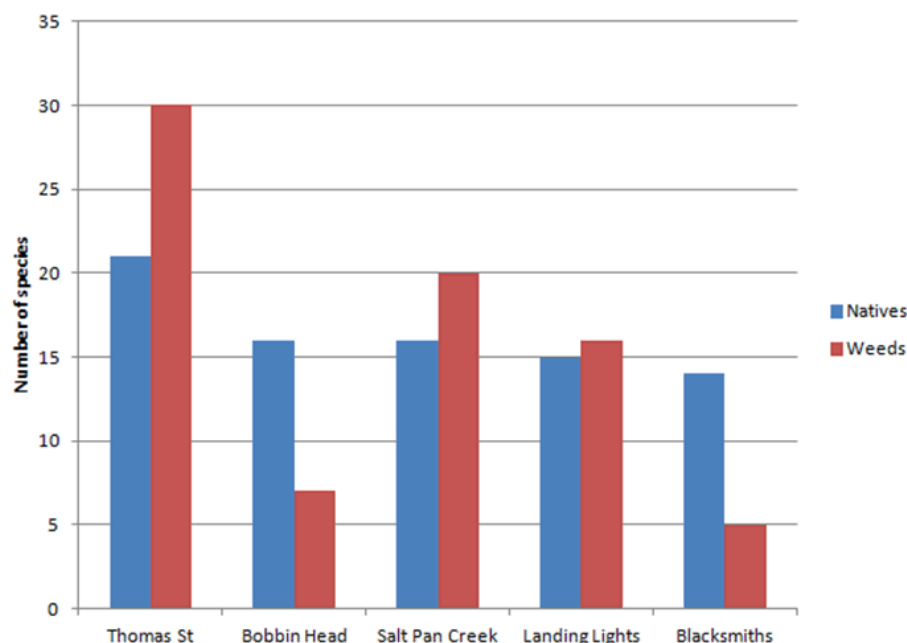


Figure 3.6 Number of native and weed species present at the five sites where north-south transects was surveyed



3.4.1 Vegetation Communities in North-South Transects

The north-south transects sampled the communities bordered by the saltmarsh with Mangrove (SW01) along the shoreline, Saltmarsh (SW02) within the intertidal and Estuarine Swamp Oak Forest (FoW08) on the landward side of the shoreline. Particular attention was paid to the respective coverage of the positive diagnostic species of each community (Table 3.1).

Table 3.1 The positive diagnostic species of three endangered ecological communities that were sampled during the field collection

Species Name	Common Name	Mangrove (SW01)	Saltmarsh (SW02)	Estuarine Swamp Oak Forest (FoW08)
<i>Aegiceras corniculatum</i>	River Mangrove	*	*	
<i>Avicennia marina</i>	Grey Mangrove	*	*	*
<i>Baumea juncea</i>				*
<i>Casuarina glauca</i>	Swamp Oak		*	*
<i>Ficinia nodosa</i>	Knobby Club-rush			*
<i>Juncus kraussii</i>	Sea Rush		*	*
<i>Phragmites australis</i>	Common Reed			*
<i>Samolus repens</i>	Creeping Brookweed		*	*
<i>Sarcocornia quinqueflora</i>				
<i>subsp. quinqueflora</i>	Samphire		*	
<i>Suaeda australis</i>	Seablite		*	*
<i>Tetragonia tetragonioides</i>	Warrigal Greens		*	*

* Denotes the positive diagnostic species of the respective community.

i. Estuarine Mangrove Forest (SW01)

Stands of mangroves form a low closed to open forest on mudflats in Sydney's harbour, river coves and estuaries. There are two mangrove species found in Sydney. Grey mangrove (*Avicennia marina*) is the taller and more common, often seen in pure stands. Stands of grey mangrove comprise very few species other than the canopy, with the understorey mostly an open mudflat sometimes with scattered saltmarsh herbs. The second mangrove species is river mangrove (*Aegiceras corniculatum*). It is more often a small tree or shrub found scattered amongst swathes of grey mangrove or along upper reaches of coastal riverbanks. It occurs where freshwater influences from runoff or rivers cause lower salinity levels (OEHS 2016).

ii. Estuarine Saltmarsh (SW02)

Saltmarshes consist of low succulent herbs and rushes on tidally inundated land. These marshes form plains that adjoin open water and mangroves. Throughout the marsh salinity



varies greatly according to tidal influence, evaporation and fresh water accumulation. Some of the areas are flooded regularly, while at slightly higher elevations flooding is rare. After rain fresh water accumulates and adds extra water to the marsh, leaving pools of standing water when the tide recedes. Chenopod species dominate areas more frequently inundated by the tides, while sea rushes (*Juncus kraussii*) occupy the more elevated terrestrial margin. Local scalds occur in small depressions where intensely saline deposits accumulate from the evaporation of tidal waters preventing the growth of any plants at all (OEH 2016).

iii. *Estuarine Swamp Oak Forest (FoW08)*

Estuarine Swamp Oak Forest is widespread along the coast of the Sydney basin where it is rarely found at more than two meters above sea level. In the zonation from mangroves to terrestrial sclerophyll and mesophyll forests and woodlands, Estuarine Swamp Oak Forest occurs immediately above tidal influence. It fringes the margins of saline waterbodies that include rivers, lagoons and tidal lakes. Swamp oak (*Casuarina glauca*) forms dense monospecific stands above a thick ground cover of salt-tolerant herbs, rushes and sedges. The shrub layer is low-growing and sparse, comprising a mix of terrestrial species while others typical of wetlands. It is a community of relatively low species diversity (OEH 2016).

3.4.2 *Baludarri Wetlands: Vegetation Communities and Shading*

At Baludarri Wetlands, Mangrove, Saltmarsh and Estuarine Swamp Oak Forest were found. These vegetation communities were found to include a high proportion of weed species (59%). This is most likely due to its close proximity to urban development in addition to waste being wave deposited due to tidal and aquatic vehicle waves created along the river edge.

The James Ruse Drive Bridge over the Parramatta River shaded small pockets of saltmarsh and mangroves to the east and west from the elevated road. Plot data was collected from three naturally shaded transects and one artificially shaded transect.

At the Baludarri Wetlands, the following examples of shading were found:

➤ **Natural Shading:**

- Baludarri Wetlands are located to the west from James Ruse Drive, including the subject site at Thomas Street. Therein, natural shading due to mature *Casuarina glauca* (Swamp Oak) trees on saltmarsh species *Suaeda australis*, *Sarcocornia quinqueflora*, *Juncus kraussii*, *Triglochin striata* and *Samolus repens* were observed (see **Photograph 3.1**).

➤ **Artificial Shading due to the James Ruse Drive:**

- The Baludarri Wetlands are located immediately to the west of James Ruse Drive. The James Ruse Drive shades mangrove and weedy vegetation therein. Under the James Ruse Drive (north lanes), planted flora species are maintained under. This vegetation was not sampled because its occurrence is not natural.



- James Ruse Drive (south lanes) to the north shades mangrove vegetation present immediately to the east. A gap of bare ground exists between the elevated wall and mangroves to the east (see **Photograph 3.3**). This mangrove vegetation appears to be in good condition despite being shaded for the majority of the day by James Ruse Drive.
- The James Ruse Drive (south lanes) over the Parramatta River shaded pockets of saltmarsh and mangrove vegetation. Mangroves seedlings and young trees were observed established immediately adjacent to James Ruse Drive and in the area shaded by this elevated structure (see **Photograph 3.2**).
- A mangrove and saltmarsh vegetation patch is present to the east from the southern portion of James Ruse Drive. Both, the saltmarsh and mangrove therein are shaded by James Ruse Drive. Additionally, saltmarsh vegetation is shaded by a canopy of *Avicennia marina* (Grey Mangrove) (see **Photographs 3.4 and 3.5**).



Photograph 3.1 Baludarri Wetlands (view southwest: 27/09/2017 at 13:00 hrs.) showing the cross-section of vegetation communities and shading of *Casuarina glauca* (Swamp Oak) on saltmarsh species



Photograph 3.2 Saltmarsh and mangrove shaded by James Ruse Drive over the Parramatta River (view northwest: 27/09/2017 at 13:37 hrs.)



Photograph 3.3 Saltmarsh and mangrove shaded by James Ruse Drive over the Parramatta River (view northeast: 27/09/2017 at 13:35 hrs.)



Photograph 3.4 Pockets of saltmarsh shaded by a canopy of mangrove and James Ruse Drive over Parramatta River (view north: 27/09/2017 at 13:39 hrs.)



