



**CITY OF  
PARRAMATTA**

# *NOTICE OF LOCAL PLANNING PANEL MEETING PUBLIC AGENDA*

A Local Planning Panel meeting will be held in PHIVE 2 Civic Place, Parramatta at 5 Parramatta Square on Tuesday, 20 August 2024 at 3.30PM.

Gail Connolly PSM  
CHIEF EXECUTIVE OFFICER



**CITY OF  
PARRAMATTA**

**THIS PAGE LEFT BLANK INTENTIONALLY**



---

## TABLE OF CONTENTS

---

ITEM	SUBJECT	PAGE NO
<b>1</b>	<b>ACKNOWLEDGMENT OF THE TRADITIONAL OWNERS OF LAND</b>	
	<i>The City of Parramatta Council acknowledges the Burramattagal people of The Darug Nation as the traditional owners of land in Parramatta and pays its respects to their ancient culture and to their elders, past, present and emerging.</i>	
<b>2</b>	<b>WEBCASTING ANNOUNCEMENT</b>	
	<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>	
<b>3</b>	<b>APOLOGIES</b>	
<b>4</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>5</b>	<b>REPORTS - DEVELOPMENT APPLICATIONS</b>	
5.1	OUTSIDE PUBLIC MEETING: 24 Chesterfield Road, EPPING NSW 2121 (Lot 1 DP 128441).....	6
5.2	PUBLIC MEETING: 1 -7 Simpson Street, DUNDAS VALLEY NSW 2171 (Lots 422, 423, 424 and 425 DP 36692).....	27
5.3	OUTSIDE PUBLIC MEETING: 35 Strathalbyn Drive, OATLANDS NSW 2117 (Lot 219 DP 718810) .....	95
5.4	OUTSIDE PUBLIC MEETING: 48 Crowgey Street, RYDALMERE NSW 2116 (Lot 137 DP 12523). .....	167
	Nil	
<b>6</b>	<b>CONFIDENTIAL MATTERS</b>	
6.1	Confidential - Land and Environment Court Proceedings - 7 Yates Avenue, Carlingford	
	<i>This report is confidential in accordance with section 10A (2) (e) (g) of the Local Government Act 1993 as the report contains information that would, if disclosed, prejudice the maintenance of law; AND the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</i>	



**DEVELOPMENT APPLICATIONS**

**20 AUGUST 2024**

5.1	OUTSIDE PUBLIC MEETING: 24 Chesterfield Road, EPPING NSW 2121 (Lot 1 DP 128441) .....	6
5.2	PUBLIC MEETING: 1 -7 Simpson Street, DUNDAS VALLEY NSW 2171 (Lots 422, 423, 424 and 425 DP 36692).....	27
5.3	OUTSIDE PUBLIC MEETING: 35 Strathalbyn Drive, OATLANDS NSW 2117 (Lot 219 DP 718810).....	95
5.4	OUTSIDE PUBLIC MEETING: 48 Crowgey Street, RYDALMERE NSW 2116 (Lot 137 DP 12523).....	167

## DEVELOPMENT APPLICATION

---

<b>ITEM NUMBER</b>	5.1
<b>SUBJECT</b>	OUTSIDE PUBLIC MEETING: 24 Chesterfield Road, EPPING NSW 2121 (Lot 1 DP 128441)
<b>DESCRIPTION</b>	Removal of one Tree
<b>REFERENCE</b>	DA/326/2024 - D09518250
<b>APPLICANT/S</b>	Ms L Wearne
<b>OWNERS</b>	Ms L Wearne
<b>REPORT OF</b>	Group Manager Development and Traffic Services
<b>RECOMMENDED</b>	Approval

**DATE OF REPORT 23 JULY 2024**

### REASON FOR REFERRAL TO LPP

The subject site is owned by a City of Parramatta Councillor.

### EXECUTIVE SUMMARY

Development Application DA/326/2024 was lodged on 13 June 2024 for the removal of one (1) tree a *Corymbia Citriodora* (Lemon Scented Gum) located less than 1m from the rear of the dwelling.

### Section 4.15 Assessment Summary

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

Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, it is recommended Development Application No. DA/326/2024 be approved.

### RECOMMENDATION

- (a) **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979*, **approve** development consent to DA/326/2024 for the removal of one (1) tree on land at 24 Chesterfield Road, Epping, 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. The identified tree is causing damage to the roof and foundations to the dwelling house on site.
4. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.

5. To ensure the relevant matters for consideration under Section 4.15 of *Environmental Planning and Assessment Act 1979* are maintained.
6. For the reasons given above, approval of the application is in the public interest.

Alicia Hunter

**Senior Development Assessment Officer**

**ATTACHMENTS:**

1	 	Assessment Report & Draft Conditions	12 Pages
2	 	Locality map	1 Page
3	 	Statement of Environmental Effects used during assessment	1 Page
4	 	Tree Application Form used during assessment	5 Pages

**REFERENCE MATERIAL**



<b>City of Parramatta</b>	
File No:	DA/326/2024

## SECTION 4.15 ASSESSMENT REPORT Environmental Planning & Assessment Act 1979

<b>DA No:</b>	DA/326/2024
<b>Subject Property:</b>	Lot 1 DP 128441, 24 Chesterfield Road, Epping NSW 2121
<b>Proposal:</b>	Removal of one tree. The site is identified within Epping/Eastwood Conservation Area pursuant to Clause 5.10 of the Parramatta Local Environmental Plan 2023.
<b>Date of receipt:</b>	13 June 2024
<b>Applicant:</b>	Ms L Wearne
<b>Owner:</b>	Ms L Wearne
<b>Property owned by a Council employee or Councillor:</b>	The site is owned by a City of Parramatta Councillor
<b>Political donations/gifts disclosed:</b>	None disclosed on the application form
<b>Submissions received:</b>	Zero (0)
<b>Recommendation:</b>	<b>Approval</b>
<b>Assessment Officer:</b>	Alicia Hunter

### Legislative Requirements

<b>Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• Parramatta Local Environmental Plan (LEP) 2023</li> <li>• Parramatta Development Control Plan (DCP) 2023</li> </ul>
--	---

<b>Zoning</b>	R2 Density Residential
<b>Bushfire Prone Land</b>	No
<b>Heritage</b>	No
<b>Heritage Conservation Area</b>	Epping/Eastwood Conservation Area
<b>Designated Development</b>	No
<b>Integrated Development</b>	No
<b>Clause 4.6 variation</b>	No
<b>Delegation</b>	<b>Parramatta Local Planning Panel (PLPP)</b> due to the site being owned by a City of Parramatta Councillor

### 1. Executive Summary

Development Application DA/326/2024 was lodged on 13 June 2024 for the removal of one (1) tree a *Corymbia Citriodora* (Lemon Scented Gum) located less than 1m from the rear of the dwelling.

In accordance with the Parramatta Consolidated Notification Procedures the Development Application was notified and zero (0) submissions were received.



In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the subject site is owned by a City of Parramatta Councillor.

#### **Section 4.15 Assessment Summary**

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

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/326/2024 be approved. The recommended conditions of consent are within **Attachment 1**.

## **2. Site Description and Conditions**

The subject site is legally described as Lot 1 DP 128441 and commonly known as 24 Chesterfield Road, Parramatta. The site is triangular in shape and has an approximate area of 1,739.40m<sup>2</sup>. The site falls approximately

The site is currently occupied by a two storey dwelling, inground swimming pool and associated outbuildings. Existing vehicle access is achieved via a driveway located toward the east of the site.

Surrounding development comprises of low-density residential development.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image and photographs in **Figures 1 - 2** below.



**Figure 1:** Aerial view of the subject site and surrounds. Subject site outlined in red. Source: Nearmap: July 2024.



Figure 2: Subject Site, No. 24 Chesterfield Road, Epping

**3. Relevant Site History**

No relevant site history is applicable to this application.

**4. The Proposal**

Development Application DA/326/2024 was lodged on 13 June 2024 for the removal of one (1) tree a *Corymbia Citriodora* (Lemon Scented Gum) located less than 1m from the rear of the dwelling.

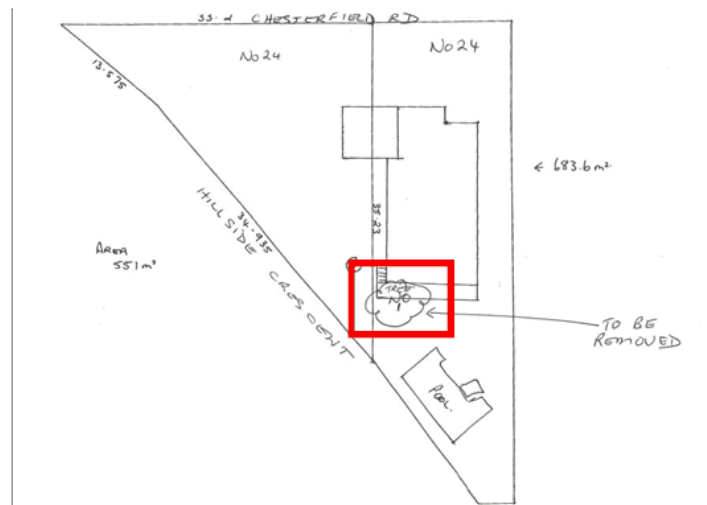


Figure 3: Site Plan. Tree proposed to be removed outlined in red. Source: Submitted with the Application.

Whilst the tree is in good health, it is proposed to remove the tree due to its close proximity to the rear of the dwelling house which has resulted in damage to the roof and adjacent external wall. Further to this, debris and roots from the tree have blocked an existing stormwater opening.

**5. Relevant Application History**

Date	Comment
13 June 2024	Subject Development Application lodged to Council.
24 June 2024	In accordance with the Parramatta Consolidated Notification Procedures the Development Application was notified and advertised between 24 June 2024 to 8 June 2024. Zero (0) submissions were received.

**6. Referrals**

Referral	Comment
Tree and Landscape	Council's Tree and Landscape Management Officer reviewed the proposal and raised no objections to the removal of the tree, subject to conditions.

**PLANNING ASSESSMENT****7. Environmental Planning Instruments****7.1 Overview**

The instruments applicable to this application are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Parramatta Local Environmental Plan (LEP) 2023
- Parramatta Development Control Plan (DCP) 2023

Compliance with these instruments is addressed below.

**7.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2 VEGETATION IN NON-RURAL AREAS**

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

The application proposes the removal of one (1) tree a *Corymbia Citriodora* (Lemon Scented Gum) located less than 1m from the rear of the dwelling.

Whilst the tree is in good health, it is proposed to remove the tree due to its close proximity to the rear of the dwelling house which has resulted in damage to the roof and adjacent external wall. Further to this, debris and roots from the tree have blocked an existing stormwater opening.

Council's Tree and Landscape Management Officer reviewed the proposal and raised no objections to the removal of the tree, subject to conditions regarding removal methods and replacement planting.

It is considered that the removal of the Lemon Scented Gum will not have an adverse impact of the ecological, heritage, aesthetic and cultural significance of the area. The proposed replacement planting will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Parramatta.

**7.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 10 SYDNEY HARBOUR CATCHMENT**

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

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.

#### 7.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDIATION OF LAND

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

The site is not identified in Council's records as being contaminated. A search of Council's records reveals the site does not have an obvious history of a previous non-residential land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

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

- The site is not identified in Council's records as being contaminated.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for the proposed tree removal.

#### 8. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

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

Standards and Provisions	Compliance
Cl. 5.10 Heritage Conservation	<p>Yes</p> <p>The subject site is not recognised as an Aboriginal place of heritage significance, however, is within the Epping/Eastwood Conservation Area.</p> <p>Pursuant to Cl. 5.10, Section (2) Requirement for consent, under Part (iii), development consent is required for demolition or modification to a building, work, relic or tree within a heritage conservation area.</p> <p>The application proposes the removal of one (1) tree a <i>Corymbia Citriodora</i> (Lemon Scented Gum) located less than 1m from the rear of the dwelling.</p> <p>Council's Tree and Landscape Management Officer reviewed the proposal and raised no objections to the removal of the tree, subject to conditions regarding removal methods and replacement planting.</p> <p>The removal of the tree has been conditioned to include replacement planting and will not result in negative impacts to the heritage significance of the area.</p>
6.3 Biodiversity	The site is not identified on this map.

#### 9. The Parramatta Development Control Plan 2023

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

Standards and Provisions	Comment	Compliance
Part 5 Environmental Management		

5.3 Protection of the Natural Environment		
5.3.1 Biodiversity	The site is not identified to be 'Biodiversity' or 'Riparian Land and Waterways' on the Parramatta LEP Natural Resources Map.	Yes
5.3.4 Tree and Vegetation Preservation	<p>The application proposes the removal of one (1) tree a <i>Corymbia Citriodora</i> (Lemon Scented Gum) located less than 1m from the rear of the dwelling.</p> <p>Whilst the tree is in good health, it is proposed to remove the tree due to its close proximity to the rear of the dwelling house which has resulted in damage to the roof and adjacent external wall. Further to this, debris and roots from the tree have blocked an existing stormwater opening.</p> <p>Council's Tree and Landscape Management Officer reviewed the proposal and raised no objections to the removal of the tree, subject to conditions regarding removal methods and replacement planting.</p> <p>Replacement planting will ensure the amenity of the City is maintained.</p>	Yes
Part 7 Heritage and Archaeology		
7.10 Heritage Conservation Areas		
7.10.11 Epping/Eastwood, Boronia Avenue and Wyralla Avenue Conservation Areas	<p>The subject site is located in the Epping/Eastwood Conservation Area.</p> <p>The proposal seeks to remove a tree which is in close proximity do the existing dwelling house and is causing damage.</p> <p>The removal of the tree will not result in a negative impact to the distinctive characteristics of the area, and replacement native tree planting has been conditioned.</p>	Yes

## 10. Development Contributions

In accordance with the City of Parramatta (Outside CBD) Development Contributions Plan 2021, a cl.7.11 Development Contribution is not required to be paid.

In accordance with cl.7.28 of the Environmental Planning and Assessment Act 1979, the Housing Productivity Contribution is not required to be paid.

## 11. Bonds

In accordance with Council's Schedule of Fees and Charges, a Security Bond is not required to be paid.

## 12. EP&A Regulation 2021

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 where necessary by appropriate consent conditions, refer to Appendix 1.

## 13. The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report. In the context of the site and the assessment provided by Council's Landscape Tree Management Officer, the removal of the *Corymbia Citriodora* (Lemon Scented Gum) is considered satisfactory in terms of environmental impacts.

#### 14. Suitability of the Site

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

#### 15. Public Consultation

In accordance with the Parramatta Consolidated Notification Procedures the Development Application was notified and zero (0) submissions were received.

#### 16. Public interest

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

#### 17. Conclusion

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

Council officers are satisfied that the removal of the Lemon Scented Gum will not have an adverse impact of the ecological, heritage, aesthetic and cultural significance of the area. The proposed replacement planting will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Parramatta.

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

#### 18. Recommendation

##### RECOMMENDATION

- A. **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, **approve** development consent to DA/326/2024 for the removal of one (1) tree on land at 24 Chesterfield Road, Epping, 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. The identified tree is causing damage to the roof and foundations to the dwelling house on site.
4. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
5. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.
6. For the reasons given above, approval of the application is in the public interest.

**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**GENERAL MATTERS****Approved Plans & Supporting Documents**

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:

Documents

Document	Ref No.	Issue	Prepared By	Dated
Development Application Tree Works	-		Ms L Wearne	-

**Note:** In the event of any inconsistency between the approved plans and/or the civil drawings and/or landscape plans and/or supporting documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

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.

**Tree Removal**

2. Tree approved to be removed is:

Tree No.	Species	Common Name	Location
1x	<i>Corymbia Citriodora</i>	Lemon Scented Gum	Toward the rear of the dwelling.

**Reason:** To remove a potential hazard

**Removal of trees by an arborist**

3. 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.

**Copy of development consent**

4. 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.

#### **Tree – Species to be Planted**

5. One (1) of the following species are to be planted within the property with a minimum setback of 3.5m to the outside of a legally constructed building, with minimum pot size of 25 litres (300mm) and capable of growing to a minimum height of 5 metres:

- Harpullia pendula,
- Callistemon salignus,
- Callistemon viminalis,
- Buckinghamia celsissima and/or
- Elaeocarpus eumundi

Where not available, similar native species of the applicant's choice may be substituted subject to prior approval by Council's Tree Management Officer

**Reason:** To ensure implementation of tree replenishment.

#### **Operation of Mechanical Equipment**

6. Chainsaws, circular saws or other mechanical equipment shall not be operated within the following periods:

- 8.00pm to 7.00am, weekdays
- 8.00pm to 8.00am, weekends and public holidays

**Note:** Even outside these hours additional restrictions can be placed on the use of these articles if they cause an offensive noise.

**Reason:** To satisfy the provision of the Protection of the Environment Operations Act 1997.

#### **Replanting within Thirty (30) Days**

7. Replanting is to be undertaken within thirty (30) days of the removal work being completed. Notification to Council's Tree Management Officer is required upon completion of the replanting.

**Reason:** To ensure the environmental amenity of the area is preserved.

#### **General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development](#)



[consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means CITY OF PARRAMATTA COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Parramatta Local Planning Panel

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

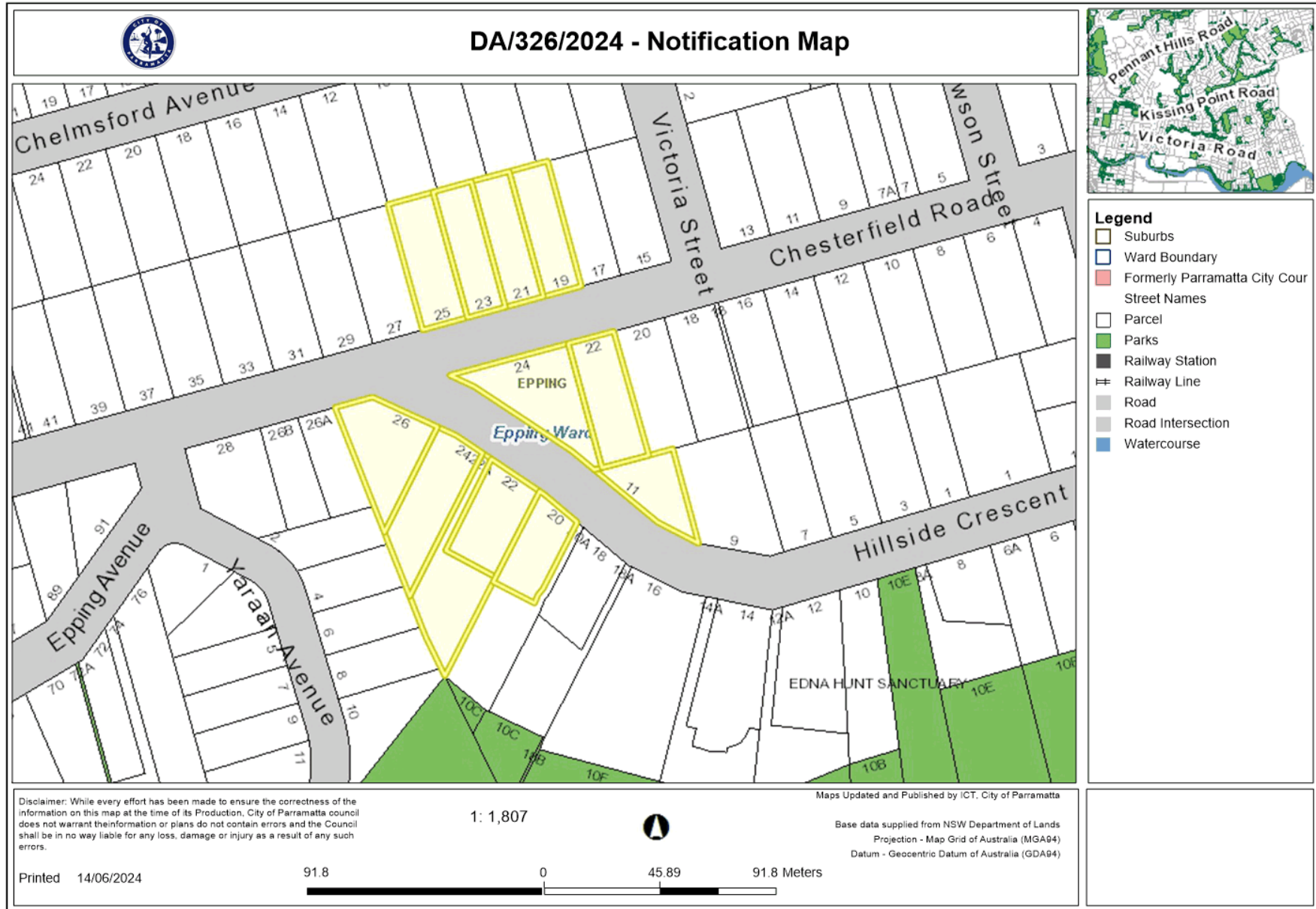
**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,

- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Sydney Central City Planning Panel.



## STATEMENT OF ENVIRONMENTAL IMPACTS

This statement refers to the removal of one large gum tree on the property 24 Chesterfield Road Epping.

The property is a large block of land of approximately 1235sq. mt. and has approximately fifteen trees of various types which are over 5 metres tall. Of these there are at least six or more that would be native and at least 6 that are imported varieties. This property is surrounded by many large trees on neighbouring properties and is with about 150 metres of Edna Hunt Nature Reserve.

There is a large amount of shrubs and other vegetation on the property which overall, together with the many trees, provides a generous amount of protection and habitat for native animals and birds.

The tree sought to be removed is within less than one metre from the rear wall of the house and is more than twice the height of the house. I estimate its height at approximately 25 metres and its girth at 2.5 metres. The branches of the tree are growing and resting on the roof at the rear of the property and causing damage to the roof and guttering and potentially causing damage to allow water entry to the roof space. It is also growing into and damaging the large and aged Phoenix Palm Tree approximately 5 metres away from it and shown on the included plan.

Considering the foregoing I submit that the removal of the tree would not cause any undue environmental impacts.

# DEVELOPMENT APPLICATION TREE WORKS



To be used where the tree forms part of a heritage item or is within a heritage conservation area or forms part of an Aboriginal object or is within an Aboriginal place of heritage significance.

**Disclaimer:** The Information provided by you on this form will be used by City of Parramatta Council or its agents to process this application. If you do not provide the information, Council may not be able to fully process your application. Once completed by Council, the information can be accessed by you in accordance with Councils Access to information policy and privacy management plan or in special circumstances, where Commonwealth legislation requires or where you give permission for third party access.

## Property Details

### Property details

Address Number:	Unit Number:
24	
Street:	
CHESTERFIELD RD	
Suburb:	Postcode:
EPPING	2121
Lot:	DP/SP etc:
1	DP 128441

**Note:** Signatures of all applicants and registered owners are required on the last page/s of this application form. Without these signatures Council cannot accept this application.

## Heritage Significance

The tree/s form part of or are located within: - Please tick (✓)

State Heritage Item	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>
Local Heritage Item	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>
Heritage Conservation Area	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Aboriginal Place of Heritage Significance	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>
Aboriginal Object	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>

**Note** State Heritage Listed properties will require separate approval or exemption from the NSW Department of Planning, Industry and Environment (refer to <https://www.environment.nsw.gov.au/licences-and-permits>)



You can log onto [cityofparramatta.nsw.gov.au](http://cityofparramatta.nsw.gov.au) to track the progress of an application. The information you supply on this form and any related documentation will be publicly available on the Council website.

# DEVELOPMENT APPLICATION TREE WORKS



To be used where the tree forms part of a heritage item or is within a heritage conservation area or forms part of an Aboriginal object or is within an Aboriginal place of heritage significance.

**Disclaimer:** The Information provided by you on this form will be used by City of Parramatta Council or its agents to process this application. If you do not provide the information, Council may not be able to fully process your application. Once completed by Council, the information can be accessed by you in accordance with Councils Access to information policy and privacy management plan or in special circumstances, where Commonwealth legislation requires or where you give permission for third party access.

**Integrated development (S4.47 of EPAA) - Please tick (✓)**

Is this application for Integrated Development?

yes

no

Integrated development is development that requires licences or approvals from other Government Departments. If this is an Integrated Development, please select from the appropriate boxes below.

- Item or place under an Interim or Permanent Conservation Order or Interim Heritage Order - **Heritage Act 1977**
- An Aboriginal place declared (under the **National Parks and Wildlife 1974**) over the land, or any Aboriginal relics on the land
- Within 40 metres of a watercourse - **Water Management Act 2000**  
Impact on marine vegetation such as removal of seagrasses, mangroves, sea lettuce or blackfish - **Fisheries Management Act 1994**
- Rural Fires Act 1997

**Application History**

If yes, was it part of a:

**Has a previous application been submitted for these trees?**

- Development Application
- Tree Permit Application
- Building Certificate Application

yes

no

yes

no

yes

no

yes

no

# DEVELOPMENT APPLICATION TREE WORKS



To be used where the tree forms part of a heritage item or is within a heritage conservation area or forms part of an Aboriginal object or is within an Aboriginal place of heritage significance.

**Disclaimer:** The Information provided by you on this form will be used by City of Parramatta Council or its agents to process this application. If you do not provide the information, Council may not be able to fully process your application. Once completed by Council, the information can be accessed by you in accordance with Councils Access to information policy and privacy management plan or in special circumstances, where Commonwealth legislation requires or where you give permission for third party access.

## Block Plan

A Block Plan must be provided in the space **below**, as per the example, showing tree(s) to be removed and/or pruned. Each tree must be numbered and labelled.

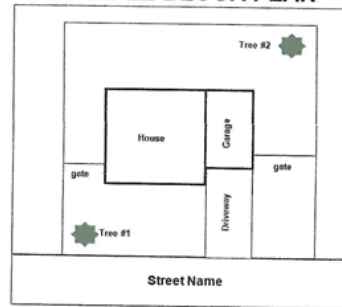
**Applications must include detailed justification for works on the following page.**

**BLOCK PLAN TO BE DRAWN IN INK ONLY**

Please provide sufficient details to locate tree/s. Include all relevant streets and structures.

Label tree/s numerically as per the example.

**EXAMPLE BLOCK PLAN**



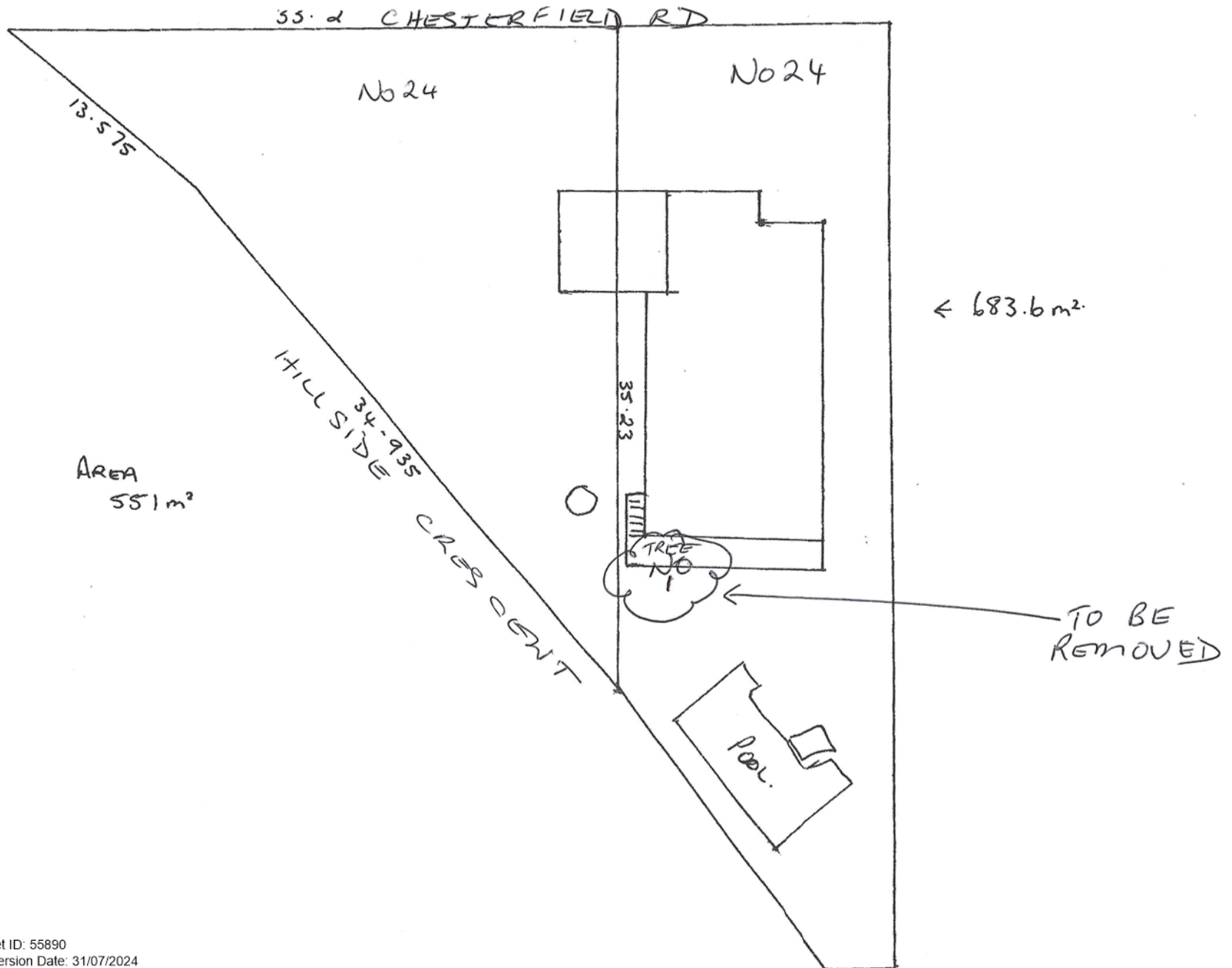
SEE ATTACHED PLAN

**NOTE:**

To lodge your application please go to [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au) and upload this form upon lodgement. All Development applications for tree works **must** be lodged via the NSW planning portal. Council will not accept development applications for tree works that are not lodged via the NSW planning portal.

For more information relating to development applications for tree works please visit our website: [www.cityofparramatta.nsw.gov.au](http://www.cityofparramatta.nsw.gov.au)





# DEVELOPMENT APPLICATION TREE WORKS



To be used where the tree forms part of a heritage item or is within a heritage conservation area or forms part of an Aboriginal object or is within an Aboriginal place of heritage significance.

**Disclaimer:** The information provided by you on this form will be used by City of Parramatta Council or its agents to process this application. If you do not provide the information, Council may not be able to fully process your application. Once completed by Council, the information can be accessed by you in accordance with Councils Access to information policy and privacy management plan or in special circumstances, where Commonwealth legislation requires or where you give permission for third party access.

## Statement of Environmental Effects - Tree & Work description details

Tree No.	Reason for Pruning/Removal (attach separate page if more than 5 trees)	Remove (Y)	Prune (Y)
1	PROXIMITY TO DWELLING BRANCHES ON ROOF ETC.	✓	

**Total number of trees:**

## Supporting Documentation

Please attach any relevant documentation or reports to justify your reasons above, which may assist Council with assessing this application, including:

- Heritage Impact Statement;
- Landscape Plan prepared by a qualified Landscape Designer or Landscape Architect;
- Arborist's Report by an AQF Level 5 Consulting Arborist;
- Structural Engineer's Report;
- Plumber's Report, Sewer Diagram;
- Photographs.

The applicant of this Development Application - Tree Works, confirms that the express consent of all copyright owners of the documents supporting the application has been obtained for the purposes of the City of Parramatta Council, complying with access requests for information under the Government Information (Public Access) Act 2009.

yes

**DEVELOPMENT APPLICATION**

---

<b>ITEM NUMBER</b>	5.2
<b>SUBJECT</b>	PUBLIC MEETING: 1 -7 Simpson Street, DUNDAS VALLEY NSW 2171 (Lots 422, 423, 424 and 425 DP 36692)
<b>DESCRIPTION</b>	Demolition, tree removal and construction of two residential flat buildings with basement car parking. The application is Nominated Integrated Development pursuant to Water Management Act 2000.
<b>REFERENCE</b>	DA/373/2023 - D09518340
<b>APPLICANT/S</b>	The Trustee for Harutoonian Properties Trust
<b>OWNERS</b>	Harutoonian Properties Pty Ltd
<b>REPORT OF</b>	Group Manager Development and Traffic Services
<b>RECOMMENDED</b>	Refusal

**DATE OF REPORT 25 JULY 2024**

**REASON FOR REFERRAL TO LPP**

The application received more than 10 unique submissions and the development is subject to SEPP 65 that is over 4 storeys.

**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 development application seeks approval for a part 5 and part 6-storey residential flat building with 48 units. The built form is designed as 2 towers with 2 levels of basement parking.

The subject site is located within the Telopea Precinct.

The application was amended to address issues relating to design, engineering and landscaping. However, upon review of the amended plans by Council's Development Engineers, the amended proposal was not considered to have provided a satisfactory on-site stormwater management system. The development which also requires an easement through an adjoining property, was not submitted with the burdened properties owner's consent.

The amended development also results in an FSR and height that exceeds the maximum controls for the site. The FSR relates to the miscalculation of the lower ground floor which is occupied by a communal room and associated amenities. The variation to the height relates to the roof feature on Building B (which has an interface only to Building A) and does not contain any habitable areas. The amended development has not been submitted with a Clause 4.6 variation and therefore an assessment of these departures under the provisions of this clause cannot be undertaken and considered for approval. Further, given the substantial changes to the development, an amended BASIX Certificate has not been submitted.

Except for Council's Development Engineers, Council's internal experts, Water NSW, Endeavour Energy, Sydney Water and the Department of Planning, Housing and Infrastructure, raised no objections subject to conditions of consent.

The application was notified/advertised on three occasions and received a total of 38 unique submissions. The issues raised related to character, bulk and scale, compliance with ADG, streetscape, density, height, siting, landscaping, flora and fauna, parking, traffic, privacy, solar access, cross ventilation, topography, acoustics, safety, infrastructure, communal and private open space areas, contamination, waste, substation, geotechnical issues, engineering, housing affordability, construction stage, rezoning issues and property values.

Notwithstanding, for reasons stated above, Council cannot support the application and is recommending refusal.

It is noted that the urban design of the development is generally acceptable and responds to the Telopea Precinct controls pursuant to Parramatta Development Control Plan 2011. The proposal as amended is supported by the Design Excellence Advisory Panel. Had the application been recommended for approval, conditions of consent would have been imposed to address the minor changes recommended by Council's Urban Design Excellence Team.

## RECOMMENDATION

- (a) **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, **refuse** development consent to DA/373/2023 for the demolition, tree removal and construction of two residential flat buildings with basement car parking.
- (b) **Further, that** submitters are advised of the decision.







## REASONS FOR REFUSAL

1. Written consent from the owners of 29 Moffatts Drive, Telopea has not been provided in accordance with Clause 23 and Clause 24 of the Environmental Planning and Assessment Regulations 2021.
2. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development:
  - a) Design Quality Principles: Principle 4 Sustainability
  - b) Apartment Design Guide: 4G Storage
  - c) Apartment Design Guide: 4N Roof Design
  - d) Apartment Design Guide: 4U Energy efficiency
  - e) Apartment Design Guide: 4V Water management and conservation
3. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Local Environmental Plan 2011:
  - a) Clause 1.2 – the development is inconsistent with the aims of Parramatta Local Environmental Plan 2011

- b) Clause 2.3 - the development is inconsistent with the zone objectives of the R4 High Density Residential zone
  - c) Clause 4.3 – the proposed height exceeds the maximum height for the site
  - d) Clause 4.4 – the proposed FSR exceeds the maximum FSR for the site
  - e) Clause 4.6 – a Clause 4.6 variation has not been submitted that assess the impacts of the departures to the height and FSR of the amended development.
  - f) Clause 6.5 – the development has not demonstrated that it has provided the development with a satisfactory on-site stormwater management
  - g) Clause 6.7 - the application has not demonstrated that there is sufficient stormwater drainage / on site conservation system.
4. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Development Control Plan 2011:
- a) Section 2.4.3 Soil Management
  - b) Section 3.1.3 Building Height
  - c) Section 3.1.3 Floor Space Ratio
  - d) Section 3.3.6 Water Sensitive Urban Design
  - e) Section 4.3.9.2 Telopea Precinct - Development and Design - (C21 retaining walls) and (C26 retaining walls).
  - f) Section 4.3.9.4 Telopea Precinct - Sustainability - Vertical Facades, Solar light reflectivity (glare) and WSUD.
5. The proposal fails to satisfy the relevant considerations under Section 4.15(1)(c) Environmental Planning and Assessment Act 1979 for built environment and suitability of the site.
6. The proposal fails to satisfy the relevant considerations under Section 4.15(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts generated by the development due to non-compliances with the applicable planning controls is not beneficial for the local community and as such, is not in the wider public interest.

Denise Fernandez  
**Senior Development Assessment Officer**

#### **ATTACHMENTS:**

<b>1</b>  	Assessment Report	33 Pages
<b>2</b>  	Locality Map	1 Page
<b>3</b>  	Plans used in Assessment	31 Pages
<b>4</b>	Floor Plans used in Assessment (confidential)	8 Pages



City of Parramatta	
File No:	DA/373/2023

## SECTION 4.15 ASSESSMENT REPORT

### Environmental Planning & Assessment Act 1979

<b>DA No:</b>	DA/373/2023
<b>Subject Property:</b>	LOTS 422 to 425 DP 36692, 1 – 7 Simpson Street, DUNDAS VALLEY NSW 2117
<b>Proposal:</b>	Demolition, tree removal and construction of two residential flat buildings with basement car parking. The application is Nominated Integrated Development pursuant to the Water Management Act 2000.
<b>Date of receipt:</b>	4 July 2023
<b>Applicant:</b>	The Trustee for Harutoonian Properties Trust
<b>Owner:</b>	Harutoonian Properties Pty Ltd
<b>Property owned by a Council employee or Councillor:</b>	The site is not known to be owned by a Council employee or Councillor
<b>Political donations/gifts disclosed:</b>	None disclosed on the application form
<b>Submissions received:</b>	38 unique submissions over 3 notification periods.
<b>Recommendation:</b>	Refusal
<b>Assessment Officer:</b>	Denise Fernandez

#### Legislative Requirements

<b>Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (BASIX)</li> <li>• Parramatta Local Environmental Plan 2023 (LEP 2023)</li> <li>• Parramatta Development Control Plan 2011 (DCP 2011)</li> </ul>
<b>Zoning</b>	R4 High Density Residential
<b>Bushfire Prone Land</b>	No
<b>Heritage</b>	No
<b>Heritage Conservation Area</b>	No
<b>Integrated development</b>	No
<b>Clause 4.6 variation</b>	A variation to the height and FSR under LEP 2023 are proposed. The Environmental Planning and Assessment Regulation 2021 ( <b>“the Regulation”</b> ) requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b). A written request was not submitted in accordance with cl.37(2) of <b>“The Regulation”</b> .
<b>Delegation</b>	<b>Parramatta Local Planning Panel (PLPP)</b> due to: <ul style="list-style-type: none"> <li>• the receipt of more than 10 unique submissions</li> <li>• Building under SEPP 65 with 4 or more storeys</li> </ul>

#### 1. Executive Summary

##### Section 4.15 Assessment Summary

The subject site is located within the Telopea Precinct.

The development application seeks approval for a part 5 and part 6-storey residential flat building with 48 units. The built form is designed as 2 towers with 2 levels of basement parking.

Upon review of the development as amended, Council is not satisfied that the on-site stormwater management system is satisfactory and that it has addressed the relevant policies and controls applying to the site. The development also requires an easement through an adjoining property. The submission of the owner's consent of the burdened property has not been received.

The amended development also results in a FSR and height that exceeds the maximum controls for the site. The FSR relates to the miscalculation of the lower ground floor which is occupied by a communal room and associated amenities. The variation to the height relates to the roof feature on Building B (which has an interface only to Building A) and does not contain any habitable areas. The amended development has not been submitted with a Clause 4.6 variation and therefore an assessment of these departures under the provisions of this clause cannot be undertaken and considered for approval.

Further, given the substantial changes to the development, an amended BASIX Certificate has not been submitted.

With exception of Council's Development Engineers, Council's internal experts, Water NSW, Endeavour Energy, Sydney Water and the Department of Planning, Housing and Infrastructure have raised no objections to the proposal subject to conditions of consent.

The application was notified/advertised on three occasions and received a total of 38 unique submissions. The issues raised related to character, bulk and scale, compliance with ADG, streetscape, density, height, siting, landscaping, flora and fauna, parking, traffic, privacy, solar access, cross ventilation, topography, acoustics, safety, infrastructure, communal and private open space areas, contamination, waste, substation, geotechnical issues, engineering, housing affordability, construction stage, rezoning issues and property values.

For the reasons stated above, Council cannot support the application and is recommending refusal.

It is noted that the urban design of the development is generally acceptable and responds to the Telopea Precinct controls pursuant to Parramatta Development Control Plan 2011. The proposal as amended is supported by the Design Excellence Advisory Panel. Had the application been recommended for approval, conditions of consent would have been imposed to address the minor changes recommended by Council's Urban Design Excellence Team.

## 2. Site Description and Conditions

The subject site is legally described as Lot 422, 423, 424 & 425 DP 36692 and commonly known as 1-7 Simpson Street, Dundas Valley and has an approximate area of 2,687.4m<sup>2</sup>.

The lot (a combination of 4 existing lots) currently comprises 5 existing dwellings (4 x dwelling houses and 1 x secondary dwelling) with vehicular access provided off Simpson Street. The site has an approximate cross fall of 5.04m from east (RL 37.79) to west (RL 32.75).

The site has a street frontage of 59.435m to Simpson Street and is oriented east-west.

It is located within a residential area comprising of low (dwellings and dual occupancy) residential development.

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



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined in red. Source: Nearmap: June 2024.

**3. Relevant Site History**

Table 1: Details of applications relating to the site.

Development Application	Description
DA/365/2020	Development Application DA/365/2020 for the demolition, tree removal and the construction of a 6-storey mixed-use building comprising 62 residential apartments and a ground floor childcare centre accommodating 90 children over 2 levels of basement parking was withdrawn on 10 November 2020.
DA/160/2021	Development Application DA/160/2021 for the construction of a 6-storey mixed-use development comprising 44 residential apartments and a ground floor childcare centre accommodating 90 children was withdrawn on 12 August 2021.
DA/57/2022	Development Application DA/57/2022 for the demolition, tree removal and construction of a 6 storey mixed-use development comprising a 90 place child care centre on the ground floor and 44 residential units above over 2 levels of basement parking was withdrawn on 24 October 2022.
PL/111/2022	A Pre-lodgement meeting was held for the construction of a mixed-use residential development, providing a shared podium containing a child-care centre and two residential buildings on the subject site on the 23 November 2022.

**4. The Proposal**

Development Application 373/2023 was lodged on 4 July 2023 for the demolition, tree removal and construction of two residential flat buildings with basement car parking. Specifically, the application seeks approval for:

1. Demolition of existing structures and tree removals.
2. Construction of a 2 x 6 storey residential development with 48 residential units and 2 levels of basement parking.