Photograph 3.5 Saltmarsh and mangrove communities adjacent to James Ruse Drive Bridge over the Parramatta River (view northeast: 27/09/2017 at 13:45 hrs.)

3.4.3 Bobbin Head

At Bobbin Head, Mangrove, Saltmarsh and Estuarine Swamp Oak Forest were observed. The Mangrove community was dominated by *Avicennia marina* (Grey Mangrove). The Saltmarsh community consisted of *Suaeda australis*, *Juncus kraussii*, *Triglochin striata*, *Ficinia nodosa*, *Baumea juncea* and *Samolus repens*. *Casuarina glauca* (Swamp Oak) were sparsely distributed amongst the rush vegetation within the higher elevations of the intertidal zone. Flora at this site had a larger number of native (70%) than weed species (30%). This is most likely due to on-going maintenance as part of Ku-ring-gai National Park. A well-used access path behind the mangrove communities displaced a portion of the saltmarsh vegetation present.

At Bobbin Head, the following examples of shading were found:

- Natural Shading: Grey Mangrove (*Avicennia marina*) and Swamp Oak (*Casuarina glauca*) trees on saltmarsh species *Suaeda australis*, *Juncus kraussii*, *Triglochin striata*, *Ficinia nodosa*, *Baumea juncea* and *Samolus repens* were observed (see **Photographs 3.6 and 3.7**).



Photograph 3.6 Saltmarsh shaded by *Avicennia marina* (Grey Mangrove) at Bobbin Head (view north: 26/09/2017 at 15:22 hrs.)



Photograph 3.7 Saltmarsh shaded by *Casuarina glauca* (Swamp Oak) at Bobbin Head (view northeast: 26/09/2017 at 15:56 hrs.)



3.4.4 Salt Pan Creek

At Salt Pan Creek, Mangrove and Saltmarsh were observed. The Mangrove community was dominated by *Avicennia marina* (Grey Mangrove). The Saltmarsh community consisted of *Suaeda australis*, *Juncus kraussii*, *Triglochin striata* and *Samolus repens*. Flora at this site had a larger number of weeds (56%) than native species (44%). It was observed that weed species appear to be located in gaps where direct sunlight reaches the ground under the South Western Motorway (M5). Within areas of higher shading fewer weed species were observed.

At Salt Pan Creek, the following examples of shading were found:

- Artificial Shading due to the M5 Motorway: Grey Mangrove (*Avicennia marina*) seedlings and saplings were observed within the heavily shaded area directly under the motorway (see **Photograph 3.8**). Also, saltmarsh consisting of *Triglochin striata* and *Samolus repens* diagnostic species was observed in heavily shaded conditions (see **Photographs 3.9 to 3.12**). *Suaeda australis* and *Juncus kraussii* occupied shaded areas that only were subject to brief periods of midday-sun. Interestingly, *Samolus repens* and *Triglochin striata* was excluded from these areas apparently due to an intolerance to the intensity of light at this time of day.



Photograph 3.8 Saltmarsh and mangrove communities shaded by the M5 Motorway at Salt Pan Creek (view north: 27/09/2017 at 14:58 hrs.)



Photograph 3.9 Saltmarsh and mangrove communities shaded by the M5 Motorway at Salt Pan Creek (view northeast: 27/09/2017 at 14:59 hrs.)



Photograph 3.10 Saltmarsh and mangrove communities shaded by the M5 Motorway at Salt Pan Creek (view east: 27/09/2017 at 15:00 hrs.)



Photograph 3.11 Saltmarsh and mangrove communities shaded by the M5 Motorway at Salt Pan Creek (view southeast: 27/09/2017 at 15:19 hrs.)



Photograph 3.12 Saltmarsh and mangrove communities shaded by the M5 Motorway at Salt Pan Creek (view northeast: 27/09/2017 at 15:09 hrs.)



3.4.5 Landing Lights Wetlands, Cooks Cove

At the Landing Light Wetlands, Saltmarsh vegetation was observed. The saltmarsh community consisted of *Suaeda australis*, *Sarcocornia quinqueflora*, *Juncus kraussii* and *Baumea juncea*. Flora at this site had a larger number of weeds (52%) than native species (48%). This site appears to have a long history of disturbance as judged by the presence of demolition waste, e.g. bricks, bitumen, concrete, metals, plastic etc. The site appears to be subject to a vegetation management plan because, around the periphery of the wetlands, revegetation and cultivation of endemic species was evident.

At Landing Lights Wetland, the following examples of shading were found:

- Natural Shading due to a sub-canopy of *Acacia falcata* (Hickory Wattle) and *Casuarina glauca* (Swamp Oak) trees over a saltmarsh community consisting of *Suaeda australis*, *Sarcocornia quinqueflora*, *Juncus kraussii* and *Baumea juncea* (see **Photographs 3.13, 3.14 and 3.15**).
- Artificial shading due to a Red-brick structure over a saltmarsh community consisting of *Suaeda australis*, *Samolus repens* and *Casuarina glauca* (see **Photographs 3.16**).



Photograph 3.13 Shading of saltmarsh by *Acacia falcata* (Hickory Wattle) at Landing Lights Wetlands (view south: 27/09/2017 at 16:52 hrs).



Photograph 3.14 Shading of saltmarsh by *Casuarina glauca* (Swamp Oak) at Landing Lights Wetlands (view southeast: 27/09/2017 at 16:52 hrs).



Photograph 3.15 Shading of saltmarsh by *Casuarina glauca* (Swamp Oak) at Landing Lights Wetlands (view southeast: 14/07/2016 at 16:04 hrs).



Photograph 3.16 Artificial shading of saltmarsh by structure at Landing Lights Wetlands (view north: 14/07/2016 at 12:52 hrs).

3.4.6 Blacksmiths Wetlands

At Blacksmiths Wetlands, the shoreline is toward the north and mature *Casuarina glauca* (Swamp Oak) and *Melaleuca quinquenervia* (Broad-leaved Paperbark) trees provided natural sources of shade. Plot data was collected from six naturally shaded transects.

At Blacksmiths Wetlands, Mangrove, Saltmarsh and Estuarine Swamp Oak Forest were surveyed. The mangrove community was dominated by *Avicennia marina* (Grey Mangrove). The Estuarine Swamp Oak Forest consisted mainly of *Casuarina glauca* (Swamp Oak) and *Melaleuca quinquenervia* (Broad-leaved Paperbark). The saltmarsh community consisted of *Juncus kraussii*, *Samolus repens*, *Lomandra longifolia*, *Lobelia anceps*, *Chorizandra cymbaria* and *Baumea juncea*. Flora at this site had a larger number of native (74%) than weed species (26%).

At Blacksmiths Wetlands, the following examples of shading were found:

- Natural Shading due to a canopy trees of *Casuarina glauca* (Swamp Oak) and *Melaleuca quinquenervia* (Broad-leaved Paperbark) over a saltmarsh community of *Juncus kraussii*, *Samolus repens*, *Lomandra longifolia*, *Lobelia anceps*, *Chorizandra cymbaria* and *Baumea juncea* (see **Photographs 3.17 to 3.19**).



Photograph 3.17 Shading of saltmarsh by *Melaleuca quinquenervia* (Broad-leaved Paperbark) and *Casuarina glauca* (Swamp Oak) at Blacksmiths Wetlands (view northeast: 27/09/2017 at 15:20 hrs)



Photograph 3.18 Shading of saltmarsh by *Casuarina glauca* (Swamp Oak) at Blacksmith Wetlands (view southeast: 7/09/2017 at 15:25 hrs).



Photograph 3.19 Shading of saltmarsh by *Casuarina glauca* (Swamp Oak) at Blacksmith Wetlands (view southeast: 7/09/2017 at 15:33 hrs).

3.5 The effect of shading on the distribution of Saltmarsh

i. Analysis 1: Effect of Type and Level of Shading on Saltmarshes

The nMDS map of the dispersion of 1m by 1m quadrates (see **Figure 3.7**) shows that there is overlap in distribution of quadrates from saltmarsh in naturally shaded and artificially shaded locations. The level of dispersion had a stress value of 0.08, which suggest that the quadrats are close to being arbitrarily placed in the 2-dimensional nMDS map.

There were no statistically significant differences in assemblages of plant species sampled in naturally shaded vs. artificially shaded plots (ANOSIM, average $R = 0.198$, significance level statistic 0.3%). Similarly, there were no statistically significant differences in assemblages of plants sampled in 1m by 1m quadrates at different level of shading (see **Figure 3.8**; ANOSIM, average $R = -0.021$, significance level statistic 79.6%).