Basement

Basement Level 1: 28 residential car spaces (incl. 4 accessible and 8 EV spaces), 10 visitor car spaces and bicycle spaces.

Basement Level 2: 30 residential car spaces (incl. 1 accessible and 8 EV spaces), bicycle spaces, storage areas and a plant room.

Lower Ground

Building A: 2 units, pump room, garbage room, plant room and a bulk storage area.

Building B: Communal space, storage area and a bicycle storage room.







Figure 4: Zoning of the site. Site outlined in yellow. Source: ePlanning Spatial Viewer

Table 2: Site Photos. Source: Site Visit





1 Simpson Street

Table 3: Application History

5. Relevant Application History	
Date	Comment
4 July 2023	Subject application lodged
13 July 2023 to 10 August 2023	Advertising of the application
27 July 2023	Request for Information sent to applicant regarding additional information per the request of WaterNSW.
3 August 2023	Additional information per WaterNSW request received.
10 August 2023	Design Excellence Advisory Panel (DEAP) reviewed the application.
30 August 2023	Request for additional information sent to the applicant regarding issues raised by Council's Traffic Engineer, Public Domain, Contamination, Development Engineer, Landscape Officer and DEAP. Council also raised concerns with regards to compliance with PDCP 2011 (ie, compliance with the Telopea Precinct Built Form Controls and Cut and Fill).
20 September 2023	Applicant requested an extension to submit additional information until 6 October 2023. In response, Council extended the submission date until 6 October 2023.
26 September 2023	Applicant provides draft amended plans for preliminary review.
5 October 2023	Council provided advice regarding draft amended plans upon review.
7 November 2023	Applicant requested an extension of time to submit additional information until 24 November 2023. In response, Council extended the submission date for additional information until 24 November 2023.
9 November 2023	Applicant sent correspondence from WaterNSW requesting further additional information.
3 December 2023	Additional Information submitted.
19 December 2023	Additional information in response to WaterNSW request submitted.
8 February 2023	Amended Plans reviewed by DEAP.
27 February 2023	Request for additional information sent to the applicant regarding issues raised by Council's Development Engineer, Landscape Officer and DEAP. Council also raised concerns with regards to the provision of Owners Consent as an easement through an adjoining property is proposed. Further, a Detailed Site Investigation is to be submitted per Council's previous request.
29 February 2023	Detailed Site Investigation submitted.
3 April 2023	Applicant requested an extension to submitted additional information.
4 April 2023	Council responds to the applicant's extension request by agreeing to an extension to submit the additional information by an additional 14 days.
15 April 2023	Request for additional information sent to the applicant regarding the submission of a Remedial Action Plan (RAP) and concerns regarding the progress of the Satisfactory Arrangement Certificate with the Department of Planning, Housing and Infrastructure (DPIE) per the provisions of Clause 6.14 of PLEP 2023. The Council correspondence also acknowledged that

Page 6 of 33

	there are outstanding engineering and landscaping matters that is to be resolved with the issues raised in the current correspondence in moving the application forward.
7 May 2023	Additional information submitted
11 June 2024 to 9 July 2024	Renotification / Readvertising of amended plans.
2 July 2024 to 30 July 2024	Extension of renotification / readvertising of amended plans to correct notification period dates to allow objectors to review the amendments to the development who were not notified originally of the amended plans.

## 6. Referrals

Table 4: Referrals

Referral	Comment
<b>Design Excellence Advisory Panel (DEAP)</b>	<p><b>Generally supported.</b></p> <ol style="list-style-type: none"> <li>This is the fifth referral for this development site. The Panel notes that there have been improvements to the entry sequences, external circulation, a better relationship to the natural ground levels of the site and a generally sound landscape response.</li> <li>The Panel supports the retention of the three existing trees in the southwestern corner, which will be beneficial to both the proposed development and the adjoining properties. The Panel understands that this aligns with the Council's Landscape Officer's preferences, rather Council's Hydraulic Engineers, who had requested a major hydraulic intervention along the rear boundary (see below). Further greening of the site boundaries should however be explored, particularly along the OSD zone on the southwestern border.</li> <li>Although the siting and external circulation has been improved, the Panel is concerned that the current plan layouts still do not meet the requirements of design excellence; these concerns are listed below             <ol style="list-style-type: none"> <li>Unit 1: This layout proposes a two person dining table only, with furniture layouts impeding access to the courtyards. Dining provision should, at a very minimum, allow for four persons for a one bedroom unit.</li> <li>Unit 4/13/22/31/40: Inadequate dining provision as per Unit 1. There is also insufficient wall length to comfortably house a sofa, which suggests that layout refinements are required.</li> <li>Unit 5/14/23/32/41: The Living/ Dining space is tight and the sofa is forced up against the glass, which is a poor outcome. Acoustic treatment between living room wall and adjoining Bedroom is required as a DA condition due to the potential of TV noise transference.</li> <li>Unit 7: Inadequate dining provision as per Unit 1.</li> <li>Unit 8: Inadequate dining provision as per Unit 1.</li> <li>Unit 9: Bedrooms opening directly onto a combined Kitchen, living, dining space should be avoided; this requires reconsideration.</li> <li>Unit 10: Living room layout results in poor circulation, this should be reviewed.</li> <li>Unit 11/20/29/38/46: Access to balcony is restricted once dining table is relocated to accommodate seating. Acoustic treatment between kitchen wall and adjoining Bedroom is required as a DA condition due to the potential of noise transference.</li> <li>Unit 18: Living / Dining space is tight with inadequate dining provision.</li> <li>Unit 19/28/37: This unit requires replanning given the poor internal circulation as there is no access to the bedroom adjoining the dining space.</li> <li>Unit 27: Living / Dining space is tight with inadequate dining provision.</li> <li>Unit 36: Inadequate dining provision as per Unit 1.</li> </ol> </li> <li>The resolution of the elevations relies on a series of projecting frames in conjunction with recessed face brickwork, which appears to be a reasonable compositional and materiality proposition. The Panel is however concerned about the proposed extended ledges around the entire perimeter at each level of the building which in some cases are substantial (adjoining the balcony at Unit 18, 27, 36). There are no details as to how these will be treated and how the build up of dirt and debris is to be ameliorated.</li> <li>The Panel notes that there is a conflicting preference from Council officers regarding the provision of an easement for stormwater. The landscaping officer prefers the current proposal that disposes of stormwater via an OSD to the front of the site and then to the street. This is to avoid any impacts to the significant trees to the rear. The development engineer prefers an</li> </ol>

- easement along the rear boundary and through a downstream property. The Panel supports the landscape officer's preference to avoid any tree impacts.
6. Electrification should be considered in this proposal to avoid the need for gas connections for appliances and hot water heating. Ceiling fans should be provided in all habitable rooms and EV charging should be provided along with general ESD provisions.
  7. The Panel notes and supports the improved site planning, the retention of major trees and the improved relationship between the ground floor apartments and the overall garden setting.
  8. The Panel recommends the following:
    - i) Maximise the greenery and perimeter screen planting around the development, incorporating as many trees as possible to provide the appropriate amenity and scale to the development. Address in particular, the southern boundary which is compromised by OSD tanks and other services. Vertical climbers on fences and the OSD tank should be considered here to maximise the impact of greenery, Consider also the placement of a street tree at this end to frame the building.
    - ii) The community open space in the heart of the development and to the west has to potential be a welcome and relaxing space whilst providing an attractive and pleasant outlook for the residents. Further thought should be given to the design including enhancing the character of the spaces, achieving seamless access, the right selection and placement of trees and the creation of more simple seating areas for relaxation.

The current design should be refined to create special garden destinations and value added touches such as appropriate ground treatment and seating under the existing trees.

Awkwardly shaped junctions between the pathways, buildings and planting should also be re-dressed in the next iteration. This applies particularly to the ramp up to the upper garden and its contrasting relationship with the orthogonal wall shapes of the large mass planted central garden.

The rather abrupt pathway entry to the central courtyard and the upper garden could also be defined by a more generous 'threshold' space with added landscape treatment and seating.

- iii) The northern roof garden should be a functional, wind protected and inviting space, with comfortable outdoor seating and facilities for quiet social gatherings. The Panel recommends further consideration of the design and overall layout, based on functional fit, elegance, comfort and amenity.
- iv) Where possible, the Panel prefers appropriate groundcover substitutes such as *dichondra* in lieu of artificial turf,
- v) Co-ordinate with Council on the location and selection of street trees to establish/continue the overall vision for Simpson Street.

#### **Panel Recommendation**

The Panel broadly supports the proposal, however almost all unit layouts and the landscape require further refinement to address internal amenity issues as noted above. It is therefore recommended that plans be amended to address ALL the comments above.

#### **Planning Comment:**

The proposal was amended to respond to the abovementioned recommendations. The changes were then reviewed by Council's Urban Design Excellence Team.

**Urban Design  
Excellence  
Team**

#### **Supported, subject to conditions of consent.**

Given that DEAP broadly supports the proposal and that DEAP has reviewed the proposal twice within the current development application, the amendments in response to the above DEAP recommendations was referred to Council's Urban Design Excellence Team for final review. Their review of the DEAP recommendations alongside the amendments in response are provided below.

#### **Tree Retention**

Retention of the three trees at the SW corner should be conditioned.

#### **Unit Layouts**

- Bedroom doors should not open from living rooms e.g. Unit 4
- Unit 7: Consider L shaped kitchen counter. Increase length of the TV cabinet area to improve the living space.

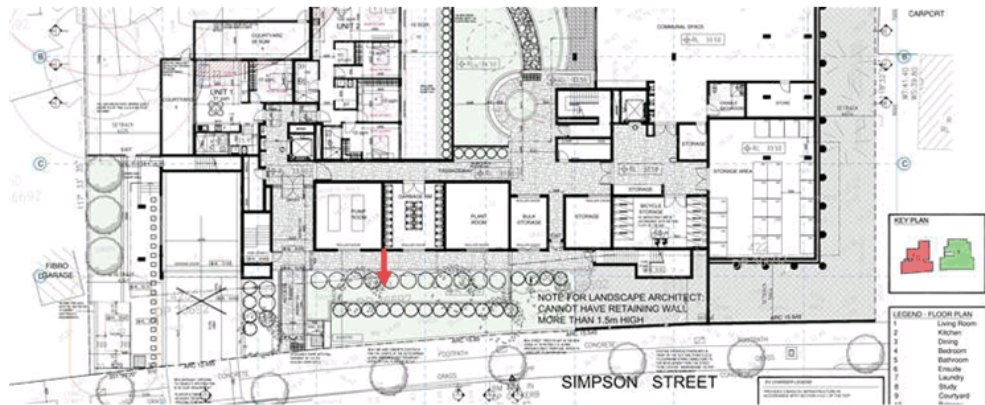
- Acoustic treatment between living room walls and adjoining bedrooms should be required as a DA condition due to the potential of noise transference.

**Building A Entry**

The main entry to Building A is through a long undercroft. The passageway to service spaces and roller doors is visually obstructed from the street and it will be a predominantly unused area of the building accessible to the public that links with the main entry.

The following is recommended:

- Bring the Building A main entry door closer to the ramp landing. Investigate incorporation of mailboxes on walls next to the entry (outside).



**Planning Comment:**

The concerns raised by Council's Urban Design Excellence Team can be resolved by conditions of consent. However, due to unresolved issues regarding the engineering for the site as well as the lack of submission of owner's consent for the easement through an adjoining property, the application cannot be supported.

<b>Traffic</b>	No objections, subject to conditions of consent.
<b>Universal Access</b>	No objections, subject to conditions of consent.
<b>Public Domain</b>	No objections, subject to conditions of consent.
<b>Health</b>	No objections, subject to conditions of consent.
<b>Waste</b>	No objections, subject to conditions of consent.
<b>Contamination</b>	No objections, subject to conditions of consent.
<b>Water NSW</b>	No objections. General Terms of Agreement (GTAs) issued.
<b>DPIE</b>	No objections. Satisfactory Arrangement Certificate (SAC) issued, and the Planning Secretary Concurrence received.
<b>Endeavour Energy</b>	No objection, subject to conditions of consent.
<b>Sydney Water</b>	Supported, subject to conditions of consent.  Sydney Water acknowledges the existence of the waste watermain that traverses the site to the rear and that adjustments to the system will be required but will be reviewed at the Section 73 stage.
<b>Landscape</b>	No objection, subject to conditions of consent
<b>Development Engineer</b>	Upon review of the plans and relevant documentation, Council's Development Engineer cannot support the application given the following concerns remain unresolved.  1. The recently submitted hydrogeology report indicates that an aquifer will be intercepted by the proposed basement, and it will be reliant on permanent dewatering which will be discharged to Council's stormwater drainage system. Council has rejected such proposals for discharging groundwater into the Council's stormwater drainage system.  2. It is noted that the applicant has provided a copy of communication that was provided to the neighbouring property at No. 29 Moffatts Drive regarding the creation of a drainage easement to drain the development to Council's stormwater drainage system in Moffatts

- Drive. The applicant has confirmed that they are still in negotiations with the owners of the neighbouring property and that no conclusion has yet been reached. Therefore, the issue around owner's consent for the proposed easement remains outstanding.
3. With respect to the proposed easement design, the following matters should be addressed:
    1. DRAINS model to be expanded to include modelling of 1% AEP capacity noting potential tailwater conditions from flooding in Moffatts Drive,
    2. Proposed connection to the Moffatts Drive stormwater drainage system to include the construction of a kerb inlet pit with butterfly grate opening to suit the existing driveway,
    3. Proposed methodology of pipe installation and future maintenance that it can be carried out within the proposed 1.0m wide easement given the proposed depth,
    4. Provide opportunities to access the pipe for future maintenance (e.g. pits) at intervals not exceeding 30m.
  4. With respect to the internal stormwater drainage system, the following matters should be addressed:
    1. The plans shall be updated to coordinate with the latest architectural and landscaping plans particularly noting the proposed retaining walls adjacent to the northern and western boundaries which may increase the area bypassing the OSD system,
    2. The proposed area bypassing the OSD system will exceed the maximum 15% permitted by Council's guidelines and the UPRCT OSD Handbook and the proposed development will not be able to meet the PSD of 130L/s/ha,
    3. An additional surface inlet pit shall be provided in the southwestern portion of the site to minimise potential surface runoff to the downstream properties (Note: this will require consultation with the project arborist),
    4. The level of the proposed lower ground floor should be reconsidered to allow for any surcharge of the drainage system to flow out of and away from the building by surface flow path,
    5. The outlet of the lower ground floor drainage system shall also be reconsidered as it is currently the lowest point of surcharge for the piped system within the site (FFL 33.50m is lower than the surface level of the receiving pit – 33.75m).

**Planning Comment:** As the amended plans have not addressed the engineering requirements to Council's satisfaction, the proposal cannot be considered for approval. It is also noted that at the time of writing this report, Council has not received further information regarding the change of ownership of the burdened site where the proposed easement is to be located.

## PLANNING ASSESSMENT

### 7. Environmental Planning Instruments

#### 7.1 Overview

The instruments applicable to this application are:

1. State Environmental Planning Policy (Biodiversity and Conservation) 2021
2. State Environmental Planning Policy (Resilience and Hazards) 2021
3. State Environmental Planning Policy (Transport and Infrastructure) 2021
4. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
5. State Environmental Planning Policy (BASIX)
6. Parramatta Local Environmental Plan 2023 (PLEP 2023)
7. Parramatta Development Control Plan 2011 (PDCP 2011)

Compliance with these instruments is addressed below.

#### 7.1 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2 VEGETATION IN NON-RURAL AREAS

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

The application seeks approval for the removal of 26 trees within the site. This is also inclusive of 2 street trees which are to be removed per the advice of Council's Public Domain team so that it is replaced by larger canopy trees to be provided had the application be recommended for approval. It is noted that Council's Landscape Officer did not raise an objection with the proposed tree removal, or the proposed landscape arrangement and design.

### **7.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 10 SYDNEY HARBOUR CATCHMENT**

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

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal, and any matters of general relevance (erosion control, etc) could have been managed by conditions of consent.

### **7.3 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 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; and
- There is no specific evidence that indicates the site is contaminated and is suitable for the proposed uses.

A Stage 1 Preliminary Site Contamination Investigation was submitted which recommended that a Stage 2 Detailed Site Investigation be prepared in accordance with the NSW EPA *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*. Upon request, the Stage 2 DSI was submitted. The DSI concluded that the site would be suitable for the proposed residential use subject to the preparation of a Remedial Action Plan (RAP). Consequently, the RAP was submitted to Council and reviewed by Council's Environmental Health Officer who raised no objections to the development. Accordingly, the proposal is satisfactory in this regard having met the considerations under Clause 4.6 of the SEPP.

Notwithstanding, due the reasons stated throughout this report, the application cannot be considered for approval.

### **7.4 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2 INFRASTRUCTURE**

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



Chapter 2	Comment
<b>Clause 2.45 – electricity infrastructure</b>	A new substation is proposed and is located within the site. Endeavour Energy was notified of the proposal and raised no objections subject to conditions of consent.
<b>Clause 2.48 - Development likely to affect an electricity transmission or distribution network</b>	Overhead powerlines traverse the frontage of the site. As previously mentioned, Endeavour Energy was notified of the proposal and raised no objections to the proposal subject to conditions of consent.
<b>Clause 2.100 – Development in or adjacent to rail corridors</b>	N/A. The subject site does not adjoin a rail corridor.
<b>Clause 2.119 – frontage to a classified road</b>	N/A. The subject site does not have frontage to a classified road.
<b>Clause 2.120 – Impact of road noise or vibration on non-road development</b>	N/A. Whilst the application proposes residential uses, the subject site is not in or adjacent to a road corridor that carries an annual average daily traffic volume of 20,000.
<b>Clause 2.122 – Traffic Generating Development</b>	N/A. Referral to Transport for NSW (TfNSW) was not required under this clause of the SEPP.

### 7.5 STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL QUALITY APARTMENT DEVELOPMENT

SEPP 65 applies to the development as the proposal is for a new building, is more than 3 storeys in height and will have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

The application was lodged in July 2023. SEPP 65 was repealed on 14 December 2023 and Design of residential apartment development was included in the Housing SEPP. SEPP 65 applies to this application.

#### *Design Quality Principles*

The proposal is generally **consistent** with the design principles for the reasons outlined below:

Requirement	Comment
<b>Principle 1: Context and Neighbourhood Character</b>	The proposal provides a high-density residential development and is located within proximity to public transport and services. The design of the development is in the spirit of the design objectives for the Telopea Precinct. And whilst there are variations to the height and FSR for the site, the development is a form contemplated by the relevant planning instruments.
<b>Principle 2: Built Form and Scale</b>	Despite the technical variations to the height and FSR, the result is imperceptible when viewing the development bulk and scale in context of the site. The built form and the amenity impact to and from the site in this instance is generally what is envisaged by the controls. However, as the amended development was not lodged with a Clause 4.6 variation, the departures cannot be assessed against the provisions of this clause and therefore the amended proposal cannot be supported.
<b>Principle 3: Density</b>	The amended development is greater than the maximum GFA permitted for the site. A review of the amended plans indicate that the communal area located on the lower ground floor was excluded from the GFA calculations. No units are located within this location given its subterranean conditions. The additional floor area in this instance does not increase the density of the development and is unlikely to result in additional traffic or residential acoustics. Notwithstanding, the amended proposal was submitted without a Clause 4.6 variation that would allow Council to assess the departure against its provisions and therefore cannot be considered for approval in this instance.
<b>Principle 4: Sustainability</b>	Whilst the plans were amended to resolve design and landscaping issues, an amended BASIX Certificate was not submitted in response to the revised design of the development. It is also noted that insufficient information has been submitted regards to the reflective ratio and the amount of shading on the facades and details to prevent glare. Accordingly, despite the satisfactory design of the development, Council cannot recommend approval of the development.

Page 12 of 33

Requirement	Comment
<b>Principle 5: Landscape</b>	The proposed landscaping on the site is located on the lower ground / ground floor and on the roof terrace. The amount of landscaping provided is commensurate with the site area and complies with the landscaping controls contained within the ADG and PDCP 2011. DEAP, Council's Urban Design Excellence Team and Landscape Officer also raised no objections to the proposed amount of landscaping provided, landscape design, layout and access to these areas. Further, the proposed landscaping includes the provision of a 10m rear landscaped area to promote a green / landscape zone which is a desired outcome for sites located within the Telopea Precinct.
<b>Principle 6: Amenity</b>	The design recommendations to improve internal amenity as suggested by Council's Urban Design Excellence Team could have been incorporated as a condition of consent if the application had been recommended for approval. Further, the overall amenity within the rooms is satisfactory when tested against best practice design criteria identified in the ADG which supports the SEPP. The scheme includes a range of communal facilities for the benefit of all residents.
<b>Principle 7: Safety</b>	Appropriate outcomes are achieved through the design generally, and the application had been recommended for approval, via conditions of consent.
<b>Principle 8: Housing Diversity and Social Interaction</b>	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 in close proximity to public transport.
<b>Principle 9: Aesthetics</b>	The composition of building elements and materials is satisfactory.

### Apartment Design Guide

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.

The proposal has been assessed against the 32 topic area provisions within Parts 3 & 4 of the ADG and the relevant provisions of note are as follows:

Clause	Design Criteria	Comments	Comply
<b>Part 3 – Siting the Development</b>			
3A Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis has been submitted.	Yes.
3B Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street.	Pedestrian entry is provided off Simpson Street.	Yes.
	Where the street frontage is to the east or west, the rear buildings should be orientated to the north.	The building is designed with an orientation to the north.	Yes.
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west.	The site has a frontage to the east. The two towers are located to the north and south. Because of the orientation of the site, some units will be overshadowed. However, the units have been designed and sited to ensure that most of the units will receive more than 2 hours of solar access during mid-winter.	Yes
3C Public Domain interface	Transition between private and public domain is achieved without compromising safety and security.	The proposal provides a transition between the private and public domain interface. Apartments are located above the ground level and provide passive surveillance to the ground level.	Yes.
	Amenity of the public domain is retained and enhanced.	Plans have been submitted that details proposed enhancements to the public domain. These plans have been prepared in accordance with Council's Public Domain Guidelines and PDCP 2011. These plans were reviewed by Council's Public Domain Team who raised no objections to the proposal.	Yes

3D Communal and public open space	<p>Communal open space (COS) has a minimum area equal to 25% of the site, with minimum 3m dimensions.</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm mid-winter.</p> <p>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ol style="list-style-type: none"> <li>1. seating for individuals or groups</li> <li>2. barbecue areas</li> <li>3. play equipment or play areas</li> <li>4. swimming pools, gyms, tennis courts or common rooms</li> </ol>	<p>Required: 671.85m<sup>2</sup> Proposed: 954m<sup>2</sup> (35%)</p> <p>Lower Ground/ Ground Floor: 827m<sup>2</sup> Roof: 127m<sup>2</sup></p> <p>More than 50% direct sunlight achieved to the main podium COS between 12pm to 3pm</p> <p>Outdoor seating areas, BBQ facilities and communal areas are provided on the Lower Ground / Ground Floor COS and Roof terrace area.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>												
3E Deep soil zones	15% (403.11m <sup>2</sup> ) deep soil encouraged given the size of the site and context with 6m dimensions.	Proposed - 490m <sup>2</sup> (18.2%) with minimum 6m dimensions.	Yes.												
3F Visual Privacy	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="357 824 740 1093"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p><b>North-eastern side – non-compliant</b> The north-eastern adjoining lot consists of a single storey dwelling house and detached garage.</p> <ol style="list-style-type: none"> <li>1. Lower Ground non-habitable: 4.62m</li> <li>2. Ground courtyard: Min. 3m</li> <li>3. Level 1 blank wall and balcony: Min. 3.4m</li> <li>4. Level 2 habitable &amp; balcony: Min. 3.4m</li> <li>5. Level 3 habitable &amp; balcony: Min. 3.4m</li> <li>6. Level 4 habitable &amp; balcony: Min. 3.4m</li> <li>7. Level 5 habitable &amp; balcony: Min. 3.4m</li> </ol> <p><b>South-west rear - COMPLIES</b> The south-western adjoining lots consists of dwelling houses and a dual occupancy.</p> <ol style="list-style-type: none"> <li>8. Lower Ground: 10m</li> <li>9. Ground courtyard: 10m</li> <li>10. Level 1 habitable &amp; balcony: 10m</li> <li>11. Level 2 habitable &amp; balcony: 10m</li> <li>12. Level 3 habitable &amp; balcony: 10m</li> <li>13. Level 4 habitable &amp; balcony: 10m</li> <li>14. Level 5 habitable &amp; balcony: 10m</li> </ol> <p><b>South-west side – non-compliant</b> The south-western adjoining lot consists of a dwelling house.</p> <ol style="list-style-type: none"> <li>15. Lower Ground non-habitable &amp; courtyard: habitable: 6m</li> <li>16. Ground blank wall and balconies: 3.9m</li> <li>17. Level 1 habitable &amp; balcony: Min. 3.8m</li> <li>18. Level 2 habitable &amp; balcony: Min. 3.5m</li> <li>19. Level 3 habitable &amp; balcony: Min. 3.5m</li> <li>20. Level 4 habitable &amp; balcony: Min. 3.9m</li> </ol> <p><b>Building A to Building B – Non-compliant</b> Ranges from 6m to 16m separation.</p> <p>The non-compliances relate to the setbacks to the north-east and south-west and building separation (between the two RFBs). The design of the buildings and the protrusion of the balconies into the setbacks is due to compliance with the desired 'T' shaped building envelopes prescribed by PDCP 2011 for developments within the Telopea Precinct. Notwithstanding, the balconies which address these boundaries are fitted with louvres and privacy screens to avoid direct views to adjoining properties and in this regard, the non-compliance is satisfactory on merit. However, as stated throughout this report, the application cannot be supported due to lack of information and outstanding concerns with engineering.</p>	<p><b>No, but acceptable</b></p>
Building Height	Habitable rooms and balconies	Non-habitable rooms													
up to 12m (4 storeys)	6m	3m													
up to 25m (5-8 storeys)	9m	4.5m													
over 25m (9+ storeys)	12m	6m													

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 entry is located off Simpson Street.</p> <p>Council's Universal Access Officer has reviewed the proposal and raised no objections to the proposal, subject to conditions of consent.</p>	<p>Yes.</p> <p>Yes.</p>
3H Vehicle Access	<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Vehicular access from Simpson Street is provided. Separate pedestrian access is provided.</p>	<p>Yes.</p>
3J Bicycle and car parking	<p>Minimum car parking spaces:  <u>Parramatta DCP 2011 Telopea Precinct Table 4.3.9.2/ Guide to Traffic Generation Developments Residential:</u></p> <ol style="list-style-type: none"> <li>0.6 x 8 (one-bedroom unit) = 6.6</li> <li>0.9 x 30 (two-bedroom unit) = 27</li> <li>1.4 x 6 (three-bedroom unit) = 9.8</li> </ol> <p>Total Residential: 43.4 (44)</p> <ol style="list-style-type: none"> <li>Visitor: 1 x (48 dwellings ÷ 5) = 9.6 (10)</li> </ol> <p><b>Total required = 44 residential spaces ad 10 visitor spaces</b></p> <p>Minimum bicycle spaces:  <u>Parramatta DCP 2011 Telopea Precinct Table 4.3.9.2 Residential:</u></p> <ol style="list-style-type: none"> <li>1 bicycle space per dwellings = 1 x 48 dwellings = 48</li> <li>Visitor: 1 bicycle space per 15 dwellings = 1 x (48 dwellings ÷ 15) = 3.2 (4)</li> </ol> <p><b>Total required = 52 bicycle spaces</b></p>	<p>58 parking spaces are provided including:</p> <ul style="list-style-type: none"> <li>48 residential spaces including 5 accessible spaces</li> <li>10 visitor spaces</li> </ul> <p>52 bicycle spaces are provided.</p>	<p>Yes.</p> <p>Yes.</p>

Part 4 - Amenity											
4A Solar and daylight access	<p>Living rooms and private open space of at least 70% of apartments in a building receive a min. 2 hours of direct sunlight between 9am and 3pm on 21 June</p> <p>A max. of 15% of apartments in the building receive no sunlight between 9am and 3pm at mid-winter</p>	<p>34 (70%) of apartments will receive 2 hours of direct sunlight</p> <p>2 (4.1%) apartments will not receive any direct sunlight on 21 June.</p>	<p>Yes</p>								
4B Natural ventilation	<p>Min 60% of apartments is naturally cross ventilated in the first nine storeys of the building.</p>	<p>39 of the 44 units (88.6%) of the units will achieve natural cross ventilation.</p>	<p>Yes.</p>								
4C Ceiling heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="359 1344 742 1512"> <thead> <tr> <th colspan="2">Minimum Ceiling Height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m ground &amp; first floor</td> </tr> </tbody> </table> <p>These minimums do not preclude higher ceilings if desired</p>	Minimum Ceiling Height		Habitable rooms	2.7m	Non-habitable	2.4m	If located in mixed use areas	3.3m ground & first floor	<p>Min. 2.8m habitable floor to ceiling heights for habitable rooms</p>	<p>Yes.</p>
Minimum Ceiling Height											
Habitable rooms	2.7m										
Non-habitable	2.4m										
If located in mixed use areas	3.3m ground & first floor										
4D Apartment Size and Layout	<p>Minimum unit sizes:                      Studio – 35m<sup>2</sup>                      1 bed – 50m<sup>2</sup>                      2 bed – 70m<sup>2</sup>                      3 bed – 90m<sup>2</sup>                      Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each</p>	<p>All units comply with the minimum sizes required.</p>	<p>Yes.</p>								
	<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	<p>Complies.</p>	<p>Yes.</p>								
	<p>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)</p>	<p>Complies</p>	<p>Yes.</p>								

	Habitable room depths are limited to a maximum of 2.5 x ceiling height.	Complies	Yes.															
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Complies.	Yes.															
	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).	Complies.	Yes.															
	Bedrooms have a minimum dimension of 3m.	Complies.	Yes.															
	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.	Complies.	Yes.															
4E – Private open space and balconies	All apartments are to have primary balconies as follows: <table border="1" style="border-style: dashed; border-collapse: collapse; width: 100%;"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 Bedroom</td> <td>8 m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 Bedroom</td> <td>10 m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3 Bedroom</td> <td>12 m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling type	Minimum Area	Minimum Depth	Studio	4 m <sup>2</sup>	-	1 Bedroom	8 m <sup>2</sup>	2m	2 Bedroom	10 m <sup>2</sup>	2m	3 Bedroom	12 m <sup>2</sup>	2.4m	Complies.	Yes
Dwelling type	Minimum Area	Minimum Depth																
Studio	4 m <sup>2</sup>	-																
1 Bedroom	8 m <sup>2</sup>	2m																
2 Bedroom	10 m <sup>2</sup>	2m																
3 Bedroom	12 m <sup>2</sup>	2.4m																
	Ground floor units are to have private open space as follows: 15m <sup>2</sup> , min 3m depth	Complies.	Yes															
4F – Common circulation and spaces	Max. number of apartments off a circulation core on a single level is 8.	Building A: Max. 4 units Building B: Max. 5 units	Yes															
4G - Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is required: <table border="1" style="border-style: dashed; border-collapse: collapse; width: 100%;"> <thead> <tr> <th>Apartment type</th> <th>Storage volume</th> <th>size</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 m<sup>3</sup></td> <td></td> </tr> <tr> <td>1 bedroom</td> <td>6 m<sup>3</sup></td> <td></td> </tr> <tr> <td>2 bedroom</td> <td>8 m<sup>3</sup></td> <td></td> </tr> <tr> <td>3 bedroom</td> <td>10 m<sup>3</sup></td> <td></td> </tr> </tbody> </table>	Apartment type	Storage volume	size	Studio	4 m <sup>3</sup>		1 bedroom	6 m <sup>3</sup>		2 bedroom	8 m <sup>3</sup>		3 bedroom	10 m <sup>3</sup>		Storage rooms located on Basement Level 2. However, not all units are provided with additional storage. It is noted that if the application had been recommended for approval, that additional storage areas be provided as above bonnet storage within the basement via a condition of consent.	<b>No</b>
Apartment type	Storage volume	size																
Studio	4 m <sup>3</sup>																	
1 bedroom	6 m <sup>3</sup>																	
2 bedroom	8 m <sup>3</sup>																	
3 bedroom	10 m <sup>3</sup>																	
	At least 50% of the required storage is to be located within the apartment.	Sufficient storage is located within the apartments.	Yes															
4H Acoustic Privacy	Various objectives.	Council's Urban Design Excellence Team recommended noise attenuation measures within individual units via conditions of consent. This would have been imposed had the application been recommended for approval.  Despite the non-compliant setbacks and building separation, these non-compliances relate only to the balconies for the units towards the front of the development and has primary balconies that address the street frontage. Any acoustic impacts because of the use of these balconies are expected to be absorbed by the traffic and general residential acoustics from the siting of these units facing the street. Accordingly, the proposal is acceptable in this regard.	<b>No, but acceptable</b>															
4J Noise and Pollution	Various objectives.	The site does not adjoin a railway corridor or a busy road.	N/A															
4K Apartment Mix	Various objectives	11 x 1 bedroom (22.9%) 30 x 2 bedrooms (62.5%) 7 x 3 bedrooms (14.5%)  The development has been designed having considered flexible apartment configurations to support diverse household styles.	Yes.															
4L Ground floor apartments	Various objectives.	The units on the lower ground in Building A does not address the street frontage. Whilst there are units on the ground floor of Building B that address the street, these units are not provided with a separate entry. Instead, one entry from the street is provided for Building B. This is acceptable to reduce the amount of hardstand areas within the front setback. Despite the non-compliance, the streetscape presentation is acceptable and is appropriate given the design of the development.	<b>No, but acceptable</b>															

4M Facades	Various objectives.	The proposal complies with the various objectives. DEAP or Council's Urban Design Excellence Team raised no objections in this regard.	Yes.
4N Roof design	Various objectives.	The roof communal open space located on Building B is satisfactory.  A roof feature on Building B protrudes beyond the maximum height for the site. This is discussed elsewhere in the report. However, the application was not lodged with a Clause 4.6 that allows the assessment of this departure. Accordingly, the application cannot be considered for approval.	<b>No</b>
4O Landscape design	Various objectives.	The proposed landscaping arrangement and design was reviewed by DEAP and upon changes to the proposal in this instance, the landscaping as proposed is acceptable. It is noted that the development was amended to retain the trees located to the rear of the site as well as incorporating the 10m wide landscape zone to the rear.	Yes.
4P Planting on structures	Various objectives.	See above.	Yes.
4Q Universal design	Various objectives.	Required – Min. 20% of the apartments (9.6 (10) apartments) Proposed – The plans indicate that 17 units are designed as universal units.	Yes.
4R Adaptive reuse	Various objectives.	The proposal does not require the adapt reuse of an existing building.	N/A
4S Mixed Use	Various objectives.	The proposal is not for a mixed-use development	N/A
4T Awnings and signage	Various controls under SEPP 64 apply.	Awnings/Signage are not required/proposed for this development.	N/A
4U Energy efficiency	Various objectives.	As previously noted, an amended BASIX Certificate has not been submitted for the amended plans and therefore, the proposal cannot be considered for refusal.	<b>No</b>
4V Water management and conservation	Various objectives.	Insufficient information has been received with regards to Water Sensitive Urban Design requirements per PDCP 2011 controls. Accordingly, the proposal cannot be considered as compliant with this provision.	<b>No</b>
4W Waste Management	Various objectives.	Refer to DCP compliance table further in this report.	No design criteria under this SEPP.
4X Building Maintenance	Various objectives.	The proposal complies with the various objectives.	Yes.

### 7.5 STATE ENVIRONMENTAL PLANNING POLICY (BASIX)

The original submission was lodged with a BASIX Certificate. However, the application was amended significantly and requires an amended BASIX Certificate, which has not been submitted. Given this, Council could not ascertain if the amended design scheme meets the listed commitments and therefore complies pursuant to the provisions of the SEPP. Accordingly, the proposal as amended cannot be supported.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 was repealed on 1 October 2023 and included within State Environmental Planning Policy (Sustainable Buildings) 2022. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to this application.

### 8. Parramatta Local Environmental Plan 2023

The relevant matters considered under the PLEP 2023 for the proposed development are outlined below:

#### Clause 1.2 Aims of Plan

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to protect and enhance the identity, diversity and viability of Parramatta City Centre and recognise its role in the Central River City of the Six Cities Region,
- (b) to create an integrated, balanced and sustainable environment that contributes to environmental, economic, social and physical wellbeing,
- (c) to identify, conserve and promote the City of Parramatta's natural and cultural heritage,

- (d) to protect and enhance the natural environment, including urban tree canopy cover and areas of remnant bushland,
- (e) to ensure development occurs in a way that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependent ecosystems,
- (f) to encourage ecologically sustainable development,
- (g) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,
- (h) to improve public access along waterways if the access does not adversely impact the natural value of the waterways,
- (i) to improve public access to, and within, the City of Parramatta and facilitate the use of public transport, walking and cycling,
- (j) to encourage a range of development to meet the needs of existing and future residents, workers and visitors,
- (k) to enhance the amenity and characteristics of established residential areas,
- (l) to retain the predominant role of industrial areas,
- (m) to ensure development does not detract from the economic viability of commercial centres,
- (n) to ensure development does not detract from the operation of local or regional road systems.

For reasons stated throughout this report, it is considered that the development does not satisfactorily meet the aims of the plan. In particular, the proposal does not encourage a range of development that accommodates the needs of the existing and future residents, workers and visitors of Parramatta. As such, the proposal will be recommended for refusal.

Clause 2.3 Zone objectives and Land Use Table

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

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

Due to reasons stated throughout this report, the proposal is not consistent with these objectives and therefore cannot be considered for approval.

Standards and Provisions	Compliance
<b>Part 4 Principal development standards</b>	
<b>Cl. 4.3 Height of buildings</b> Allowable: Max. 19m	<b>No</b> Proposed: 19.52m  The amended plans indicate a variation to the maximum height for the site by 520mm which is a departure to the standard of 2.7%. This is considered a minor departure. However, the departure and the amended plans were not accompanied by a Clause 4.6 variation. Accordingly, an assessment of the departure pursuant to the provisions of this clause cannot be undertaken and therefore the proposal cannot be supported.  It is however noted that the departure relates only to a portion of Building B. The departure appears to be a roof feature. This feature is recessed into the building and would be indiscernible from the streetscape. Further, the minor variation as well as its location does not greatly impact on the amenity of the units located within Building A, and it is also of a distance from the boundaries to result in any appreciable impacts on adjoining properties.
<b>Cl. 4.4 Floor space ratio</b> Allowable: 1.5:1 (4,031.1m <sup>2</sup> )	<b>No</b> Lower Ground: 381m <sup>2</sup> Ground: 724m <sup>2</sup> First: 720m <sup>2</sup> Second: 720m <sup>2</sup> Third: 720m <sup>2</sup> Fourth: 685m <sup>2</sup>

	<p>Fifth: 259m<sup>2</sup> Proposed: 1.55:1 (4,175m<sup>2</sup>)</p> <p>The amended plans indicate that the communal space and the bathroom adjacent to this area on the lower ground floor was not included in the FSR calculations. Accordingly, the GFA for the development exceeds by 143.9m<sup>2</sup> which is a departure to the maximum standard for the site by 3.5%. This is a minor departure. However, the variation was not accompanied by a Clause 4.6 and therefore, similar to the departure to the height, an assessment against the provisions of Clause 4.6 cannot be undertaken and the variation cannot be supported.</p> <p>It is noted that the communal space is located below ground level and therefore does not create additional bulk and scale to the development that would other impact on amenity to adjoining developments. Further, this area is not additional units and therefore does not add to the density of the development which would otherwise result in additional adverse impacts such as traffic generation and residential acoustics.</p>
<b>Clause 4.6 Exceptions to development standards</b>	<p><b>No</b></p> <p>As stated above, the proposed variations to the Height and FSR for the development was not accompanied by a Clause 4.6 variation.</p> <p><b>"The Regulation"</b> requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b). A written request was not submitted in accordance with cl.37(2) of <b>"The Regulation"</b>.</p> <p>Accordingly, an assessment against the provisions under this clause cannot be undertaken and as such, the amended applications as well as its departures cannot be considered for approval.</p>
<b>Part 5 Miscellaneous provisions</b>	
<b>Cl. 5.1A Development on land intended to be acquired for public purposes</b>	The subject site is not subject to land reservation acquisition.
<b>Cl. 5.3 Development near zone boundaries</b>	The subject site is not located near another zone.
<b>Cl. 5.4 Controls relating to miscellaneous permissible uses</b>	These provisions do not apply to the development proposal.
<b>Cl. 5.6 Architectural roof features</b>	An architectural roof feature (pursuant to the definition of this clause) is not proposed.
<b>Cl. 5.7 Development below mean high water mark</b>	The proposal is not for the development of land that is covered by tidal waters.
<b>Cl. 5.10 Heritage conservation</b>	The subject site is not located within vicinity of a heritage item or heritage conservation area.
<b>Cl. 5.11 Bush fire hazard reduction</b>	The subject site is not identified as bush fire prone land.
<b>Cl. 5.12 Infrastructure development and use of existing buildings of the Crown</b>	The site does not contain a building owned by the Crown.
<b>Cl. 5.21 Flood Planning</b>	The site is not flood prone.
<b>Cl. 5.23 Public Bushland</b>	The site does not adjoin public bushland.
<b>Part 6 Additional local provisions</b>	
<b>Cl. 6.1 Acid sulfate soils</b>	Yes, the site is identified as containing Class 5 Acid Sulfate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared in this instance.
<b>Cl. 6.2 Earthworks</b>	Due to insufficient information, Council's Development Engineer is unable to complete the assessment of the earthworks proposed. Accordingly, the proposal is not considered to comply with this clause and cannot be considered for approval.
<b>Cl. 6.3 Biodiversity protection</b>	The site is not identified on this map.
<b>Cl. 6.4 Riparian Land and Waterways</b>	The site is not located on riparian land or a waterway.
<b>Cl. 6.5 Stormwater Management</b>	<b>No</b> Council's Development Engineer has not been able to complete its assessment as the development as amended has not provided sufficient information. Accordingly, the development has not demonstrated that it has minimised the impacts of urban stormwater on properties and therefore cannot be supported in this instance.
<b>Cl. 6.6 Foreshore Area</b>	The site is not located on a foreshore area.
<b>Cl. 6.7 Essential services</b>	<b>No</b> As stated above, the application has not demonstrated that there is sufficient stormwater drainage / onsite conservation system due to insufficient information. Accordingly, the proposal cannot be supported on this basis.
<b>Cl. 6.8 Landslide Risk</b>	The site is not identified as being a landslide risk.
<b>Cl.6.13 Design Excellence</b>	Council's DEAP and Urban Design Excellence Team have reviewed the proposal as amended and raised no objections to the development, subject to conditions of consent. However, due to reasons stated throughout this report, the development cannot be supported.
<b>Cl. 6.14 Concurrence of Planning Secretary</b>	The subject site is identified in the Intensive Urban Development Area Map. An application to the DPIE was made by the applicant to address the provisions of this clause. The applicant has entered



	into a Planning Agreement to contribute to designated State public infrastructure. Upon review of the application, the DPIE issued its concurrence pursuant to the provisions of this clause.  It is noted that cl.6.14 was repealed after the introduction of the Housing & Productivity Contributions clauses within subdivision 4 of the Environmental Planning and Assessment Act 1979 on 1 October 2023. Dept of Housing Infrastructure and Planning have confirmed that cl.6.14 still applies to this application.
<b>Cl. 6.20 Height of buildings for certain land in Telopea Precinct</b>	The site is not identified on this map.
<b>Cl. 6.21 FSR for certain land in Telopea Precinct</b>	The site is not identified on this map.
<b>Cl. 6.23 Development requiring the preparation of a DCP</b>	The site is not identified on this map.