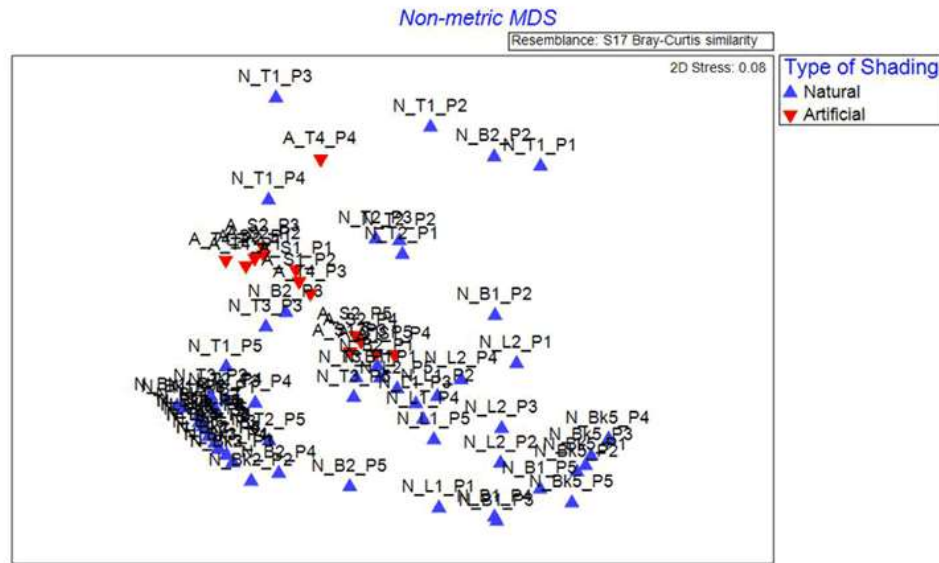


Figure 3.7 nMDS of saltmarsh assemblages in naturally occurring and artificially shaded plots (stress = 0.08).

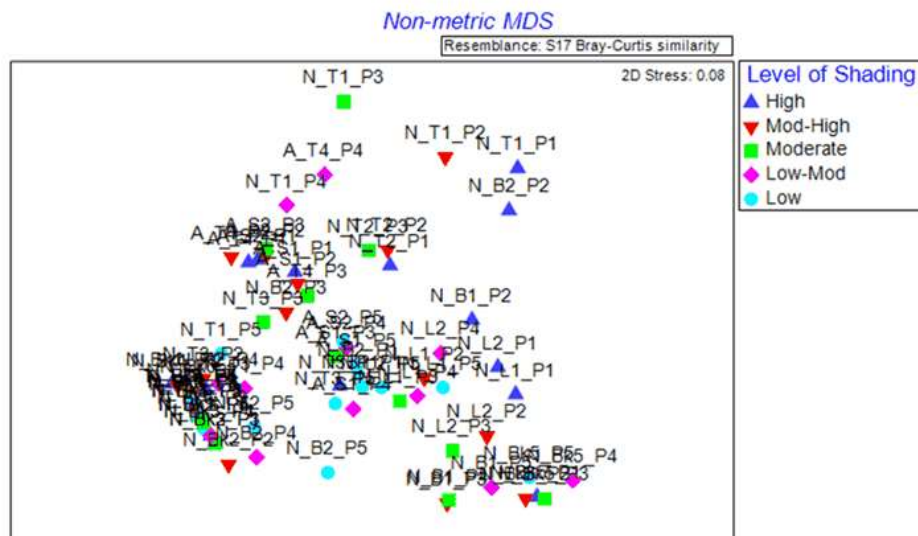


Figure 3.8 nMDS of saltmarsh assemblages in plots at different levels of shading (stress = 0.08)

The above results indicate that the assemblages of species in saltmarsh vegetation surveyed at different levels of shading and in naturally versus artificially shaded plots are not different, in spite of some sites, e.g. James Ruse Drive and Salt Pan Creek, being shaded by man-made structures. The presence of saltmarsh species under the M5 Motorway at Salt Pan Creek suggests that even in conditions of solid shading, saltmarsh species are present.



ii. *Analysis 2: Effect of Aspect of Transect on Saltmarsh*

The nMDS map of the dispersion of 1m by 1m quadrats (see **Figure 3.9**) shows that there is overlap in distribution of quadrats from transects with North-to-South and West-East aspect. The level of dispersion had a stress value of 0.1, which suggest that the quadrats are close to being arbitrarily placed in the 2-dimensional nMDS map.

There were no statistically significant differences in assemblages of plant species sampled along transects with North-to-South and West-to-East aspect (ANOSIM, average $R = 0.035$, significance level statistic 24.1%).

These results suggest that the aspect of shading is not a main factor affecting the presence of saltmarsh species. Saltmarsh species are present in areas shaded on a north-south and west-east aspect and their assemblages of species are not different. Other factors, whether environmental and/or biological might be synergistically acting and influencing the patterns of distribution of saltmarsh, but aspects of shading per se does not appear to be a determining factor.

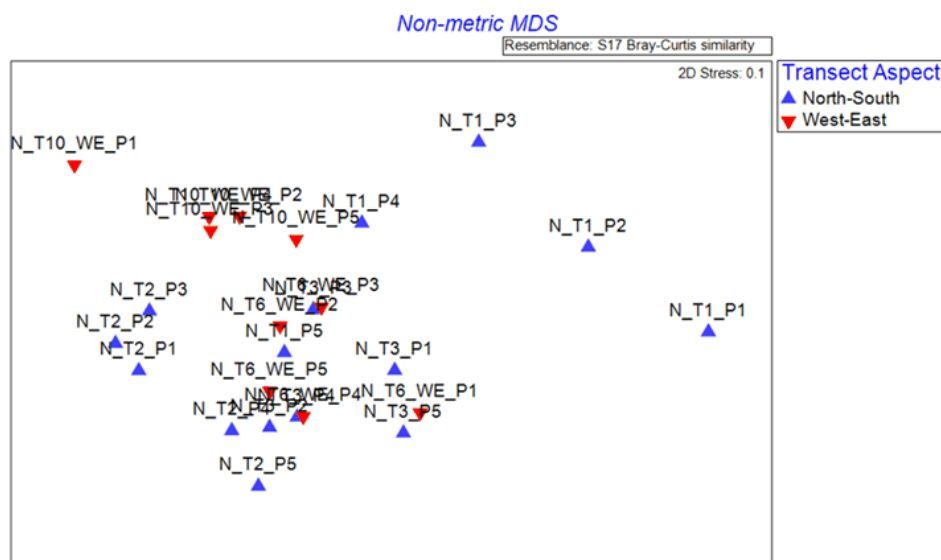


Figure 3.9 nMDS of saltmarsh plots in transects sampled with a North-South and West-East aspect (stress = 0.1)

3.6 Shading Modelling

As requested by Fisheries at the on-site meeting held on 29 August 2017, shading modelling for all seasons is provided for the subject site (see **Figure 3.10 to 3.13**). Shading by the proposed development will occur:

- Shading during the winter months:



- Saltmarsh: A small portion of saltmarsh will be shaded at 9:00am and 12:00hrs.
- Mangrove: A moderate area of mangrove will be shaded at 9:00, with a much smaller area to be shaded at 12:00hrs and 15:00hrs.

➤ Shading in Spring:

- Saltmarsh: An insignificant area of saltmarsh will be shaded at 9:00hrs. No shading will occur at other time of the day.
- Mangrove: no shading will occur.

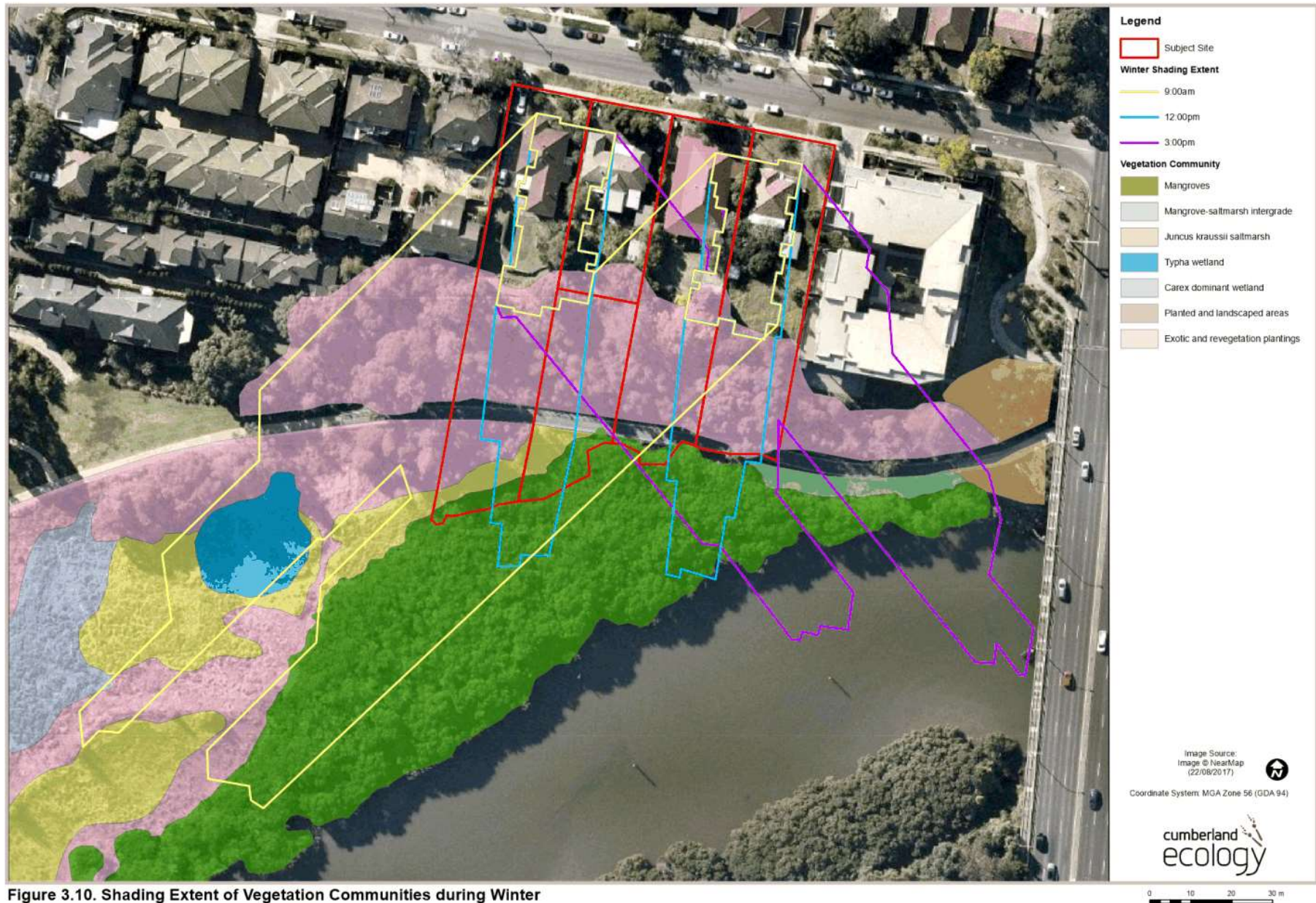
➤ Shading in Summer:

- Saltmarsh: no shading will occur.
- Mangrove: no shading will occur.

➤ Shading in Autumn:

- Saltmarsh: An insignificant are of saltmarsh will be shaded at 9:00hrs. No shading of saltmarsh will occur at other times of the day.
- Mangrove: no shading will occur.

No comparable sites were found that justified additional modelling, although, the plot data collection along transects of high to low shading, and subsequent statistical analysis, offer a downscaled example of the effect of shading on these two communities.



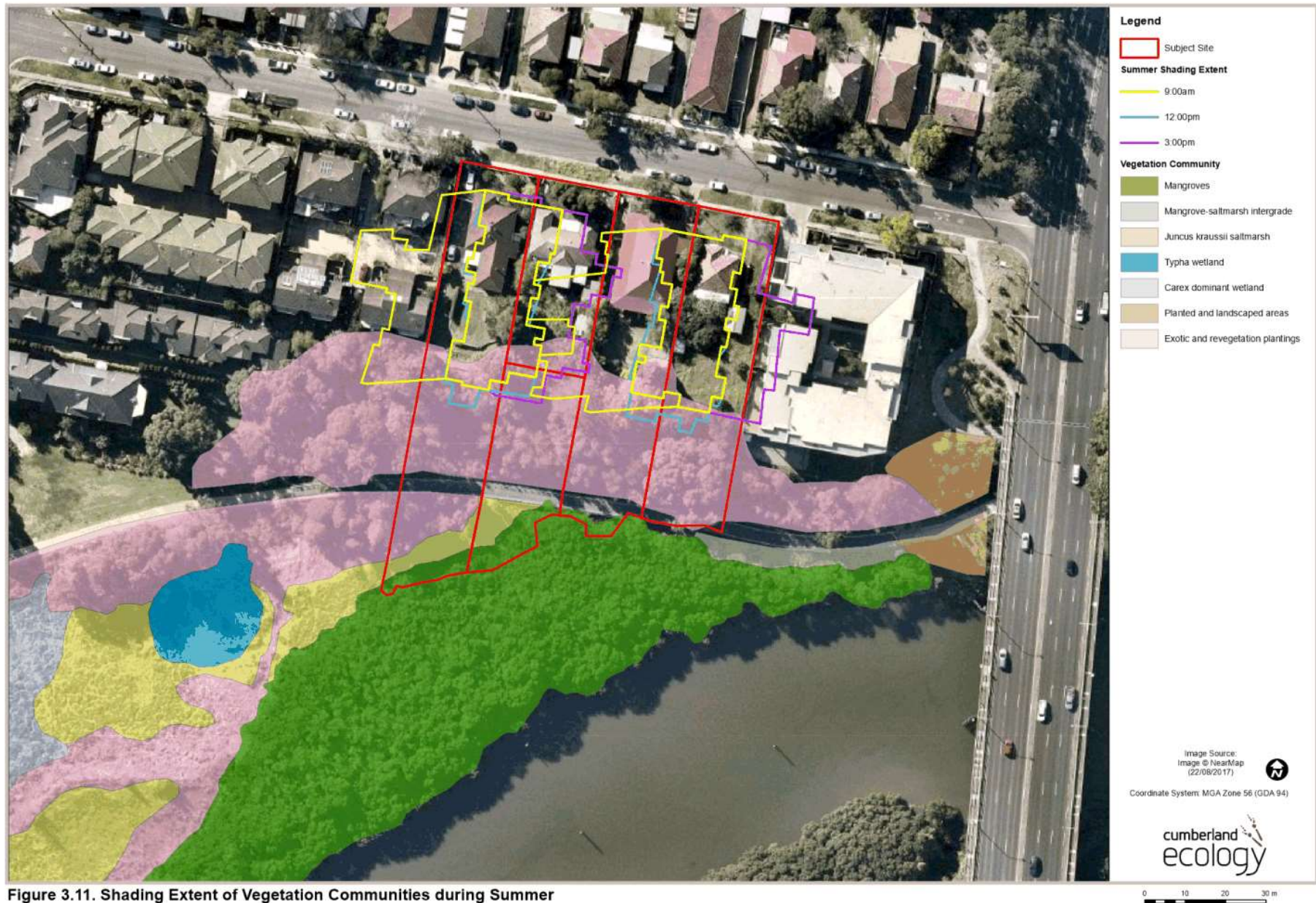


Figure 3.11. Shading Extent of Vegetation Communities during Summer







Chapter 4

Saltmarsh and Mangrove Vegetation at the Subject Site

4.1 Amended Vegetation Mapping at Baludarri Wetland

Cumberland Ecology previously prepared vegetation mapping for Baludarri Wetlands (subject site) and foreshore area at the subject site (**Figure 1.1**). As requested by Fisheries during the on-site meeting held on 29 August 2017, additional surveys were undertaken to update the vegetation mapping at the subject site. It was found that the vegetation mapping previously undertaken (i.e. **Figure 1.1**) is accurate and modification of the vegetation mapping was not required.



Chapter 5

Effects of Shading on Saltmarsh Vegetation

5.1 Saltmarsh and Mangrove Assemblages in Natural versus Artificially Shaded Areas

Cumberland Ecology endeavoured to address the question “Is there a statistically significant difference in the number of species present in mangrove and saltmarsh communities within areas affected by natural versus artificial shadowing?” The assumption that partial shadowing caused by man-made structures is the main driver affecting the long-term survival of mangrove and saltmarsh along the Parramatta River is addressed. The two diagnostic species of mangrove communities occurred at every site and in the two shade condition. For this reason, special attention has been paid to the eight diagnostic species of saltmarsh communities and the driver affecting their distribution.

5.1.1 Data Availability

A total of sixteen transects in saltmarsh communities were analysed as described in **Section 3.5**. The transects attempted to collect the cross-section of floristic change from the edge of the mangrove communities along the shoreline to the landward side of the inter-tidal zone - in most cases represented by Estuarine Swamp Oak Forest. The raw data is available for each site where transects data was collected in Appendix B (see **Table B.2 – B.6**).