### 9. The Parramatta Development Control Plan 2011

A consideration of the relevant sections of the PDCP 2011, which includes the controls for general residential development and residential flat buildings is provided below.

Parramatta Development Control Plan 2011 was repealed and replaced with Parramatta Development Control Plan 2023 on 18 September 2023. Parramatta Development Control Plan 2011 applies to this application.

Development Control	Comment	Comply
<b>Part 2 Site Planning</b>		
2.4.1 Views and Vistas	The site is not identified as containing significant views.	Yes
2.4.2 Water Management	Refer to assessment under PLEP 2023.	Yes
2.4.3 Soil Management	Insufficient information has been received that allows Council's Development Engineer to satisfactorily address this control. As such, the proposal cannot be considered for approval.	<b>No</b>
2.4.4 Land Contamination	Refer to Section 7.8 of this report for a detailed discussion.	Yes
2.4.5 Air Quality	Were this application recommended for approval, standard conditions would have been imposed to ensure that the potential for increased air pollution is minimised during construction.	Yes
2.4.6 Development on Sloping Land	The development has been amended to address the topographical changes throughout the site. The only portion of the building below natural ground level is the common area located in Building B which is to be used irregularly by the occupants of the development. Further, the levels of the common open space area to the rear have been amended to allow for an easier transition throughout the site. The changes to the development in this regard was reviewed by DEAP and Council's Urban Design Excellence Team who raised no further concerns in this regard.	Yes
2.4.7 Biodiversity	Council's Landscape Officer reviewed the amended development given the attempt to preserve the trees located to the rear. Upon review, the amended proposal was considered appropriate, and conditions would have been imposed on the consent for appropriate measures to ensure its retention. The development also includes a 10m landscaped area to the rear to establish a green corridor in response to the Telopea Precinct objectives.	Yes
2.4.8 Public Domain	The address and transition from the development to the public domain is acceptable. The relevant information addressing Council's Public Domain Guidelines have been submitted and reviewed by Council's Urban Design (Public Domain) team who raised no objections to the application.	Yes
<b>Part 3 Development Principles</b>		
3.2.1 Building Form and Massing	As noted earlier, the built form and mass of the proposed development is acceptable as it relates to the topography of the site as well as its context within the Telopea Precinct. Notwithstanding, a Clause 4.6 variation has not been submitted	Yes

	for the departures to the height and FSR and a technical assessment against its provisions cannot be undertaken. Accordingly, the development as amended cannot be supported.	
3.2.2 Building Façade and Articulation	The proposal incorporates articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass. The development has been designed per the requirements of the Telopea Precinct and is considered to reinforce the desired future character of the area and contributes to the amenity of the locality.	Yes
3.2.3 Roof Design	The roof design appropriately responds to contemporary design.	Yes
3.2.5 Streetscape	The development has been sited to appropriately relate to the streetscape amenity and complies with the front setback. The development is designed as 2 buildings to break the bulk of the development. Individually, the buildings are designed to present suitably on the streetscape. Further, the building entries / driveway / footpaths and hardstand areas are limited to provide generous landscaping within the front setback.	Yes
3.2.6 Fences	No front fences are proposed.	N/A
3.1.3: Building Height Maximum: 19m	Refer to Section 8 of this report for discussion.	<b>No</b>
3.1.3 Floor Space Ratio	Refer to Section 8 of this report for discuss.	<b>No</b>
3.1.3: Minimum Site Frontage	Refer to Part 4 of this table	Yes
3.13: Front Setback	Refer to Part 4 of this table	Yes
3.13: Side Setback	Refer to Part 4 of this table	<b>No, but acceptable</b>
3.13: Rear Setback	Refer to Part 4 of this table	Yes
3.1.3: Landscaped Area	Refer to Part 4 of this table	Yes
3.1.3: Deep Soil	See Section 7.5 (ie ADG assessment) of this report for discussion.	N/A
3.3.3 Visual and Acoustic Privacy	Refer to Section 7.5 (ie ADG assessment) of this report for discussion.	<b>No, but acceptable</b>
3.3.4 Acoustic Amenity	No major roads or railway lines adjoin the site.	Yes
3.3.5 Solar Access and Cross Ventilation	Refer to Section 7.5 (ie ADG assessment) of this report for discussion.  Due to the orientation of the site, the developments to the east (opposite) the site will receive more than 3 hours of solar access during the winter solstice.  The site to the south at 31 Moffatts Drive will receive less than 3 hours of solar access to its northern elevation and private open space during the winter solstice. This is a consequence of the orientation and topography of the site. Building A which adjoins 31 Moffatts Drive is of a height and scale that complies with the relevant controls. The proposal as amended is also designed generally in accordance with the building envelopes prescribed by the controls of the Telopea Precinct. In this regard, the proposal is acceptable.  It is noted that the properties opposite the site on Simpon Street will also retain a minimum of 3 hours of solar access during the winter solstice.	Yes
3.3.6 Water Sensitive Urban Design	The submitted hydrology report indicates that an aquifer will be encountered to accommodate the basement for the development. This will require the permanent dewatering which is proposed to be discharged to Council's stormwater drainage system which is not supported. Further, insufficient information regarding the proposed easement design and	<b>No</b>

	OSD have not been submitted to allow an assessment of the development. For these reasons, the proposal cannot be supported.	
3.3.7 Waste Management	The submitted WMP has satisfactorily considered the requirements of this control. It was also reviewed by Council's Environmental Waste Officer who raised no objections to the waste management of the development throughout the demolition, construction and occupation stages.	Yes
3.4.1 Culture and Public Art	An arts plan is not required as the application does not have a CIV of more than \$5,000,000.00 and is not located within: - A local town centre - Land zoned B2 Local Centre or B4 Mixed Use - Land with a site area greater than 5000m <sup>2</sup>	N/A
3.4.2 Access for People with Disabilities	The application proposes 5 adaptable units which complies with the 10% requirement for high density residential development. The proposal also provides equitable access throughout the development and site via lifts and ramps. The development has also been designed to allow direct access from the street and public domain for persons with accessibility issues. Council's Universal Access and Design Officer has reviewed the proposal as amended and raised no further concerns.	Yes
3.4.3 Amenities in Buildings Available to the Public	The proposal is not a public building.	N/A
3.4.4 Safety and Security	The development has been amended to allow opportunities for natural surveillance of the public domain and communal areas. The entries to the either building is defined for purposes of way finding and security. In addition, there is adequate delineation of public and private domains with fencing, landscaping and differences in surface treatment.	Yes
3.4.5 Housing Diversity and Choice	Refer to Section 7.5 (ie ADG assessment) of this report for discussion.	Yes
3.5 Heritage	Refer to PLEP 2011 section of this report.	Yes
3.6.1 Sustainable Transport	As the development does not contain more than 50 dwellings car share spaces are not necessary.	N/A
3.6.2 Parking and Vehicular Access	Refer to Part 4 of this table.	Yes
3.6.3 Accessibility and Connectivity	The site is not required to provide a through site link.	N/A
3.7.1 Residential Subdivision - general	The application does not propose subdivision works.	N/A
3.7.2 Site Consolidation and Development on Isolated Sites	The proposal does not result in the isolation of any adjoining properties.	Yes
<b>Part 4 Special Precincts</b>		
<b>4.3.9 Teloepa Precinct</b>		
4.3.9.1 Traffic and Transport		
<u>Vehicle Access</u>	The vehicular access to the basement has been designed in accordance with this control as well as the Australian Standards.	Yes
<u>Parking Spaces</u>	The development proposed a total of 58 parking spaces across two basement levels divided as follows:	Yes
<ul style="list-style-type: none"> <li>• 1 Bedroom Dwelling: 0.6 spaces per dwelling <ul style="list-style-type: none"> <li>- Number of One Bedroom = 7 Required = 7 x 0.6 = 4.2 spaces</li> </ul> </li> <li>• 2 Bedroom Dwelling: 0.9 spaces per dwelling <ul style="list-style-type: none"> <li>- Number of Two Bedroom = 34 Required = 34 X 0.9 = 30.6 spaces</li> </ul> </li> <li>• 3+ Bedroom Dwelling: 1.4 spaces per dwelling</li> </ul>	<ul style="list-style-type: none"> <li>- 48 residential spaces including 5 accessible spaces</li> <li>- 10 visitor parking spaces.</li> </ul>	

<ul style="list-style-type: none"> <li>- Number of Three Bedroom = 7 Required = 7 x 1.4 = 9.8 spaces</li> <li>• Visitor Parking: 1 space per 5 dwellings             <ul style="list-style-type: none"> <li>- Total number of units = 48</li> <li>- Required = 48/5 = 9.6 spaces</li> </ul> </li> </ul> <p><b>Total = 54.2 (55) parking spaces.</b></p> <p><u>Bicycle Parking</u></p> <ul style="list-style-type: none"> <li>• Minimum 1 bicycle storage space per dwelling for residents and Minimum 1 bicycle storage space per 15 dwellings for visitors.             <ul style="list-style-type: none"> <li>- Total number of Units = 48</li> </ul> </li> </ul> <p><b>Total = 48 + 48/15 = 52</b></p> <p><u>Active Transport Connections</u></p> <p><i>Electric Vehicle Charging Infrastructure</i> Car spaces shall have EV connections</p> <p>All residential and visitor car parking spaces must be provided Electric Vehicle Ready Connections.</p>	<p>The development proposes 52 bicycle parking spaces.</p> <p>The site is not identified as requiring active transport connections.</p> <p>Amended plans indicate that EV charging spaces.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
<p>4.3.9.2 Development and Design</p> <p><u>Lodgement of a Concept Application</u></p> <p><u>Street Frontages and Access</u></p> <p>C.18 Buildings must:</p> <ol style="list-style-type: none"> <li>a. address a street.</li> <li>b. be articulated with depth, relief and shadow on the street façade. A minimum relief of 150mm between the masonry finish and glazing face must be achieved.</li> <li>c. Utilise legible architectural elements and spatial types such as doors, windows, loggias, reveals, pilasters, sills, plinths, frame and infill. Plinths are particularly encouraged in Teloepa so that the topography is emphasised</li> </ol> <p>C.19 Apartments located below street level.</p> <p>C.20 Ramp Access</p> <p>C.21 Retaining Walls</p>	<p>The site is not located within the Core Area of the Teloepa Precinct.</p> <p>The proposal provides these elements.</p> <p>The proposal does not locate any residential units below ground level.</p> <p>Ramps have been integrated into the development that does not compromise entrances.</p> <p>Retaining wall details have not been provided. In this instance, this information should be indicated on the plans to indicate if this increases the area bypassing the OSD system.</p>	<p>N/A</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p><b>No</b></p>

<p><b>Development within Precincts</b></p>		
<p>C.1 New developments should be sited and designed in accordance with the indicative Block Plan and Building Layout at Figure 4.6.9.3.</p>	<p>The proposal has been generally designed in accordance with Figure 4.6.9.3. The dimensions of the site, in particular the width of the site is insufficient to strictly provide 'L' or 'T' shaped buildings without compromising boundary setbacks, landscaping areas and a practical floorplate. Both DEAP and Council's Urban Design team have reviewed the building layouts as amended and raised no issues regarding compliance with this control.</p>	<p>Yes</p>
<p>C.2 Development of a residential flat building should have a minimum site frontage of 24 metres, except 18 metres for sites with two street or lane frontages.</p>	<p>The site has 59.435m site frontage</p>	<p>Yes</p>
<p>C.3 New development must provide between a 4 to 6 metre setback to the street as outlined in Figure 4.3.9.4.</p>	<p>The front setback ranges from 5.4m and 6m (including articulation zones)</p>	<p>Yes</p>
<p>C.4 The minimum setback to the side boundaries is 3 metres for part of the length of the building. Where apartments habitable rooms only face the side boundary, allow a 6 metre wide side setback, as outlined in Figure 4.3.9.4.</p>	<p>Boundary setbacks are discussed under Section 7.5 (i.e. ADG assessment) of this report.</p>	<p><b>No, but acceptable</b></p>
<p>C.5 The rear setback is to be a minimum of 10 metres or 15% of the total length of the site as measured from centre of the rear boundary (whichever is the greater), as shown in Figure 4.3.9.4. The setback can be averaged to align with the building footprint where the rear alignment is not regular.</p>	<p>Minimum 10m (24.69%) rear setback provided.</p>	<p>Yes</p>
<p>C.7 30% of balconies or architectural elements such as bay windows, may project up to 400mm into front building setbacks only.</p>	<p>Whilst front balconies are provided, none encroach within the front setbacks.</p>	<p>Yes</p>
<p>C.8 Provide a minimum of 30% of deep soil zone on the site area, with the following requirements:</p> <p><i>a. A minimum of half of the total deep soil area is located at the rear of the site.</i></p> <p><i>b. A minimum of 7% of the total site area which is provided as deep soil area shall be designed to have a minimum dimensions of 6 metres (or greater). The remaining deep soil areas shall provide minimum dimensions of 4 metres (or greater). Noting that a deep soil with a minimum dimension of less than 4 metres does not contribute to the deep soil calculation.</i></p>	<p>900m<sup>2</sup> (33%) with minimum 6m dimensions and over half of the deep soil areas located to the rear.</p>	<p>Yes</p>

<p>C.9 Deep soil should be designed to create a contiguous deep soil network formed with adjacent lots.</p>	<p>The deep soil areas has been designed to create a contiguous deep soil network with adjacent lots.</p>	<p>Yes</p>
<p>C.10 Removal of existing trees should be avoided, and new trees should be planted, as detailed in Section relating to Tree Preservation and Enhancement of this DCP.</p>	<p>The significant trees located to the rear of the site has been retained. Council's Landscape Officer raised no further objections with regards to the landscaping for the site. Conditions would have been imposed had the application been recommended for approval to ensure these trees are retained.</p>	<p>Yes</p>
<p>C.11 Where significant excavation is required as part of new development, it must be demonstrated that deep soil back fill must comprise constructed horticultural soil profiles in order to support local vegetation communities.</p>	<p>Deep soil back fill is not proposed.</p>	<p>Yes</p>
<p>C.12 Basements are to be located predominately under the footprint of the building, as shown in Figures 4.3.9.5 and 4.3.9.6. As detailed in the Design Principles for Sloping Sites contained in this DCP, there may be conditions where basements may extend into the front setback to avoid raising from ground at the rear and/or extending into the rear setback.</p>	<p>The proposed development has been amended to ensure that the basement levels are located predominantly within the building footprint.</p>	<p>Yes</p>
<p>C.13 Basement car parking entries are encouraged to be located under the apartment building as shown in Figures 4.3.9.6 and 4.3.9.7. Any above ground car parking structures should be of a solid, masonry construction. Vents to car parking must not be located at the street frontage.</p>	<p>The basement car parking entry is located under the apartment building.</p>	<p>Yes</p>
<p>C.14 Basement car parking structures should be predominantly located below existing ground level. Where the slope conditions mean this is unachievable, the basement structures may project to a maximum of 1 metre above ground, except within the front setback where it may project up to 1.5m above ground where it helps prevent re-grading the site in other locations (see Figure 4.3.9.5 Indicative Street Section).</p>	<p>The basement levels are located wholly below natural ground level.</p>	<p>Yes</p>
<p>C.15 Front setbacks are to be landscaped. Where trees are located in the front setback above a basement structure, a minimum soil depth of 1 metre above drainage layer is to be cut into the slab.</p>	<p>The front setback is provided with deep soil areas and is appropriately landscaped.</p>	<p>Yes</p>
<p>C.16 Impervious surface at ground level must be minimised in all setback areas.</p>	<p>Impervious surface at ground floor level has been minimised.</p>	<p>Yes</p>

<p>C.18 Development of 3 and 4 storeys should be designed as a street wall building.</p>	<p>A 6 storey development is proposed.</p>	<p>N/A</p>
<p>C.19 Development of 5 and 6 storeys in height may be designed as a street wall building or provide one upper level storey setback of 3 metre from the building line, as outlined in Table 4.3.9.3.</p>	<p>Building A is designed with a street wall height of 5 storeys. Similarly, Building B is designed with a street wall height of 6 storeys.</p>	<p>Yes</p>
<p>C.23 Buildings are to occupy approximately 75% of the street frontage to maximise potential for apartments facing the street as outlined in Figure 4.3.9.7.</p>	<p>The development occupies more than 75% of the street frontage. The design has been amended to optimise street facing apartments.</p>	<p>Yes</p>
<p>C.24 Where the length of a perimeter building exceeds 50 metres, it is to be broken into two or more components. Building breaks should be a minimum of 3 metres deep and 3 metres wide.</p>	<p>Neither Building A or B exceed 50m in length. The design of the development has also been amended to provide articulation and building breaks to reduce the perception of bulk and scale.</p>	<p>Yes</p>
<p>C.25 Front fences are to be designed to:</p> <ul style="list-style-type: none"> <li><i>a. be articulated at any gates and visually permeable in part to enhance the feeling of address and passive surveillance along this edge of the development;</i></li> <li><i>b. be integrated with dividing masonry walls (or a combination of masonry and timber) between the private open spaces where the fences relate to individual apartments facing the street;</i></li> <li><i>c. be located on the front boundary and be designed to form a consistent edge along the street;</i></li> <li><i>d. Not be comprised of sheet metal;</i></li> <li><i>e. address the slope of the site by providing a masonry base with a minimum height of 300mm. This base should form a horizontal plinth with minimal stepping. Upper portions of the fence are to be made of open and lightweight material; and</i></li> <li><i>f. be made of open and lightweight material where located above retaining walls.</i></li> </ul>	<p>A front fence is not proposed.</p>	<p>N/A</p>
<p>C.26 Retaining walls must:</p> <ul style="list-style-type: none"> <li><i>a. be located within the lot boundaries on all development lots or on the boundary if the land is within the same ownership;</i></li> <li><i>b. be designed in consultation with Council if adjoining existing or future Council owned land;</i></li> </ul>	<p>Retaining wall details have not been provided. This detail is required to ascertain if it contributes to increasing the area bypassing the OSD system.</p>	<p><b>No</b></p>

<p>c. retain a horizontal line, with minimal stepping;</p> <p>d. vary to suit the topography with a maximum height of approximately 1500mm.</p> <p>e. be of fully masonry construction or a combination of masonry and timber</p> <p>f. utilise terracing where necessary to subtly manipulate the existing landscape, avoiding large areas of cut and fill.</p>		
<p><u>Public Spaces</u></p> <p>C.1 A Public Domain Plan to be provided for development over 6 storeys.</p> <p>C.3 Public Space dedicated to Council</p> <p>C.7 The primary access point to all private buildings and vertical lifts are to be universally accessible, contained within the buildings. Ramps and landings do not interfere with the public domain.</p>	<p>The proposal is not over 6 storeys and therefore does not require a PD Plan.</p> <p>The application does not seek the dedication of public spaces to Council.</p> <p>Access points to both buildings are universally accessible and contained within the buildings. Ramps and landings have been designed so that it does not compromise the public domain.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>
<p><u>New pedestrian and cycleway connections</u></p>	<p>The proposal does not include a new pedestrian or cycle way connection.</p>	<p>N/A</p>
<p><u>4.3.9.3 Natural Environment and Heritage</u></p> <p>Tree preservation and enhancement</p> <p>Natural Environment</p> <p>Heritage</p>	<p>As stated throughout this report, Council's Landscape Officer is satisfied that the development has been designed to ensure the preservation of the significant trees located to the rear and that the landscape plan design enhances the natural environment.</p> <p>The site is not located within the core area identified by this control.</p> <p>The site is not located within 200 metres of the heritage item 'Redstone'. The site is also not within proximity to Acacia Park, or the bushland community known as the Rapanea Community Forest.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
<p><u>4.3.9.4 Sustainability</u></p> <p>Dual Water Systems</p> <p>Roof Surfaces</p> <p>Vertical Facades</p>	<p>If Council had recommended approval of the application, a condition would have been imposed on the consent requiring the provision of a dual reticulation system.</p> <p>The COS located on the roof top area of Building B is provided with a roof to a portion of the communal courtyard area. Solar panels are also provided on both building roof.</p> <p>A majority of the communal area is also landscaped. Had the application been recommended for approval, conditions would have been imposed regarding the structural certification and waterproofing for the building.</p> <p>Insufficient information has been received confirming the reflective ratio and the amount of shading on the facades.</p>	<p>Yes</p> <p>Yes</p> <p><b>No</b></p>

Page 27 of 33



Awnings	No awnings are proposed.	N/A
Heating and Cooling Systems – Heat Rejection	See comment for 'Roof Surfaces'	Yes
Green Roofs	A green roof is incorporated in the COS of the podium and roof top area.	Yes
Solar light reflectivity (glare)	Insufficient information has been received that would allow Council to assess compliance against this control.	No
Water Sensitive Urban Design	Insufficient information has been received with regards to this control which has prevented Council's Development Engineer from completing a detailed assessment.	No

### 11. Development Contributions

As this Development Application was lodged on 4 July 2023, the City of Parramatta Council Section 94A Development Contributions Plan (Amendment No. 5) applies to the land. If the application had 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.

The Housing & Productivity in accordance with cl.7.28 of the Environmental Planning and Assessment Act 1979, the Housing Productivity Contribution is not required to be paid.