5.1.2 Mangroves

Transects in mangrove areas were not undertaken as no sites with naturally occurring shading on mangroves were found. The mangroves present under James Ruse Drive appear to be in good health (i.e. colour and vigour visually observed) and similar to mangroves in non-shaded areas. Similarly, mangroves observed growing under the M5 Motorway (at Salt Pan Creek site) appear to have similar colour and vigour than mangroves present in non-shaded areas at Salt Pan Creek. Both diagnostic mangrove species were observed to propagate underneath a canopy or man-made structure.

5.1.3 Saltmarsh

As showed in Section 3.5, representative cover in 1 x 1 m quadrates of diagnostic saltmarsh species were surveyed along transects in both natural and artificial shade conditions. Results of nMDS and ANOSIM statistical analyses indicate no significant differences between assemblages of saltmarsh surveyed under naturally shaded *versus* assemblages under artificially shaded conditions. Also, no statistically significant differences were found



amongst plots sampled at five differing levels of shading (P1 High, P2 Medium-High, P3 Medium, P4 Low-Medium and P5 Low shading).

5.2 Saltmarsh and Mangrove Assemblages and Duration of Shadowing

Cumberland Ecology proposed to assess the following question:

Has the duration of shadowing on mangrove and saltmarsh vegetation negatively affected the number of species or the condition (vigour or health) of these vegetation communities?

5.2.1 Data limitations

Cumberland Ecology was unable to find more than three locations where shading by man-made structures co-occurred with natural shading and the wetland communities under study. Therefore, statistical analysis testing for differences in saltmarsh and/or mangrove vegetation cover area in plots/transects shaded by man-made structures, naturally shaded and non-shaded was not balanced. Two locations where permanent shading was observed occurred at James Ruse Drive bridge (Baludarra Wetlands) and at the M5 Motorway (Salt Pan Creek).

5.2.2 Mangroves

At James Ruse Drive, mangrove seedlings and young trees were observed growing/established at close proximity to the bridge and in area expected to be shaded on a daily and seasonal basis in accordance with sun movement.

Similar observations were made at the M5 Motorway intersection with Salt Pan Creek, where mangrove seedlings and young trees are present in areas expected to be daily and seasonally shaded under the M5 Motorway.

The above described observations suggest that permanent non-solid shading produced by man-made structures such as elevated road and bridges do not preclude the establishment and growth of mangrove communities.

5.2.3 Saltmarsh

At James Ruse Drive, saltmarsh was found to be shaded by James Ruse Drive and a canopy of *Avicennia marina* (Grey Mangrove). The saltmarsh community consisted of native *Aegiceras corniculatum*, *Avicennia marina*, *Suaeda australis* and *Samolus repens* and included exotic *Rubus fruticosus* sp. agg., *Ageratina riparia*, *Lantana camara*, *Parietaria judaica* and *Ipomoea cairica*. The character of shading on this saltmarsh would be from both permanent solid shading from James Ruse Drive and non-solid shading by a mature mangrove canopy. In spite of this high level of shading, saltmarsh vegetation was diverse and appeared to have good health and vigour.



Similarly, at the M5 Motorway intersection with Salt Pan Creek, the saltmarsh community under the motorway consisted of native *Juncus kraussii*, *Triglochin striata*, *Avicennia marina*, *Suaeda australis* and *Samolus repens*. The health and vigour of the saltmarsh species was similar to individuals growing in non-shaded areas within the same site.

A naturally shaded saltmarsh community found at Concord, consisted of *Triglochin striata*, *Avicennia marina*, *Suaeda australis* and *Samolus repens* and again represented a diverse saltmarsh community despite being heavily shaded.

The above described observations suggest that the permanent solid shading produced by man-made structures such as elevated road and bridges do not preclude the establishment and growth of saltmarsh communities. Interestingly, the diagnostic species *Triglochin striata* and *Samolus repens* were shown to be light sensitive and were excluded from areas of direct sunlight. Furthermore, patches of saltmarsh with similarly low number of characteristic saltmarsh species can be found in naturally heavily shaded conditions such as those observed at Concord. This suggests that the composition of saltmarsh species at any given point is most likely a result of the concurrent effect of several factors (i.e. salinity, elevation, nutrient availability) rather than just shading. Furthermore, the high dispersal ability of mangroves and saltmarsh species enables early-establishment of disturbed areas and this pioneering nature ensures a regular influx of propagules into shade affected environments. Therefore, it is not considered that shading is the main driver of saltmarsh distribution and, with partial light availability, shading is unlikely to restrict the establishment or negatively affect saltmarsh communities to such an extent as to put this community at risk of local extinction.



Chapter 6

Impact Assessment

An assessment of significance on the effects of shading on saltmarsh have been undertaken and is provided in **Appendix C**. It has been concluded, that the impact that the partial shading the proposed development will create on the Baludarri Wetland has been inferred through modelling to be negligible. This is the case because the proposed development will cast non-solid shading on a small portion of the saltmarsh during winter months. Therefore, it is considered that the limited amount of shading likely to be produced from the proposed development will not significantly impact upon reproduction and regeneration by either saltmarsh or mangrove plants. This is for two reasons. First, the limited shading is not likely to curtail flowering or seed set by characteristic species of mangroves and saltmarsh. Secondly, even if shading did have such an impact, propagules of mangroves and saltmarsh are largely water dispersed. As such propagules from upstream or downstream in less shaded environs would therefore be able to colonise the partially shaded areas.

Circumstantial evidence from other sites that were examined indicate that the dispersal mechanisms and pioneering character of the species comprising these communities has apparently enabled the distribution of the two communities to occupy both natural and artificial shaded environments. Sites shaded by elevated structures throughout part of the day did not lack mangrove and saltmarsh diagnostic species.

It is recognised that the assessment of mangrove and saltmarsh productivity undertaken here is done so indirectly through the study of species diversity and representative vegetation cover. No measures of photosynthesis were taken from the plants present in each shading condition as this was not part of the scope of the study. It is anticipated that changes in ecosystem productivity may occur as a result of the proposed development though the potential loss of productivity would be insignificant and most likely undetectable.



Chapter 7

Mitigation Measures

The results of this investigation indicate that the impacts of shading are likely to be insignificant and may not be detectable. For this reason, mitigation measures or offsetting are not likely to be required. However, should it be determined that some precautionary measures are required, mitigation measures may involve increased monitoring and weed management of the Baludarri Wetland.

While on site significant areas of weed infestation were observed. Interestingly, these infestations were in areas with no sources of shading. We also observed at the other sites under study that increased sunlight often was accompanied with increased prevalence of weeds. A thorough weed management program at the Baludarri Wetlands would allocate more resources (i.e. nutrient and habitat availability) to the wetland communities present and may offset the potential small loss of productivity incurred as a result of the proposed development.



Chapter 8

Conclusions

The information gathered as part of this investigation suggest that the limited partial shading to be produced by the proposed development on the Baludarri Wetland will not significantly negatively impact the distribution of the diagnostic species of either mangrove or salt marsh communities.

Detailed analysis of shadow diagrams shows that the proposed development will only shade the wetlands for part of each day (several hours) all winter, and for half of spring and half of autumn. Shading will not occur for the warmer months of the year (half of spring, half of autumn and all summer). This will result in the shading to be produced at any one spot on the wetlands in winter (i.e. during the worse time of year) effectively be for a minimal period of time, most likely a few minutes. This would mean a reduction in just direct sunlight and does not account for the significant amount of reflective light that the surrounding structures and vegetation would provide. Therefore, it is considered that the net amount of shading to be produced over the wetlands by the proposed development will be minimal.

To compare this scenario we undertook a comprehensive field survey and data collection to elucidate the effect of shading from both natural and artificial sources at seven locations in the Sydney Metropolitan Area and Greater Hunter. Examination of a variety of existing riparian areas beside artificial structures (bridges and walkways), and natural vegetation (tall trees and shrubs with dense canopies) revealed:

- near-complete shading throughout the day (and year) did not excluded mangrove and saltmarsh communities. Although a reduction in number of species is apparent in areas beneath bridges and closed low-elevation walkways, these areas were not completely denuded of both communities;
- full-midday sun for extended periods excluded some diagnostic species of saltmarsh communities; and
- partial shading at certain times of day throughout the year from either natural or artificial sources (dense tall trees) was found not be statistically different. This is, shading did not significantly negatively impact saltmarsh or mangrove communities.

The above listed observations suggest that shading is not the most important factor affecting the distribution of saltmarshes in shaded areas. In congruence with peer review literature, it is expected that other factors, such as salinity, elevation and nutrient availability are factors most likely determining the patterns of distribution of this wetland vegetation community.



Circumstantial evidence from other sites that were examined indicate that the dispersal mechanisms and pioneering character of the species comprising these communities has apparently enabled the distribution of the two communities to occupy both natural and artificial shaded environments. Sites shaded by elevated structures throughout part of the day did not lack mangrove and saltmarsh diagnostic species.

Considering the data analysis conducted and the examples of artificial and natural shading found in this study, we conclude that partial shading at certain times of the day is not a major driver of these communities and the plants they contain.

An assessment of significance was completed as required under Section 5A of the *Environmental Planning and Assessment Act 1979* to demonstrate that no significant detrimental impact was likely upon saltmarsh. This concluded no significant impact was likely and that no Species Impact Statement was warranted.



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Appendix A

Flora List



Table A.1 Flora list from the five sites where North-South transects data was collected.

Form and Family	Status	Scientific Name	Common Name	Baludarri Wetlands	Bobbin Head	Salt Pan Creek	Landing Lights Wetlands	Blacksmiths Wetlands
Sub-canopy								
Acanthaceae		<i>Avicenna marina</i> subsp. <i>australasica</i>	Grey Mangrove	X	X	X	X	X
Casuarinaceae		<i>Casuarina glauca</i>	Swamp Oak	X	X	X	X	X
Fabaceae (Mimosoideae)		<i>Acacia falcata</i>	Hickory Wattle				X	
Shrubs								
Acanthaceae		<i>Avicenna marina</i> subsp. <i>australasica</i>	Grey Mangrove	X	X	X	X	X
Primulaceae		<i>Aegiceras corniculatum</i>	River Mangrove	X	X	X		X
Casuarinaceae		<i>Casuarina glauca</i>	Swamp Oak	X	X		X	
Pittosporaceae		<i>Pittosporum undulatum</i>	Sweet Pittosporum	X	X	X		
			Rough Fruit					
Pittosporaceae		<i>Pittosporum revolutum</i>	Pittosporum		X			
Verbenaceae	*	<i>Lantana camara</i>	Lantana	X				X
Sapindaceae		<i>Cupaniopsis anacardioides</i>	Tuckeroo	X				
Herbs - Climbers								
Rosaceae	*	<i>Rubus fruticosus</i> sp. agg.	Blackberry	X		X		



Table A.1 Flora list from the five sites where North-South transects data was collected.

Form and Family	Status	Scientific Name	Common Name	Baludarri Wetlands	Bobbin Head	Salt Pan Creek	Landing Lights Wetlands	Blacksmiths Wetlands
Sapindaceae	*	<i>Cardiospermum grandiflorum</i>	Balloon Vine	X				
Fabaceae (Faboideae)		<i>Kennedia rubicunda</i>	Dusky Coral Pea	X				
Dicots (Herbs)								
Asparagaceae	*	<i>Asparagus aethiopicus</i>	Ground Asparagus	X		X	X	
Asteraceae	*	<i>Ageratina riparia</i>	Mistflower	X			X	
Asteraceae	*	<i>Cotula coronopifolia</i>	Water Buttons	X			X	
Aizoaceae		<i>Tetragonia tetragonioides</i>	New-Zealand Spinach	X	X	X	X	
Apiaceae	*	<i>Apium graveolens</i>	Sea Celery	X			X	
Apiaceae	*	<i>Cyclospermum leptophyllum</i>	Slender Celery	X		X		
Apiaceae	*	<i>Foeniculum vulgare</i>	Fennel	X				
Araliaceae	*	<i>Hydrocotyle bonariensis</i>	Large-leaf Pennywort			X	X	
Asteraceae	*	<i>Bidens pilosa</i>	Cobbler's Pegs	X		X	X	X
Asteraceae	*	<i>Cirsium vulgare</i>	Spear Thistle	X				
Asteraceae	*	<i>Conyza sumatrensis</i>	Tall Fleabane	X		X	X	
Asteraceae	*	<i>Hypochaeris radicata</i>	Catsear	X	X		X	
Asteraceae	*	<i>Lactuca saligna</i>	Willow-leaved Lettuce			X		



Table A.1 Flora list from the five sites where North-South transects data was collected.

Form and Family	Status	Scientific Name	Common Name	Baludarri Wetlands	Bobbin Head	Salt Pan Creek	Landing Lights Wetlands	Blacksmiths Wetlands
Asteraceae	*	<i>Sonchus asper</i>	Sow Thistle	X	X			
Asteraceae	*	<i>Sonchus oleraceus</i>	Milk Thistle		X			
Brassicaceae	*	<i>Cardamine hirsuta</i>	Flick weed	X				
Caryophyllaceae	*	<i>Cerastium glomeratum</i>	Mouse-ear Chickweed	X		X	X	X
Chenopodiaceae		<i>Sarcocornia quinqueflora</i> subsp. <i>quinqueflora</i>		X		X	X	
Chenopodiaceae	*	<i>Atriplex prostrata</i>		X				
Convolvulaceae	*	<i>Ipomoea cairica</i>	Coastal Morning Glory	X			X	
Chenopodiaceae		<i>Suaeda australis</i>	Seablite	X	X	X	X	X
Fabaceae (Caesalpinioideae)	*	<i>Senna pendula</i> var. <i>glabrata</i>		X			X	
Fabaceae (Faboideae)	*	<i>Medicago polymorpha</i>	Burr-medic	X		X		
Fabaceae (Faboideae)	*	<i>Vicia sativa</i>	Common Vetch	X		X		
Lobeliaceae		<i>Lobelia anceps</i>		X				X
Oxalidaceae	*	<i>Oxalis corniculata</i>				X		
Plantaginaceae	*	<i>Plantago lanceolata</i>	Lamb's Tongues	X		X		
Polygonaceae	*	<i>Acetosa sagittata</i>	Turkey Rhubarb		X			
Primulaceae	*	<i>Lysimachia arvensis</i>	Scarlet Pimpernel	X				



Table A.1 Flora list from the five sites where North-South transects data was collected.

Form and Family	Status	Scientific Name	Common Name	Baludarri Wetlands	Bobbin Head	Salt Pan Creek	Landing Lights Wetlands	Blacksmiths Wetlands
Primulaceae		<i>Samolus repens</i>	Creeping Brookweed	X	X	X	X	X
Urticaceae	*	<i>Parietaria judaica</i>	Pellitory			X		
Verbenaceae	*	<i>Lantana camara</i>	Lantana	X			X	
Monocots (Grasses)						X		
Poaceae	*	<i>Bromus catharticus</i>	Prairie Grass	X	X	X		
Poaceae	*	<i>Cenchrus clandestinum</i>	Kikuyu	X		X	X	X
Poaceae	*	<i>Cynodon dactylon</i>	Couch	X	X	X	X	X
Poaceae	*	<i>Ehrharta erecta</i>	Panic Veldtgrass	X			X	
Poaceae	*	<i>Eragrostis curvula</i>	African Lovegrass			X		
Poaceae	*	<i>Hyparrhenia hirta</i>	Coolatai Grass	X		X		
Poaceae	*	<i>Paspalum dilatatum</i>	Paspalum	X		X		
Poaceae		<i>Sporobolus virginicus</i>	Sand Couch	X	X	X	X	X
Poaceae		<i>Imperata cylindrica</i>	Blady Grass	X				
Monocots (Other)						X		
Commelinaceae		<i>Commelina cyanea</i>	Scurvy Weed		X			X



Table A.1 Flora list from the five sites where North-South transects data was collected.