### 12. Bonds

If the application had been recommended for approval, pursuant to 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 would have been imposed on the consent requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

### 13. EP&A Regulation 2021

- A. In accordance with Clause 23 and 24 of the Environmental Planning and Assessment Regulations 2021 all relevant landowners' consent is required to be lodged with the application. The development proposes downstream easements through neighbouring properties and landowners' consent has not been provided. Landowners consent for the proposed physical works associated within the easement have not been provided for No. 29 Moffatts Drive, Telopea.

Therefore, the application cannot be supported without all relevant landowners' consent.

- B. 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 the application had been recommended for approval.

### 14. The likely impacts of the development

The assessment demonstrates that the proposal will have adverse impacts on adjoining properties and the environment through non-compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report. In the context of the site and the assessments provided by Council's experts, the development is considered unsatisfactory in terms of on-site stormwater management and the lack submission of a Clause 4.6.

### 15. Suitability of the Site

The subject site can accommodate a high density residential flat building, however due to the lack of information, and assessment on the merit and impacts of the development cannot be undertaken, despite the site being ideally located close to public transport links, services and facilities.

For the above reasons and those stated throughout this report, the site is not considered to be suitable for the proposed development.

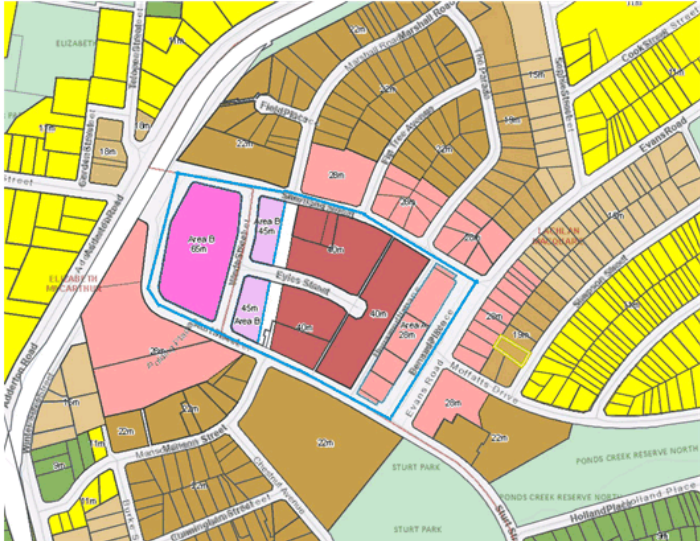
## 16. Public Consultation

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised on three (3) occasions. The notification dates are as follows:

- 13 July 2023 to 10 August 2023
- 11 June 2024 to 9 July 2024 (Notification of amended plans)
- 2 July 2024 to 30 July 2024 (Extension of renotification / readvertising of amended plans to correct notification period dates).

As a result of the notification periods, a total of thirty-eight (38) unique submissions were received. The issues and Council's response are provided below.

Issue	Response
<b>Out of character in Telopea</b> <ul style="list-style-type: none"> <li>• <i>Inconsistent development with Telopea Precinct</i></li> <li>• <i>Telopea Precinct DCP is in draft form and application should not be made until DCP is finalised</i></li> <li>• <i>Dundas Valley should not be part of the Telopea Precinct</i></li> <li>• <i>Consider alternate location</i></li> </ul>	<p>As stated elsewhere in this report, the dimension of the site restricts complete compliance with the prescribed building shapes. It is also noted that full compliance with the building shapes would compromise other aspects of the development that may result in a sub-optimal and/or inefficient urban design outcomes. The plans as amended is considered to adequately respond to the prescribed building shapes in accordance with PDCP 2011 and is therefore a form of development contemplated for the Telopea Precinct.</p> <p>The Telopea Precinct (outside of the CORE Area) controls were finalised in 2021. The application is made with considerations to the controls and provisions relating to the Telopea Precinct.</p> <p>The Telopea Precinct covers an area that will be impacted by Parramatta Light Rail (PLR) resulting in transit-oriented development. The subject site is located within proximity to the PLR and is therefore subject to the precinct controls under the PDCP 2011.</p> <p>The current location of the proposed development has the capacity for high density residential development given its maximum height and FSR allowances.</p>
<b>Bulk and Scale</b>	The bulk and scale of the proposed development is discussed in detail throughout this report. See Section 8 for discussions on height and FSR of the development.
<b>ADG</b> <ul style="list-style-type: none"> <li>• <i>Non-compliant with ADG principles</i></li> </ul>	ADG compliance and detailed assessment of the development is in Section 7.5 of this report.
<b>Streetscape</b> <ul style="list-style-type: none"> <li>• <i>Inconsistent streetscape presentation</i></li> </ul>	The streetscape presentation has been designed to address the Telopea Precinct controls, recommendations by DEAP and Council's Urban Design Team. The streetscape presentation also responds appropriately to the envisaged urban design form of the relevant controls.
<b>Density</b>	The proposed density is discussed in detail in Sections 7.5 and 8 of this report.
<b>Height</b> <ul style="list-style-type: none"> <li>• <i>Non-compliant with maximum height of 5 storeys</i></li> <li>• <i>The adjoining sites do not have a similar max. height</i></li> </ul>	The maximum height for the site is 19m. The maximum height in storeys as required under PDCP 2011 fall between 5 and 6 storeys. The proposed part 5 and part 6 storey development is therefore generally compliant.

<ul style="list-style-type: none"> <li>Should be a gradual reduction in height from the CORE.</li> </ul>	<p>The sites adjoining the development to the north (9 – 11 Simpson Street) and south (29 -31 Moffats Drive) have a maximum height of 19m. The sites to the west on Evans Road have maximum height of 28m.</p> <p>The CORE Area within the Telopea Precinct is bounded by Shortland Street to the north, Evans Road to the east, Sturt Street to the south and Adderton Road to the west. This CORE Area also includes the Telopea shops and community services. The CORE area is outlined in Blue in the image below.</p>  <p><b>Figure 5: Height and CORE area</b></p> <p>The heights in the CORE area range from 65m (pink site/s), 45m (purple sites), 40m (red sites), 28m (pink sites), 22m (brown sites), 15m (beige sites) and then 11m (yellow sites). As demonstrated by the above, the heights of developments gradually reduce in height away from the CORE Area.</p>
<p><b>Siting of the Development</b></p>	<p>The siting of the development is a result of considering the appropriate, height, FSR, setbacks, landscaping, basement location and engineering requirements. The siting of the development is also informed by the prescribed building shapes / layouts per the Telopea Precinct.</p>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>Lack of landscaping</li> <li>Tree Removal</li> <li>Existing trees causing property damages to adjoining sites</li> </ul>	<p>Comments regarding landscaping compliance is discussed throughout this report.</p> <p>Tree removal is also discussed elsewhere in this report. Council's Landscape Officer raised no objections to the proposed tree removal and conditions would have been imposed for the proper and safe removal if the application was recommended for approval.</p> <p>Any instances where existing trees are causing property damage should be addressed immediately. Any recourse should not be dependent on the outcome of the application where property and personal safety is compromised.</p>
<p><b>Flora and Fauna</b></p> <ul style="list-style-type: none"> <li>Loss of native flora and fauna</li> <li>Insufficient assessment of loss of wildlife</li> </ul>	<p>Tree removal and retention is to the satisfaction of professional arborists (per the submitted arborist report) and to Council's Landscape Officer. As stated earlier in the report, the subject site is not identified by the relevant controls, particularly the Telopea Precinct controls as containing any core habitat vegetation.</p>
<p><b>Parking</b></p> <ul style="list-style-type: none"> <li>Lack of on-street parking</li> <li>Lack of on-site parking</li> </ul>	<p>As discussed earlier in the report, the development as amended complies with the required on-site parking for the proposed density. As such, dependence on on-street parking to serve the development will be limited.</p>

<p><b>Traffic</b></p> <ul style="list-style-type: none"> <li>• <i>Traffic Report does not consider cumulative impacts of approved and future developments</i></li> <li>• <i>Narrowness of Simpson St</i></li> <li>• <i>Access issues for emergency services, garbage trucks and construction vehicles</i></li> <li>• <i>Provision of a Traffic Management Plan</i></li> </ul>	<p>Council's Traffic Engineer has reviewed the proposed development, and notes that the development is expected to result in 13 trips in the AM peak and 17 trips in the PM peak which will have a negligible impact on the surrounding road network.</p> <p>It is noted that despite Simpson Street being narrow, it does not prevent emergency services from accessing the site. If the application had been recommended for approval, the condition restricting on-street parking within the street frontage will ensure emergency access to the site is maintained.</p> <p>Had the application been recommended for approval, a condition would have been imposed requiring the preparation and submission to Council's Traffic Committee for approval prior to works/issue of a construction certificate.</p>
<p><b>Privacy</b></p> <ul style="list-style-type: none"> <li>• <i>Overlooking from the development</i></li> <li>• <i>Amenity impacts from the Rooftop COS</i></li> </ul>	<p>Overlooking to and from the development is discussed elsewhere in this report. Amenity impacts from the roof top COS is negligible given that the usable space is setback within the rooftop COS area and that landscaping around the perimeter is provided to obscure any direct sightlines from this area.</p>
<p><b>Solar Access</b></p>	<p>Solar access within and external to the site is discussed in Section 7.5 and Section 9 of this report.</p>
<p><b>Cross Ventilation</b></p>	<p>The cross ventilation within the development is discussed in Section 7.5 of this report. It is noted that the cross ventilation / cross breeze of adjoining developments because of the development is unlikely to be impacted.</p>
<p><b>Topography</b></p> <ul style="list-style-type: none"> <li>• <i>Manipulation of topography</i></li> </ul>	<p>The natural ground levels are dictated by the survey plan prepared by a registered surveyor. The finished ground levels have accommodated a basement but the pre-development fall of the site from east to west is generally maintained.</p>
<p><b>Acoustics</b></p> <ul style="list-style-type: none"> <li>• <i>Increase in residential acoustics and traffic noise</i></li> <li>• <i>Concerns regarding construction noise</i></li> </ul>	<p>The density of the development is as per the relevant controls and therefore any amenity impacts such as increases in residential acoustic and traffic noise is envisaged and is negligible given the transition to higher density development within the Telopea precinct.</p> <p>Had the application been recommended for approval, the relevant conditions would have been imposed to regulate construction times to reduce amenity impacts on neighbouring properties.</p>
<p><b>Communal Open Space / Private Open Space</b></p>	<p>The development provides COS in various locations within the development and in total, exceeds the minimum amount of COS required for the development. Similarly, all units are provided with satisfactory private open space areas that allows for passive recreation.</p>
<p><b>Safety</b></p> <ul style="list-style-type: none"> <li>• <i>Increase in road accidents</i></li> <li>• <i>Increase in vandalism</i></li> </ul>	<p>The driveway and basement design ensures that driver sightlines are maintained when entering and exiting the site to limit any road accidents.</p> <p>The development has been designed with consideration of CPTED principles to allow for passive surveillance within the development of the public domain and common spaces.</p>
<p><b>Infrastructure</b></p> <ul style="list-style-type: none"> <li>• <i>Increase demand for infrastructure and services</i></li> </ul>	<p>The development is of a scale that is predicted by the controls. The required infrastructure and services to service an increase in population is either appropriate in its current form or will be upgraded from the contributions paid from the construction of the development.</p>
<p><b>Contamination</b></p> <ul style="list-style-type: none"> <li>• <i>Phase 1 states that no previous contamination studies have been completed.</i></li> </ul>	<p>Whilst this detail appears to be had been misrepresented, the outcome of the report does not change. The site is suitable for the residential development proposed.</p>
<p><b>Waste</b></p> <ul style="list-style-type: none"> <li>• <i>WMP incorrectly states that no hazardous materials are identified on the site. However, Phase 1 states otherwise</i></li> </ul>	<p>The contamination status and assessment of the site is discussed in Section 7.3 of this report.</p>

<b>Substation</b> <ul style="list-style-type: none"> <li>• Risk to health</li> <li>• Concerns regarding the size of the substation</li> </ul>	The size of the substation is as per the requirements of the electricity provider. Had the application been approved, the electricity provider would have required design and safety measures for the substation.
<b>Geotech</b> <ul style="list-style-type: none"> <li>• Excavation works result in destabilizing of adjoining properties</li> </ul>	Had the application been recommended for approval, a condition would have been imposed requiring the preparation of a geotechnical report to identify and detail protection measures of adjoining properties during construction works.
<b>Engineering</b> <ul style="list-style-type: none"> <li>• On-site stormwater management is to be designed satisfactorily</li> <li>• Basement cannot be waterproofed.</li> </ul>	As stated throughout this report, the application has not submitted a sufficient on-site stormwater management system that is to the satisfaction of Council's Development Engineer. Accordingly, the proposal cannot be supported.
<b>Housing Affordability</b> <ul style="list-style-type: none"> <li>• Development does not contribute to housing affordability</li> <li>• Consult community over development</li> </ul>	Had the application been approved, the amount of housing available to the community would have increased to alleviate housing demand in the area.  It is noted that the application was notified upon lodgement of the application and then twice upon the submission of amended plans.
<b>Construction Stage</b> <ul style="list-style-type: none"> <li>• Blocked roads during construction</li> <li>• Staging of Construction Certificate – Occupation Certificate should not be issued until construction works are completed</li> </ul> <p>Council is to be appointed as Certifier</p>	Had the application been recommended for approval, a condition would have been imposed with regards to the submission of a Traffic Management Plan which should detail any road closures and alternative routes during the construction stage.  The applicant has not proposed the staging of the development or the consent under this application.  Council cannot dictate the certifying authority had the application been recommended for support and approval.
<b>Rezoning</b> <ul style="list-style-type: none"> <li>• Rezoning force residents to sell property</li> <li>• Displacements of current residents located on the subject site if development continues</li> <li>• The sites were rezoned without community consultation</li> </ul>	The decision to sell private property is an issue for private property owners. Similarly, the decision to relocate the occupants of affected properties is between owners and occupiers.  Prior to the finalisation of The Telopea Precinct proposal to rezone the affected properties, a consultation program with the community was undertaken between 13 October 2017 and 24 November 2017, this included meeting with stakeholders, workshops, presentations, pop-up stalls and community events such as BBQ's. The outcome of this consultation program is located within the Community Engagement Summary Report submitted with the Proposal to the DPIE.
<b>Property Values</b> <ul style="list-style-type: none"> <li>• Loss of Property Values</li> <li>• Easement reduces property values of burdened site</li> </ul>	Property values are not a matter of consideration under Section 4.15 of the EP&A Act.

## 17. Public interest

For reasons discussed throughout this report, the proposal would be contrary to the public interest.

## 18. Conclusion

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

Having regard to the assessment of the proposal from a merit perspective, Council officers are not satisfied that the development has considered its impacts, in particular the on-site stormwater management. The proposal as amended has also not properly contemplated the technical non-compliances to the maximum height and FSR for the site. The proposal has not demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

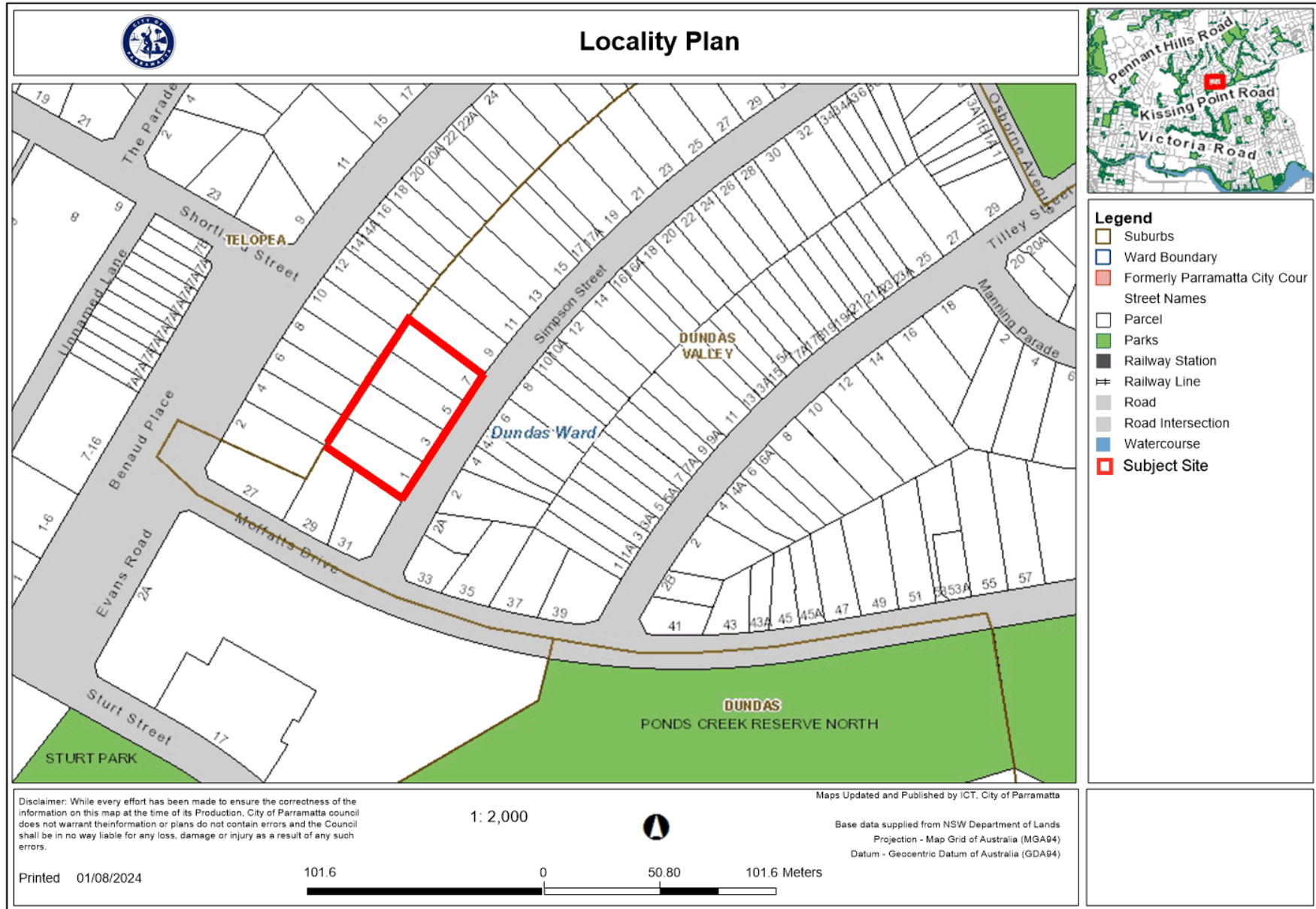
For these reasons, it is considered that the proposal is **not** satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is recommended for refusal.