Form and Family	Status	Scientific Name	Common Name	Baludarri Wetlands	Bobbin Head	Salt Pan Creek	Landing Lights Wetlands	Blacksmiths Wetlands
Cyperaceae		<i>Baumea juncea</i>		X	X	X	X	X
Cyperaceae		<i>Chorizandra cymbaria</i>		X			X	X
Cyperaceae	*	<i>Cyperus eragrostis</i>	Umbrella Sedge		X	X		
Cyperaceae		<i>Ficinia nodosa</i>	Knobby club-rush	X	X	X	X	X
Juncaginaceae		<i>Triglochin striata</i>	Streaked Arrowgrass	X	X	X	X	
Juncaceae	*	<i>Juncus acutus</i>	Sharp Rush				X	
Juncaceae		<i>Juncus kraussii</i>	Sea Rush	X	X	X		X
Lomandraceae		<i>Lomandra longifolia</i>	Spiny-headed mat-rush	X			X	X



Appendix B

Plot Data



Table B.1 Data Summary for North-South Transects

Site	Transect Number	Plot Number	Date	Time (HH:MM:SS)	Easting	Northing	Elevation (m AHD)	Aspect	Type of Shading
Baludarri Wetland	1	P1	26/09/2017	11:14:31	316809	6256721	11	N-S	N
	1	P2	26/09/2017	11:20:27	316812	6256716	12	N-S	N
	1	P3	26/09/2017	11:24:13	316811	6256718	13	N-S	N
	1	P4	26/09/2017	11:29:07	316810	6256715	13	N-S	N
	1	P5	26/09/2017	11:33:49	316811	6256712	12	N-S	N
Baludarri Wetland	2	P1	26/09/2017	11:49:27	316761	6256656	10	N-S	N
	2	P2	26/09/2017	11:57:17	316762	6256656	10	N-S	N
	2	P3	26/09/2017	12:02:12	316763	6256654	10	N-S	N
	2	P4	26/09/2017	12:02:40	316764	6256655	9	N-S	N
	2	P5	26/09/2017	12:05:59	316765	6256652	9	N-S	N
Baludarri Wetland	3	P1	27/09/2017	11:08:09	316856	6256719	23	N-S	N
	3	P2	27/09/2017	11:13:50	316815	6256718	27	N-S	N
	3	P3	27/09/2017	11:15:43	316815	6256714	26	N-S	N
	3	P4	27/09/2017	11:18:01	316814	6256715	25	N-S	N
	3	P5	27/09/2017	11:30:40	316817	6256720	19	N-S	N
Baludarri Wetland	4	P1	27/09/2017	12:16:24	317002	6256657	6	N-S	A
	4	P2	27/09/2017	12:19:24	316995	6256651	6	N-S	A
	4	P3	27/09/2017	12:21:31	316999	6256652	5	N-S	A



Table B.1 Data Summary for North-South Transects

Site	Transect Number	Plot Number	Date	Time (HH:MM:SS)	Easting	Northing	Elevation (m AHD)	Aspect	Type of Shading
Bobbin Head	4	P4	27/09/2017	12:24:16	316998	6256648	6	N-S	A
	4	P5	27/09/2017	12:25:54	317002	6256648	7	N-S	A
	1	P1	26/09/2017	2:37:21	328924	6273558	-2	N-S	N
	1	P2	26/09/2017	2:41:08	328925	6273557	-2	N-S	N
	1	P3	26/09/2017	2:45:24	328924	6273555	-3	N-S	N
Bobbin Head	1	P4	26/09/2017	2:48:55	328926	6273553	-4	N-S	N
	1	P5	26/09/2017	2:52:31	328927	6273553	-3	N-S	N
	2	P1	26/09/2017	3:16:03	328912	6273516	1	N-S	N
	2	P2	26/09/2017	5:23:15	323391	6254539	-2	N-S	N
	2	P3	26/09/2017	5:26:10	323391	6254541	-1	N-S	N
Salt Pan Creek	2	P4	27/09/2017	11:08:09	316856	6256719	23	N-S	N
	2	P5	27/09/2017	11:13:50	316815	6256718	27	N-S	N
	1	P1	27/09/2017	1:46:48	318818	6242678	2	N-S	A
	1	P2	27/09/2017	1:52:39	318822	6242674	1	N-S	A
	1	P3	27/09/2017	1:54:09	318821	6242673	1	N-S	A
Salt Pan Creek	1	P4	27/09/2017	1:55:59	318821	6242678	1	N-S	A
	1	P5	27/09/2017	1:58:42	318820	6242671	1	N-S	A
	2	P1	27/09/2017	2:06:52	318814	6242677	1	N-S	A



Table B.1 Data Summary for North-South Transects

Site	Transect Number	Plot Number	Date	Time (HH:MM:SS)	Easting	Northing	Elevation (m AHD)	Aspect	Type of Shading
Landing Lights Wetland	2	P2	27/09/2017	2:06:56	318815	6242678	1	N-S	A
	2	P3	27/09/2017	2:08:34	318812	6242674	0	N-S	A
	2	P4	27/09/2017	2:11:14	318808	6242672	1	N-S	A
	2	P5	27/09/2017	2:12:03	318814	6242671	1	N-S	A
	1	P1	27/09/2017	3:36:47	329283	6242318	-2	N-S	N
	1	P2	27/09/2017	3:42:56	329282	6242315	-2	N-S	N
	1	P3	27/09/2017	3:43:12	329285	6242314	-2	N-S	N
	1	P4	27/09/2017	3:45:51	329283	6242312	-3	N-S	N
Landing Lights Wetland	1	P5	27/09/2017	3:51:03	329284	6242310	0	N-S	N
	2	P1	27/09/2017	3:53:55	329280	6242289	-1	N-S	N
	2	P2	-	-	-	-	-	N-S	N
	2	P3	-	-	-	-	-	N-S	N
	2	P4	-	-	-	-	-	N-S	N
Blacksmiths Wetland	2	P5	-	-	-	-	-	N-S	N
	1	P1	27/09/2017	3:06:45	373373	6338941	3	N-S	N
	1	P2	-	-	-	-	-	N-S	N
	1	P3	-	-	-	-	-	N-S	N
	1	P4	-	-	-	-	-	N-S	N



Table B.1 Data Summary for North-South Transects

Site	Transect Number	Plot Number	Date	Time (HH:MM:SS)	Easting	Northing	Elevation (m AHD)	Aspect	Type of Shading
Blacksmiths Wetland	1	P5	-	-	-	-	-	N-S	N
	2	P1	27/09/2017	3:13:18	373368	6338951	2	N-S	N
	2	P2	-	-	-	-	-	N-S	N
	2	P3	-	-	-	-	-	N-S	N
	2	P4	-	-	-	-	-	N-S	N
Blacksmiths Wetland	2	P5	-	-	-	-	-	N-S	N
	3	P1	27/09/2017	3:18:08	373352	6338986	1	N-S	N
	3	P2	-	-	-	-	-	N-S	N
	3	P3	-	-	-	-	-	N-S	N
	3	P4	-	-	-	-	-	N-S	N
Blacksmiths Wetland	3	P5	-	-	-	-	-	N-S	N
	4	P1	27/09/2017	3:22:10	373343	6338984	0	N-S	N
	4	P2	-	-	-	-	-	N-S	N
	4	P3	-	-	-	-	-	N-S	N
	4	P4	-	-	-	-	-	N-S	N
Blacksmiths Wetland	4	P5	-	-	-	-	-	N-S	N
	5	P1	27/09/2017	3:28:42	373369	6338972	0	N-S	N
	5	P2	-	-	-	-	-	N-S	N



Table B.1 Data Summary for North-South Transects

Site	Transect Number	Plot Number	Date	Time (HH:MM:SS)	Easting	Northing	Elevation (m AHD)	Aspect	Type of Shading
Blacksmiths Wetland	5	P3	-	-	-	-	-	N-S	N
	5	P4	-	-	-	-	-	N-S	N
	5	P5	-	-	-	-	-	N-S	N
	6	P1	27/09/2017	3:39:12	373411	6338923	-2	N-S	N
	6	P2	-	-	-	-	-	N-S	N
	6	P3	-	-	-	-	-	N-S	N
	6	P4	-	-	-	-	-	N-S	N
	6	P5	-	-	-	-	-	N-S	N

Notes: N - natural; A - artificial; N-S - North-South; W-E - West-East



Table B.2 Baludarri Wetlands – three naturally shaded and one artificially shaded transects showing plot data from P1 (more shaded) to P5 (less shaded).

Transect and Shade Type	1 Natural Shade					2 Natural Shade					3 Natural Shade					4 Artificial Shade				
	P1	P2	P3	P4	P5	P1	P2	P3	P4	P5	P1	P2	P3	P4	P5	P1	P2	P3	P4	P5
Plot1 - Plot5																				
<i>Casuarina glauca</i>	5	10																		
<i>Aegiceras corniculatum</i>									5	30						5	10	5		
<i>Avicennia marina</i>									2							5	15	10	20	
<i>Suaeda australis</i>						10					65		5	15	45				15	
<i>Sarcocornia quinqueflora</i>						70	80	60	10	5										
<i>Juncus kraussii</i>					50				70	30	5	80	20	70	10					
<i>Triglochin striata</i>						5	5	2												
<i>Samolus repens</i>				30	40	3	5	15			5	5	60	5		25	70	35		
<i>Tetragonia tetragonioides</i>													5							
<i>Cupaniopsis anacardioides</i>	1																			
<i>Cynodon dactylon</i>		15	80	60																
* <i>Rubus fruticosus</i> sp. agg.																				1
* <i>Ehrharta erecta</i>	5	2																		
* <i>Plantago lanceolata</i>	1	10																		
* <i>Cotula coronopifolia</i>				1																
* <i>Ageratina riparia</i>																				30
* <i>Lantana camara</i>																				20



Table B.2 Baludarri Wetlands – three naturally shaded and one artificially shaded transects showing plot data from P1 (more shaded) to P5 (less shaded).

Transect and Shade Type	1 Natural Shade					2 Natural Shade					3 Natural Shade					4 Artificial Shade				
* <i>Parietaria judaica</i>																				10
* <i>Ipomoea cairica</i>																				5
Leaf litter	80	50								5		25				1	1	20	20	4
Bare earth	8	13	20	9	10	12	10	23	8	35	0	15	10	10	45	64	4	15	60	30

* denotes an exotic species



Table B.3 Bobbin Head – two naturally shaded transects showing plot data from P1 (more shaded) to P5 (less shaded).

Transect and Shade Type	1 Natural Shade					2 Natural Shade				
	P1	P2	P3	P4	P5	P1	P2	P3	P4	P5
Plot1 - Plot5										
<i>Casuarina glauca</i>		2					10	10		
<i>Avicennia marina</i>						2				
<i>Suaeda australis</i>	35	5				40				
<i>Juncus kraussii</i>								10	20	10
<i>Samolus repens</i>								20		
<i>Ficinia nodosa</i>		50	5	10					5	
<i>Baumea juncea</i>		2	20	20	40					10
Leaf litter	60		50	30	50	35	30		35	40
Bare earth	5	41	25	40	10	23	60	60	40	40



Table B.4 Salt Pan Creek – two artificially shaded transects showing plot data from P1 (more shaded) to P5 (less shaded).

Transect and Shade Type	1 Artificial Shade					2 Artificial Shade				
	P1	P2	P3	P4	P5	P1	P2	P3	P4	P5
Plot1 - Plot5										
<i>Avicennia marina</i>	10	5			10	10	10	15	2	5
<i>Suaeda australis</i>	5	10	30	70	40				30	30
<i>Juncus kraussii</i>			2							
<i>Triglochin striata</i>	2	10	2			10	5	5		2
<i>Samolus repens</i>	30	45	10			40	30	30	10	10
* <i>Apium graveolens</i>	5							2		
Leaf litter	5	5	5	5		5	5	3	30	30
Bare earth	43	25	51	25	50	35	50	45	28	23

* denotes an exotic species



Table B.5 Landing Lights Wetland, Cooks Cove – two naturally shaded transects showing plot data from P1 (more shaded) to P5 (less shaded).

Transect and Shade Type	1 Natural Shade					2 Natural Shade				
	P1	P2	P3	P4	P5	P1	P2	P3	P4	P5
Plot1 - Plot5										
<i>Casuarina glauca</i>						10				
<i>Suaeda australis</i>		20	40	20	10			10	10	40
<i>Sarcocornia quinqueflora</i>				10	10					
<i>Ficinia nodosa</i>									10	
<i>Baumea juncea</i>	10	5	10	10	10	30	30	50		
<i>Cynodon dactylon</i>						5				
<i>Acacia falcata</i>	2									
* <i>Juncus acutus</i>	10	15	30	15	30	5	20		25	15
* <i>Cenchrus clandestinum</i>		10				10	5			
* <i>Asparagus aethiopicus</i>	5									
* <i>Atriplex prostrata</i>		1						4		
* <i>Hydrocotyle bonariensis</i>								1		
Leaf litter	63	39	10	30	30	35	40	30	30	40
Bare earth	10	10	10	15	10	5	5	5	25	5

* denotes an exotic species



Table B.6 **Blacksmiths Wetlands – six naturally shaded transects showing plot data from P1 (more shaded) to P5 (less shaded).**

Transect and Shade	Type 1 Natural Shade					2 Natural Shade					3 Natural Shade					4 Natural Shade					5 Natural Shade					6 Natural Shade				
Plot1 - Plot5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<i>Juncus kraussii</i>	100	90	50	40	40	30	20	60	65	40	35	50	30	35	55	50	70	65	60	50						65	60	45	65	65
<i>Samolus repens</i>																										1				
<i>Baumea juncea</i>																					50	50	40	20	80					
<i>Lomandra longifolia</i>																					45	30	60	70	10					
<i>Lobelia anceps</i>																					1	1								
<i>Chorizandra cymbaria</i>																									10					
Leaf litter																														
Bare earth	0	10	50	60	60	70	80	40	35	60	65	50	70	65	45	50	30	35	40	50	4	19	0	0	10	34	40	55	35	35



Appendix C

Assessment of Significance



C.1 Coastal Saltmarsh

Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions is listed as an Endangered Ecological Community under the TSC Act, a Vulnerable Ecological Community under the EPBC Act and also protected under the FM Act.

Coastal Saltmarsh occurs in the intertidal zone on the shores of estuaries and lagoons that are permanently or intermittently open to the sea. It is frequently found as a zone on the landward side of mangrove stands. Characteristic plants include *Baumea juncea*, Sea Rush (*Juncus kraussii* subsp. *australiensis*), Samphire (*Sarcocornia quinqueflora* subsp. *quinqueflora*), Marine Couch (*Sporobolus virginicus*), Streaked Arrowgrass (*Triglochin striata*), Knobby Club-rush (*Ficinia nodosa*), Creeping Brookweed (*Samolus repens*), Swamp Weed (*Selliera radicans*), Seablite (*Suaeda australis*) and Prickly Couch (*Zoysia macrantha*). Occasionally mangroves are scattered through the saltmarsh. Tall reeds may also occur, as well as salt pans (NSW Scientific Committee 2016).

- a) *in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction*

Not applicable.

- b) *in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction*

Not applicable.

- c) *in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
- (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction*

Coastal Saltmarsh adjoins the subject site, within Council land to the south of the Parramatta Cycleway. No Coastal Saltmarsh will be removed by the proposed development, however, the buildings will act to shade the community. Depending on the time of day and the season, approximately 0.03 ha of *Juncus kraussii* Saltmarsh and 0.02 ha of Mangrove-saltmarsh intergrade will be shaded at some point in the day. The minor shading is not likely to reduce the area of occupancy of this community.

The shading processes are already in operation, with the Coastal Saltmarsh present in areas adjoining the subject site, including shading from the cycleway, the encroaching mangroves and the existing building to the east of the proposed development. Furthermore, weed invasion is evident, particularly from *Hydrocotyle bonariensis* which is currently threatening the Coastal Saltmarsh.



As such the Proposal is not likely to have an adverse effect on the extent of the community such that its local occurrence is likely to be placed at risk of extinction.

As discussed above, the shading processes, mangrove encroachment and weed invasion are currently impacting on the Coastal Saltmarsh, and the proposal is not likely to significantly exacerbate the effects of these impacts. The potential for a minor increase in shading is not likely to substantially and adversely modify the composition of this community such that a local occurrence would be placed at risk of extinction.

- d) *in relation to the habitat of a threatened species, population or ecological community:*
- (i) *the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality*

No Coastal Saltmarsh will be removed by the proposed development, however, the buildings will act to shade the community. Depending on the time of day and the season, approximately 0.03 ha of *Juncus kraussii* Saltmarsh and 0.02 ha of Mangrove-saltmarsh intergrade will be shaded at some point in the day. The increased impacts in shading have the potential to modify the community present, to some extent, however, the existing impacts, including weed invasion and mangrove encroachment are likely to have a greater potential to modify the community composition. Therefore it is not likely to be substantially modified for the Proposal.

The proposed development will not act to fragment or isolate an area of habitat.

- e) *whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)*

No critical habitat for this critically endangered ecological community has currently been identified by the Director-General of the OEH.

- f) *whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.*

No threat abatement plan or recovery plan has been drafted or gazetted for this community.

A number of recovery activities for this community have been listed by OEH, and including reducing the spread of weed invasion through active control, management of sediment and stormwater runoff and mangrove encroachment (OEH 2014). None of the recovery activities include managing impacts from shading.



- g) *whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

The Proposal is not likely to exacerbate any threatening processes, beyond current conditions.

Conclusion

The proposed development will not remove any area of Coastal Saltmarsh, although a small area, totalling 0.05 ha (consisting of 0.03 ha of *Juncus kraussii* Saltmarsh and 0.02 ha of Mangrove-Saltmarsh intergrade), could potentially be modified through shading. However, the Saltmarsh present will not be completely shaded throughout the day (the length of time will vary throughout the year). Existing impacts from weed invasion, mangrove encroachment and shading from existing vegetation and buildings are likely to present greater risks to the local occurrence of Coastal Saltmarsh. In consideration of all criteria above, the proposal development is not likely to have a significant impact on Coastal Saltmarsh. No Species Impact Statement is required.