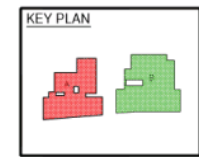
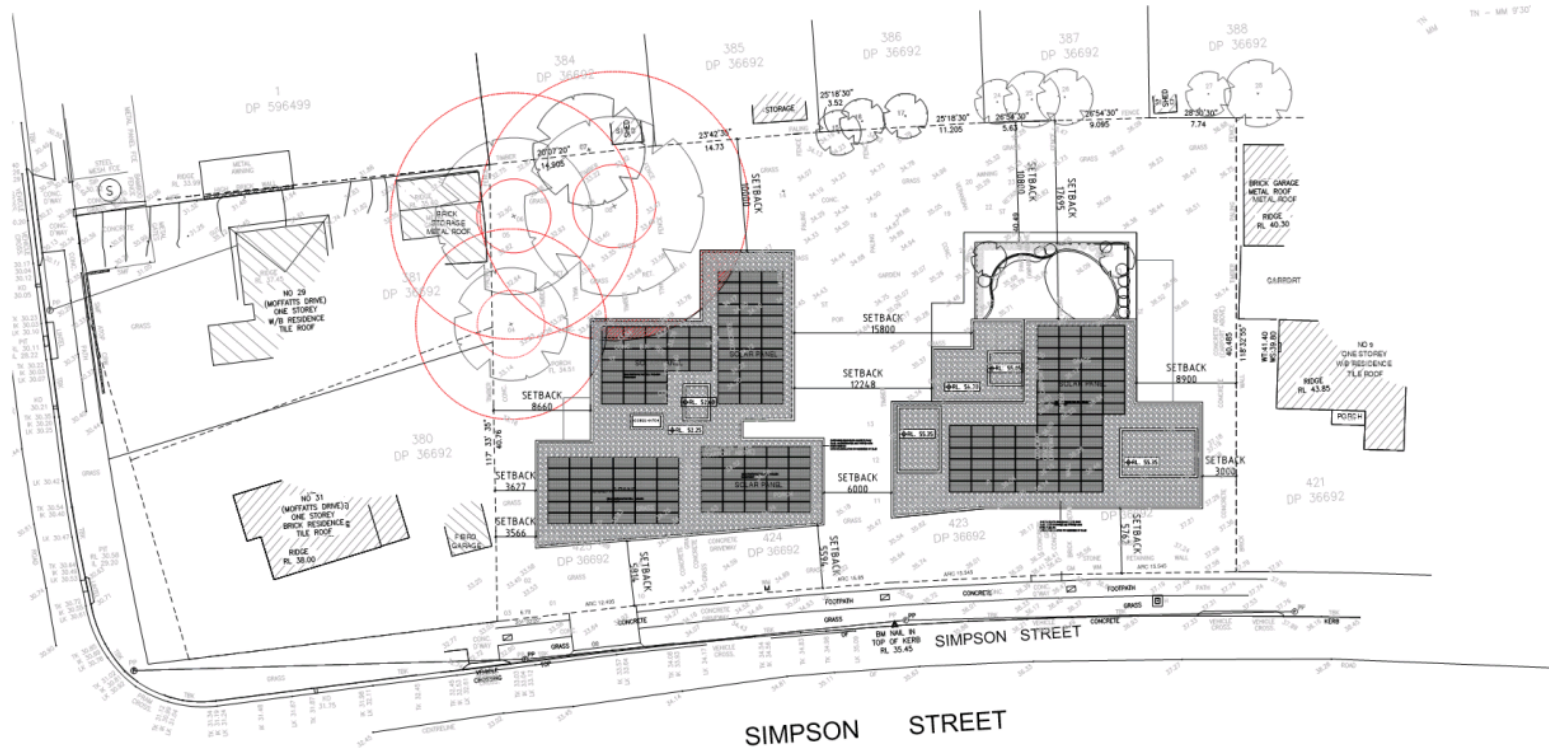
Page 32 of 33

## 19. Recommendation

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

- A. **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, **refuse** development consent to DA/373/2023 for the demolition, tree removal and construction of two residential flat buildings with basement car parking, for the following reasons:
1. Written consent from the owners of 29 Moffatts Drive, Telopea has not been provided in accordance with Clause 23 and Clause 24 of the Environmental Planning and Assessment Regulations 2021.
  2. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development:
    - a) Design Quality Principles: Principle 4 Sustainability
    - b) Apartment Design Guide: 4G Storage
    - c) Apartment Design Guide: 4N Roof Design
    - d) Apartment Design Guide: 4U Energy efficiency
    - e) Apartment Design Guide: 4V Water management and conservation
  3. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Local Environmental Plan 2011:
    - a) Clause 1.2 – the development is inconsistent with the aims of Parramatta Local Environmental Plan 2011
    - b) Clause 2.3 - the development is inconsistent with the zone objectives of the R4 High Density Residential zone
    - c) Clause 4.3 – the proposed height exceeds the maximum height for the site
    - d) Clause 4.4 – the proposed FSR exceeds the maximum FSR for the site
    - e) Clause 4.6 – a Clause 4.6 variation has not been submitted that assess the impacts of the departures to the height and FSR of the amended development.
    - f) Clause 6.5 – the development has not demonstrated that it has provided the development with a satisfactory on-site stormwater management
    - g) Clause 6.7 - the application has not demonstrated that there is sufficient stormwater drainage / on site conservation system.
  4. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Development Control Plan 2011:
    - a) Section 2.4.3 Soil Management
    - b) Section 3.1.3 Building Height
    - c) Section 3.1.3 Floor Space Ratio
    - d) Section 3.3.6 Water Sensitive Urban Design
    - e) Section 4.3.9.2 Telopea Precinct - Development and Design - (C21 retaining walls) and (C26 retaining walls).
    - f) Section 4.3.9.4 Telopea Precinct - Sustainability - Vertical Facades, Solar light reflectivity (glare) and WSUD.
  5. The proposal fails to satisfy the relevant considerations under Section 4.15(1)(c) Environmental Planning and Assessment Act 1979 for built environment and suitability of the site.
  6. The proposal fails to satisfy the relevant considerations under Section 4.15(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts generated by the development due to non-compliances with the applicable planning controls is not beneficial for the local community and as such, is not in the wider public interest.
- B. **That** Council advise those who made a submission of the determination.





The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	23.04.24
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	23.04.24

NBN Arch. & Urb. Des.  
 Paul J. Mozza MP/IA C/PP 3548/RU AB AIA 12160  
 BH MSc/Arch in association 7129

**Project:**  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
 1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
 CIVIL: CITLINK CONSTRUCTIONS PTY LTD

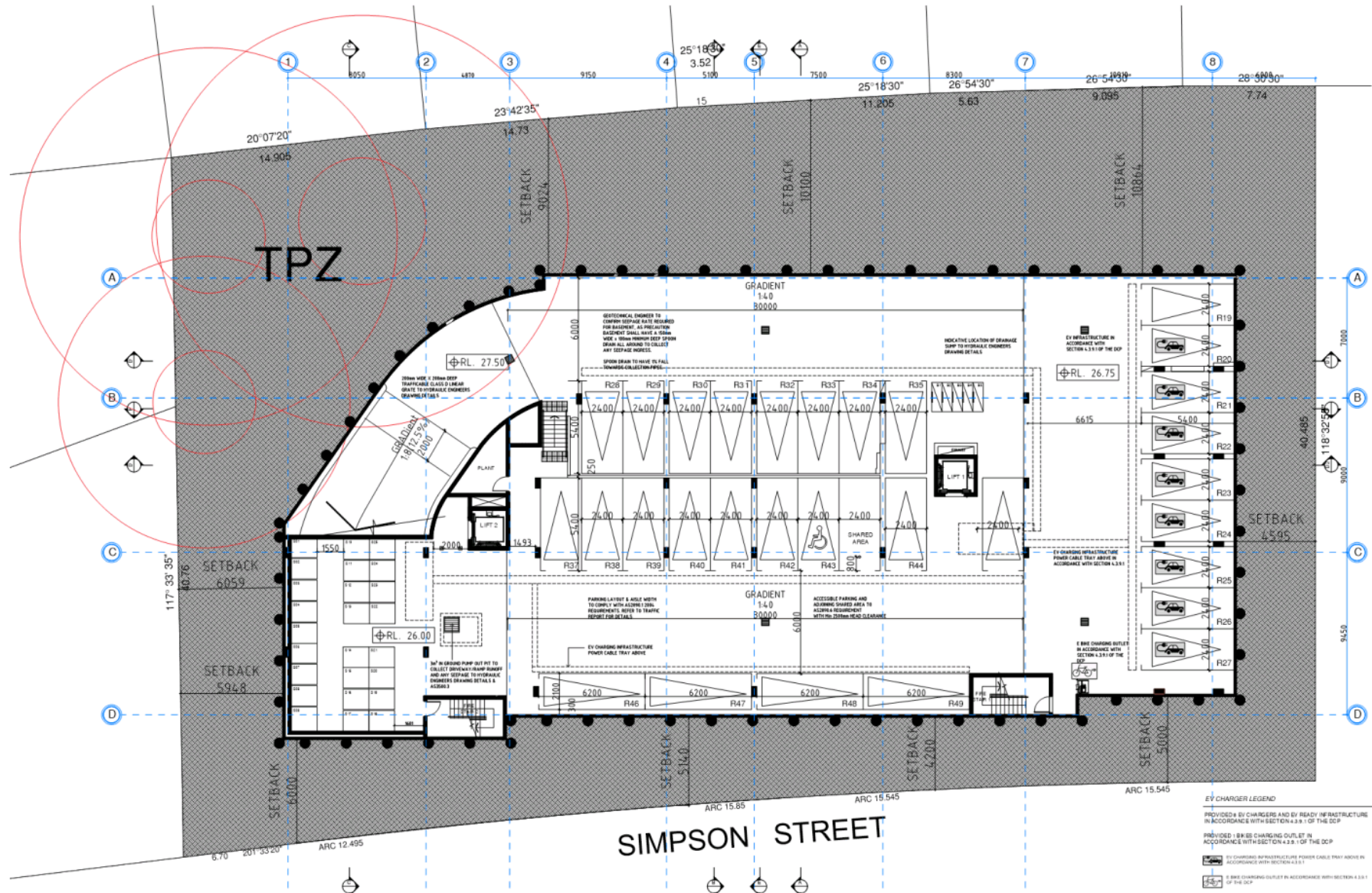
P (02) 9909 2131 | Suite 7 Level 1,  
 E oneoff@urbanistica.com.au | 357 Military Road,  
 W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

Drawing Title		Revision	
SITE PLAN		ADA000	
Project No:	19549	Sheet No.:	A3
Date:	23.04.24	Drawn By:	CMU
Scale:	1:200 @A1:1:400@A3	Status:	ADA
This document is copyright. All rights reserved. Copyright © 2024		Revision: F	

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024





The drawings are subject to copyright and is not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters, unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	21.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	28.04.24

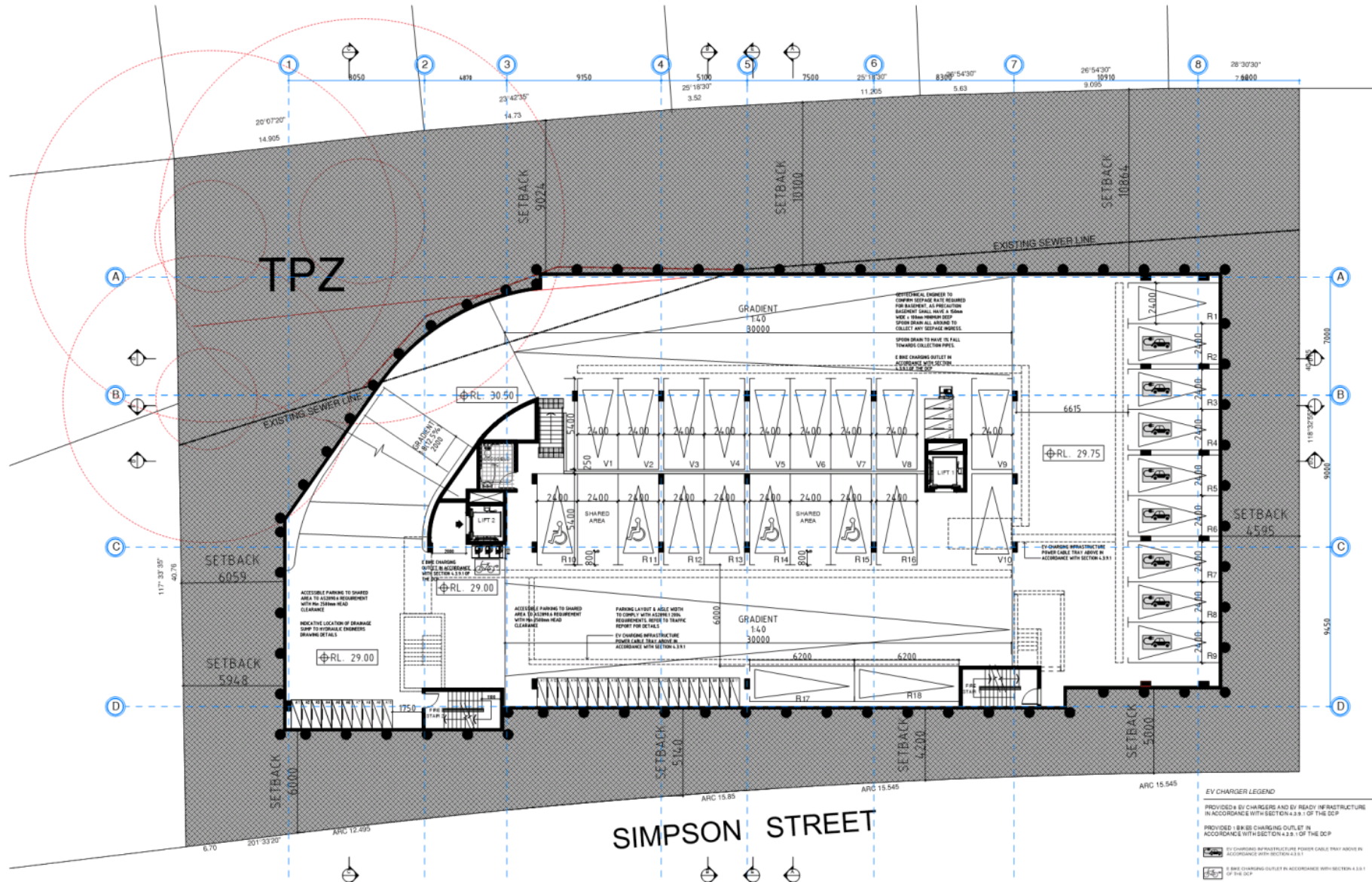
Nth Arch. & Urb. Des.  
 Paul J. Mozza MP/IA C/PP 3548/BU AF AIA 12160  
 Bill Mitchell in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
 PROPOSED MEDIUM DENSITY DEVELOPMENT  
 1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
 CIVIL: CUTLINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 Eoneoff@urbanistica.com.au | 357 Military Road,  
 Wurbanistica.com.au | Mosman NSW 2088  
**urbanistica**  
 architecture • urban design • interiors

Drawing Title		Revision	
<b>BASEMENT 2 FLOOR PLAN</b>		<b>ADA01</b>	
Project No:	19549	Sheet No.:	A3
Date:	23.04.24	Drawn By:	CMJ
Scale:	1:300 @ A1:1/200 @ A3	Status:	ADA
This document is copyright. All rights reserved. Copyright © 2024			

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	23.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	23.04.24

With Arch. & Urb. Des.  
 Paul J. Mezza MP/IA C/PF 3548/RU AF AIA 12160  
 Bill Mitchell in association 7129

**Project:**  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
 1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
 CIVIL: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 Eoneoff@urbanistica.com.au | 357 Military Road,  
 Urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

Drawing Title		Revision	
<b>BASEMENT 1 FLOOR PLAN</b>		<b>ADA02</b>	
Project No: 19549	Sheet No: A3	Drawn By: CMU	Revision: F
Date: 23.04.24	Scale: 1:100 @ A1:1:200 @ A3	Status: ADA	
This document is copyright. All rights reserved. Copyright © 2024			

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



The drawings are subject to copyright and is not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	23.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	23.04.24

NBN Arch. & Urb. Des.  
 Paul J Mazzo MP/IA C/PP 3548/RU AB AIA 12160  
 BH MSc/Urbanistica in association 7129

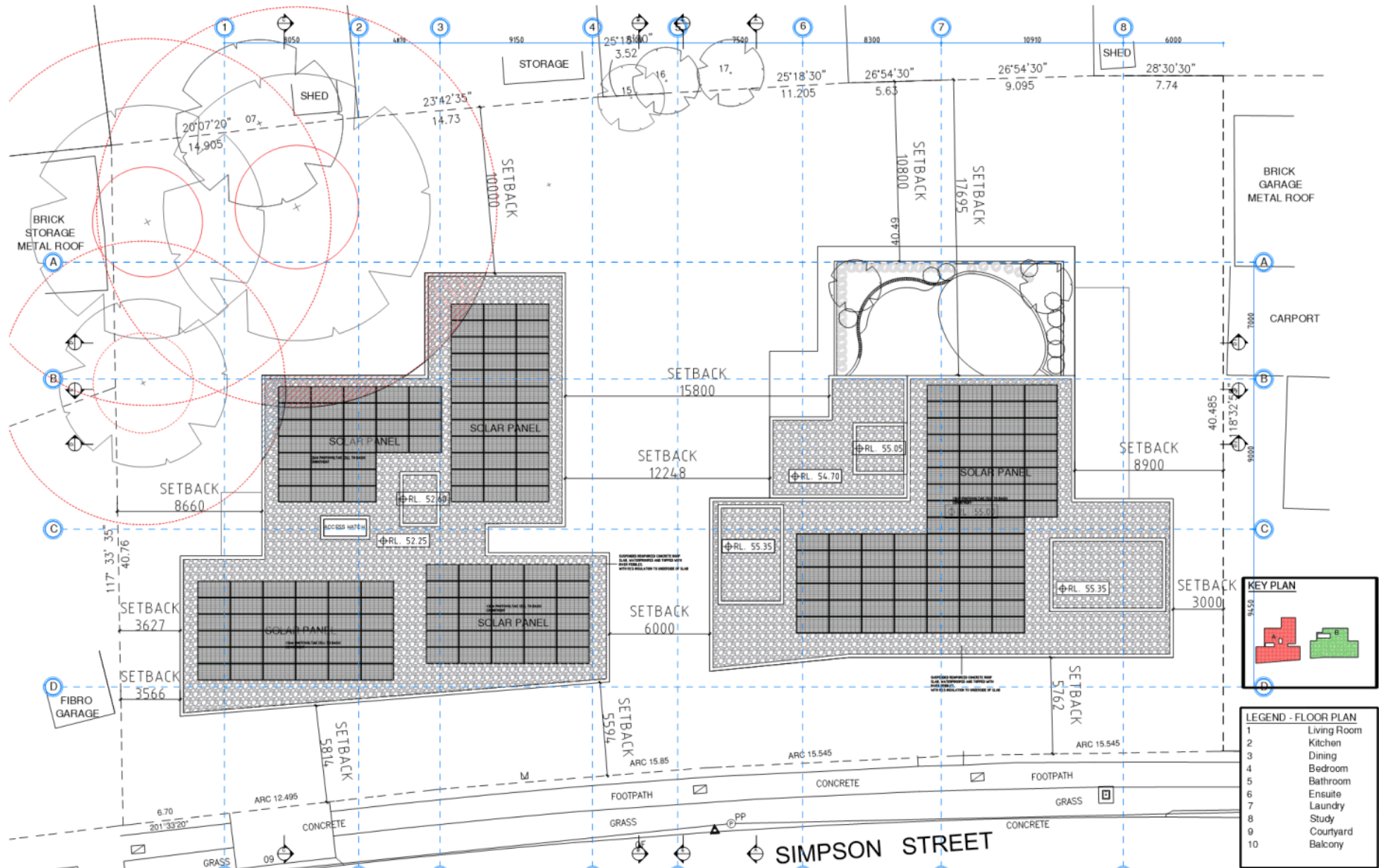
**Project:**  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
 1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
 CIVIL: CITLINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 Eoneoff@urbanistica.com.au | 357 Military Road,  
 Wurbanistica.com.au | Mosman NSW 2088  
**urbanistica**  
 architecture • urban design • interiors

**Drawing Title:**  
**PROPOSED LOWER GROUND FLOOR PLAN**  
**WITH EASEMENT DIAGRAM ON SITE**  
 Project No: 19549  
 Date: 23.04.24  
 Scale: 1:200 @A1:1:400@A3  
 Sheet No: A3  
 Drawn By: CMU  
 Status: ADA  
 This document is copyright. All rights reserved. Copyright © 2024

ADA03  
 Revision: F

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



LEGEND - FLOOR PLAN	
1	Living Room
2	Kitchen
3	Dining
4	Bedroom
5	Bathroom
6	Ensuite
7	Laundry
8	Study
9	Courtyard
10	Balcony

The drawings is subject to copyright and is not to be used or reproduced for the purposes other than the construction of the subject site within the consent of Urbanistica Pty. Ltd. Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters, unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	23.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	23.04.24

Nth Arch. & Urb. Des.  
Paul J. Mozza MP/CA C/PP 3548/RU AB AIA 12160  
Btl Mktplaces in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1/7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Civil: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
Eoneoff@urbanistica.com.au | 357 Military Road,  
Wurbanistica.com.au | Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

Drawing Title		Revision	
ROOF PLAN		ADA10	
Project No:	19549	Sheet No.:	A3
Date:	23.04.24	Drawn By:	CMU
Scale:	1:300 @A1:1:200@A3	Status:	ADA
This document is copyright. All rights reserved.		Copyright © 2024	

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024



The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty Ltd.  
Do not scale off drawings. Figure dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A	Issue for Development Application		21.04.23
E	Issue for Amended Development Application		08.11.23
F	Issue for Amended Development Application		20.04.24

Norm Arch. & Urb. Des.  
Paul J Macra MP/CA CPP 35488/02 All AIA 12/10  
BB Mstrules in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
E oneoff@urbanistica.com.au | 357 Military Road,  
W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

Drawing Title  
**SOUTH EASTERN (SIMPSON STREET)**  
**ELEVATION**

Project No: 19549  
Date: 20.04.24  
Scale: 1:100 (A1/1:200)(A3)

Sheet size: A3  
Drawn by: CMJ  
Status: ADA  
Revision: F

ADA11  
Revision: F

This document is copyright. All rights reserved. Copyright © 2024

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024



<p>The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd. Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.</p>	<p>REVISION</p> <table border="1"> <tr> <th>Issue</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>A</td> <td>Issue for Development Application</td> <td>21.04.23</td> </tr> <tr> <td>E</td> <td>Issue for Amended Development Application</td> <td>08.11.23</td> </tr> <tr> <td>F</td> <td>Issue for Amended Development Application</td> <td>25.04.24</td> </tr> </table>	Issue	Description	Date	A	Issue for Development Application	21.04.23	E	Issue for Amended Development Application	08.11.23	F	Issue for Amended Development Application	25.04.24	<p>Project:</p> <p><b>AMENDED DEVELOPMENT APPLICATION</b>  <b>PROPOSED MEDIUM DENSITY DEVELOPMENT</b></p>	<p>P (02) 9909 2131   Suite 7 Level 1,          E oneoff@urbanistica.com.au   357 Military Road,          W urbanistica.com.au   Mosman NSW 2088</p>	<p>Drawing Title</p> <p><b>NORTHWESTERN (REAR) ELEVATION</b></p>
	Issue	Description	Date													
A	Issue for Development Application	21.04.23														
E	Issue for Amended Development Application	08.11.23														
F	Issue for Amended Development Application	25.04.24														
<p>Non Arch. &amp; Udb. Des.          Paul J Macra MP/PA CPP 35488/02 All AIA 12/10          BB M/Architect in association 7129</p>	<p>Client: CITILINK CONSTRUCTIONS PTY LTD</p>	<p>1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692</p>	<p><b>urbanistica</b>          architecture • urban design • interiors</p>	<p>Project No: 19549          Date: 20.04.24          Scale: 1:100 (A/A1/1:200)(A3)</p> <p>Sheet size: A3          Drawn By: CMJ          Status: ADA          Copyright © 2024</p> <p><b>ADA12</b>          Revision: F</p>												

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024



The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A		Issue for Development Application	21.04.23
E		Issue for Amended Development Application	08.11.23
F		Issue for Amended Development Application	25.04.24

Norm Arch. & Urb. Des.  
Paul J Macra MP/IA CPP 35488/02 AIA AIA 12160  
BB Architects in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
E oneoff@urbanistica.com.au | 357 Military Road,  
W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

Drawing Title <b>NORTHEASTERN (SIDE ELEVATION)</b>		Sheet size: A3		Revision: F
Project No: 19549	Date: 20.04.24	Drawn By: CMJ	Status: ADA	
Scale: 1:100 (BA1/1200)BA3	This document is copyright. All rights reserved.		Copyright © 2024	

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024





The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A	Issue for Development Application		21.04.23
E	Issue for Amended Development Application		08.11.23
F	Issue for Amended Development Application		23.04.24

Norm Arch. & Linc. Des.  
 Paul J Mazza MPFA CPP 3548RUJ AII AIA 12160  
 BB Miscellaneous in association 7129

Project :  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
 1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
 Client : CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 E oneoff@urbanistica.com.au | 357 Military Road,  
 W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

Drawing Title  
**SECTION AA**  
**(SOUTH-EASTERN INTERNAL ELEVATION)**

Project No: 19549  
 Date: 23.04.24  
 Scale: 1:100 @A1/1:200@A3  
 This document is copyright. All rights reserved.

Sheet size: A3  
 Drawn By: CMJ  
 Status: ADA  
 Copyright © 2024

**ADA15**  
 Revision: F

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



<p>The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty Ltd. Do not scale off drawings. Figure dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.</p>	<p>REVISION</p> <table border="1"> <tr> <th>Issue</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>A</td> <td>Issue for Development Application</td> <td>21.04.23</td> </tr> <tr> <td>E</td> <td>Issue for Amended Development Application</td> <td>08.11.23</td> </tr> <tr> <td>F</td> <td>Issue for Amended Development Application</td> <td>20.04.24</td> </tr> </table> <p>Non Arch. &amp; Utd. Des. Paul J Marzta MPVA CPF 35488102 All AIA 12110 BB Minutes in association 7129</p>	Issue	Description	Date	A	Issue for Development Application	21.04.23	E	Issue for Amended Development Application	08.11.23	F	Issue for Amended Development Application	20.04.24	<p>Project:</p> <p><b>AMENDED DEVELOPMENT APPLICATION</b> <b>PROPOSED MEDIUM DENSITY DEVELOPMENT</b></p> <p>1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692</p> <p>Client: CITILINK CONSTRUCTIONS PTY LTD</p>	<p>P (02) 9909 2131   Suite 7 Level 1, E oneoff@urbanistica.com.au   357 Military Road, W urbanistica.com.au   Mosman NSW 2088</p> <p><b>urbanistica</b> architecture • urban design • interiors</p>	<p>Drawing Title</p> <p><b>SECTION BB</b> <b>(NORTH-EASTERN INTERNAL ELEVATION)</b></p> <p>Project No: 191549 Date: 22.04.24 Scale: 1:100 (BA1/1:200) (A3)</p> <p>Sheet size: A3 Drawn By: CMJ Status: ADA Status: ADA</p> <p>This document is copyright. All rights reserved. Copyright © 2024</p>
	Issue	Description	Date													
A	Issue for Development Application	21.04.23														
E	Issue for Amended Development Application	08.11.23														
F	Issue for Amended Development Application	20.04.24														
<p>Document Set ID: 59156 Version: 1, Version Date: 01/08/2024</p>	<p>ADA16 Revision: F</p>															



The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figure dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
Issue	Description	
A	Issue for Development Application	21.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	23.04.24

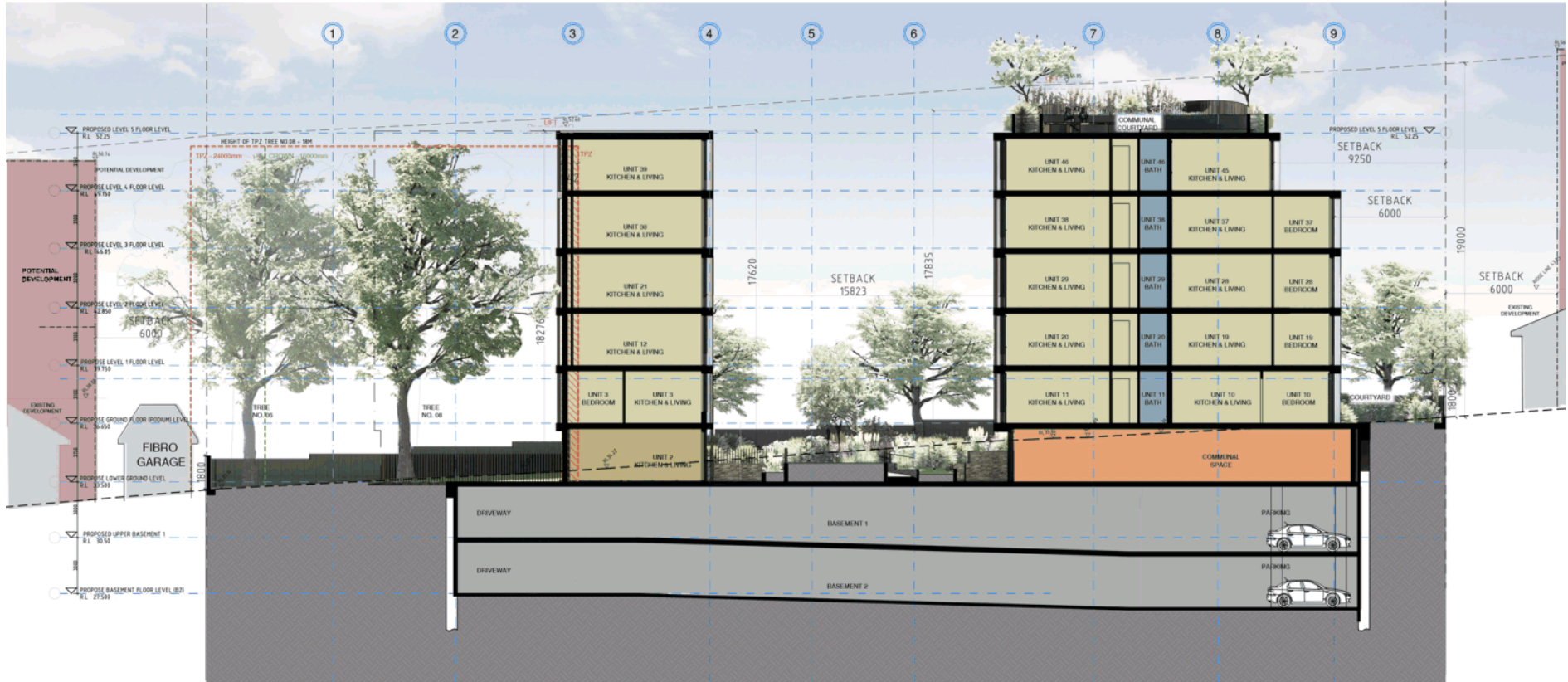
Nomin. Arch. & Ldb. Des.  
 Paul J Maczka MPFA CPY 35488RU AIA AIA 12150  
 BR Miscellaneous in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
 1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
 Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 E oneoff@urbanistica.com.au | 357 Military Road,  
 W urbanistica.com.au | Mosman NSW 2088  
**urbanistica**  
 architecture • urban design • interiors

Drawing Title		Project No:		Sheet size:		Scale:		Status:		Revision:	
SECTION CC		19549		A3		1:100 @A1:1:200@A3		ADA		F	
		23.04.24		CMA		This document is copyright. All rights reserved. Copyright © 2024					

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A	Issue for Development Application		21.04.23
E	Issue for Amended Development Application		08.11.23
F	Issue for Amended Development Application		29.04.24

Non Arch. & Udb. Des.  
Paul J. Mazza MPA CPP 3548RU AIA 12150  
BB Mhoulas in association 7199

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

Date:  
21.04.23  
08.11.23  
29.04.24

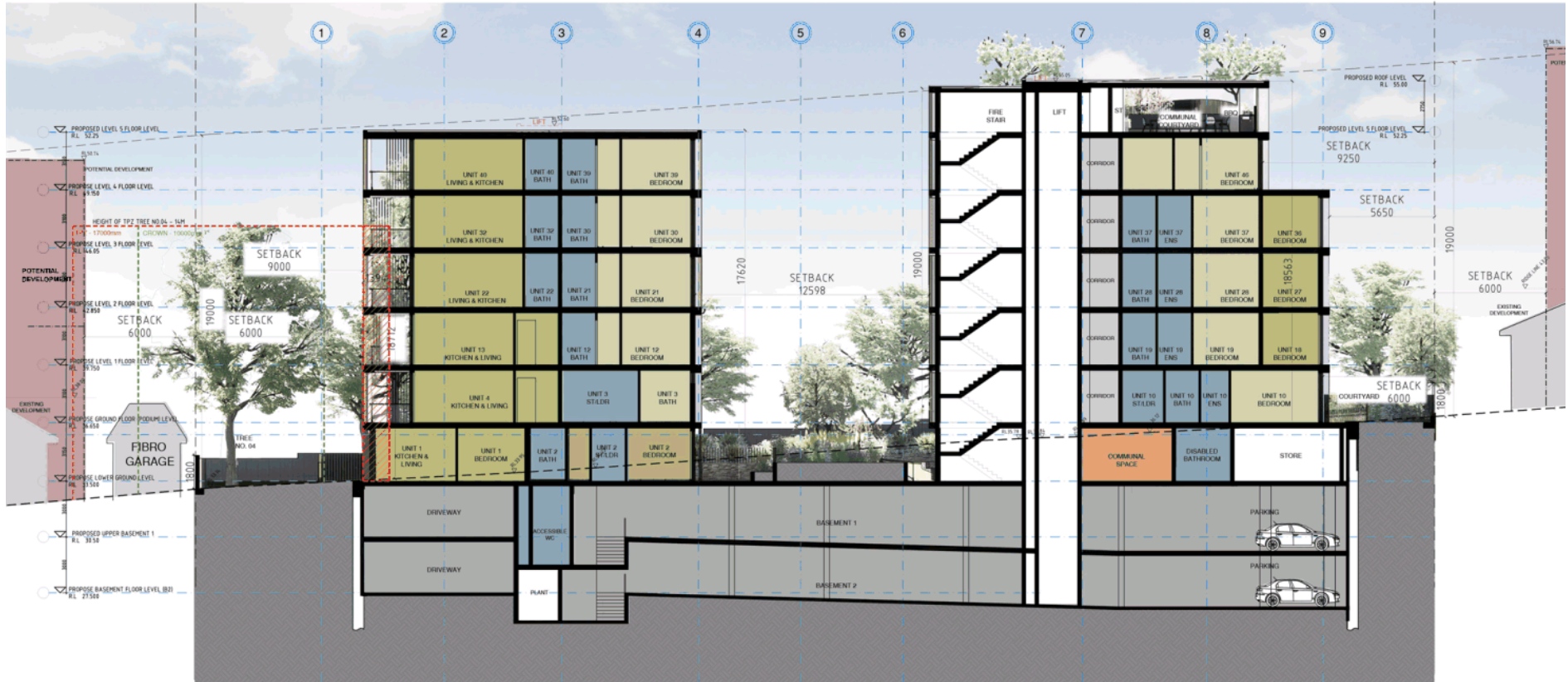
1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
Client: CITLINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
E oneoff@urbanistica.com.au | 357 Military Road,  
W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

Drawing Title <b>SECTION DD1</b>		Project No: 18549		Sheet size: A3	
Date: 23.04.24		Date: 23.04.24		Drawn By: CMJ	
Scale: 1:100 @A1:1:200@A3		Status: ADA		Revision: F	
This document is copyright. All rights reserved.		Copyright © 2024		ADA18A	

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024



The drawings is subject to copyright and is not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figure dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A		Issue for Development Application	21.04.23
E		Issue for Amended Development Application	08.11.23
F		Issue for Amended Development Application	29.04.24

Nam Arch. & Urb. Des.  
 Paul J Macza MPA CPP 3548RU AII AIA 1210  
 BB1 Mtroutes in association 7129

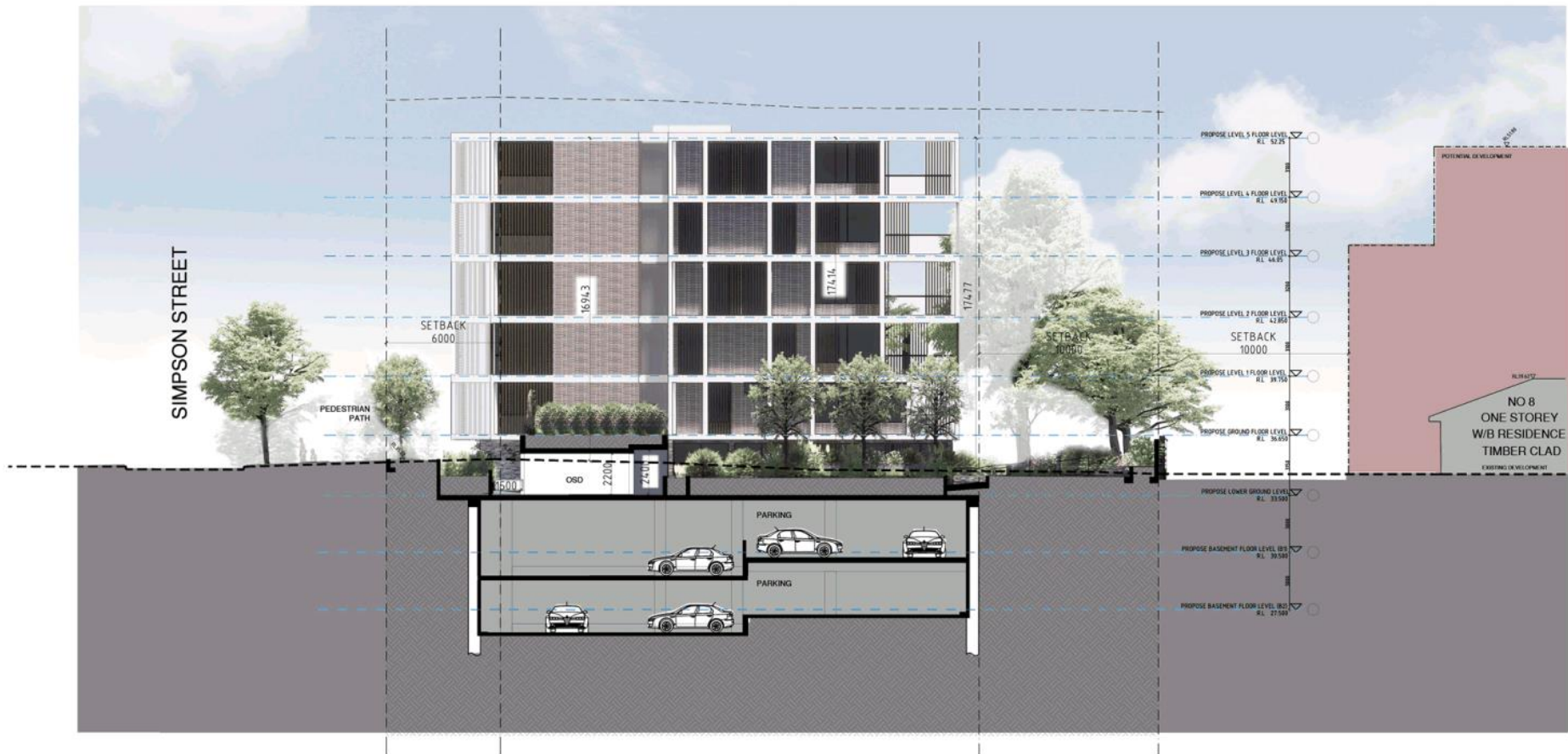
Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
 1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
 Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 Eoneof@urbanistica.com.au | 357 Military Road,  
 Wurbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

Drawing Title		Revision	
<b>SECTION DD2</b>		<b>ADA18B</b>	
Project No:	19549	Sheet size:	A3
Date:	23.04.24	Drawn By:	CMJ
Scale:	1:100 @A1(1:200)@A3	Status:	ADA
This document is copyright. All rights reserved.		Copyright:	© 2024

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figure dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A	Issue for Development Application		21.04.23
E	Issue for Amended Development Application		08.11.23
F	Issue for Amended Development Application		23.04.24

Norm Arch: K. Lim, Des.  
 Paul J. Macca MPFA CP9 35488UJ AIA AIA 12160  
 Bill Mitchell in association 7199

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9999 2131 | Suite 7 Level 1,  
 E oneoff@urbanistica.com.au | 357 Military Road,  
 W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

Drawing Title  
**INTERNAL ELEVATION SECTION EE**  
**(NORTHEASTERN)**

Project No: 19540  
 Date: 23.04.24  
 Scale: 1:100 @A3/1:200@A3  
 This document is copyright. All rights reserved.

Sheet size: A3  
 Drawn by: CMJ  
 Status: ADA  
 Copyright © 2024

**ADA19**  
 Revision: F

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A	Issue for Development Application		21.04.23
E	Issue for Amended Development Application		08.11.23
F	Issue for Amended Development Application		23.04.24

Non-Arch. & Utd. Des.  
Paul J Mazza MPVA CPP 35488RJ AIA AIA 12160  
Bill Minoules in association 7199

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

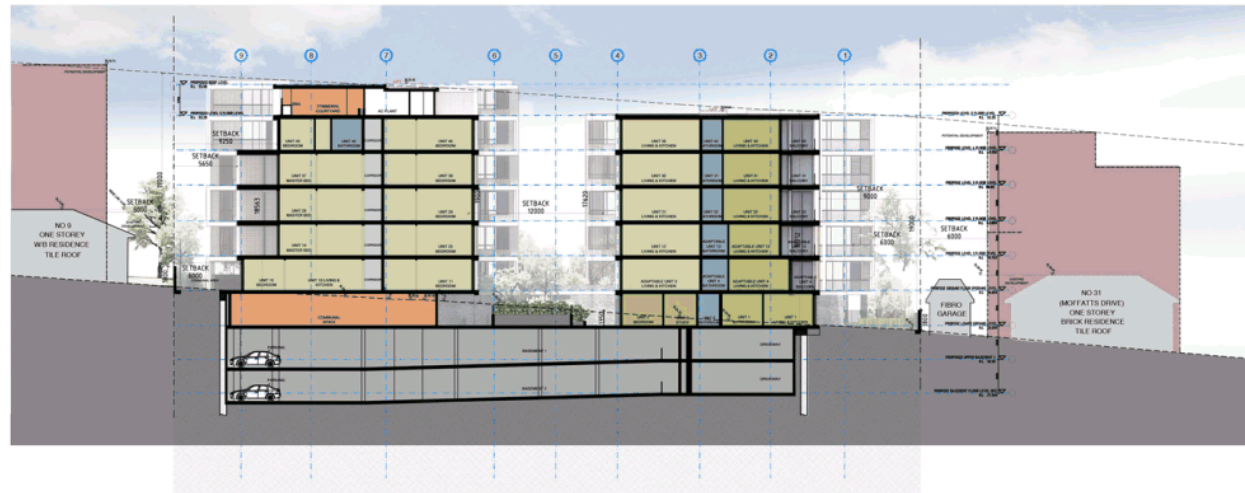
P (02) 9909 2131 | Suite 7 Level 1,  
Eoneoff@urbanistica.com.au | 357 Military Road,  
Wurbanistica.com.au | Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

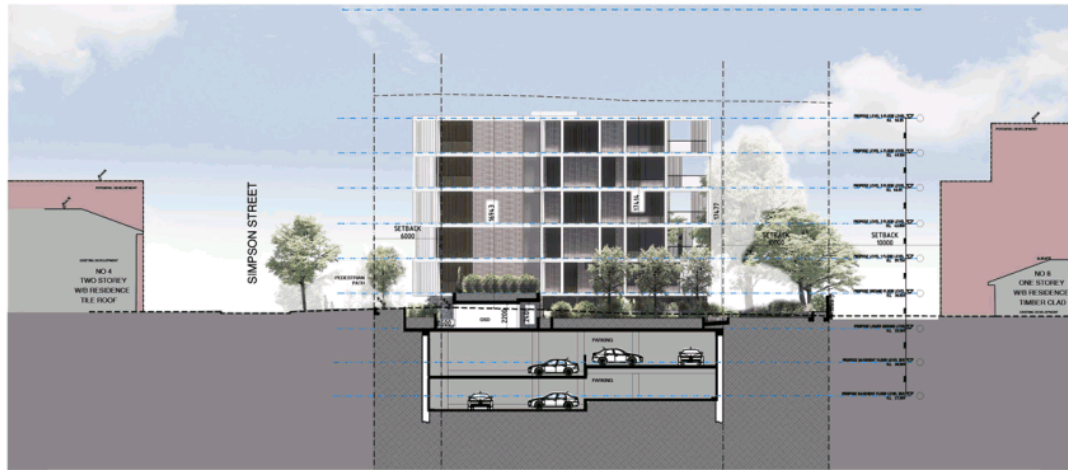
Drawing Title		Project No:		Sheet No:	
<b>INTERNAL ELEVATION SECTION FF</b> <b>NORTH WESTERN</b>		10540		A3	
		23.04.24		Drawn By: CMJ	
		Scale: 1:100 @A1:1.200@A3		Status: ADA	
		This document is copyright. All rights reserved.		Copyright © 2024	

ADA20  
Revision: F

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024



INTERNAL ELEVATION (NORTH WEST)



INTERNAL ELEVATION (NORTHEASTERN)

The drawings is subject to copyright and is not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A	Issue for Development Application		21.04.23
E	Issue for Amended Development Application		08.11.23
F	Issue for Amended Development Application		23.04.24

Non-Arch. & L&L. Des.  
Paul J Mazza MPA CPP 35488U All AIA 12160  
BB Miscellaneous in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
Eoneoff@urbanistica.com.au | 357 Military Road,  
Wurbanistica.com.au | Mosman NSW 2088

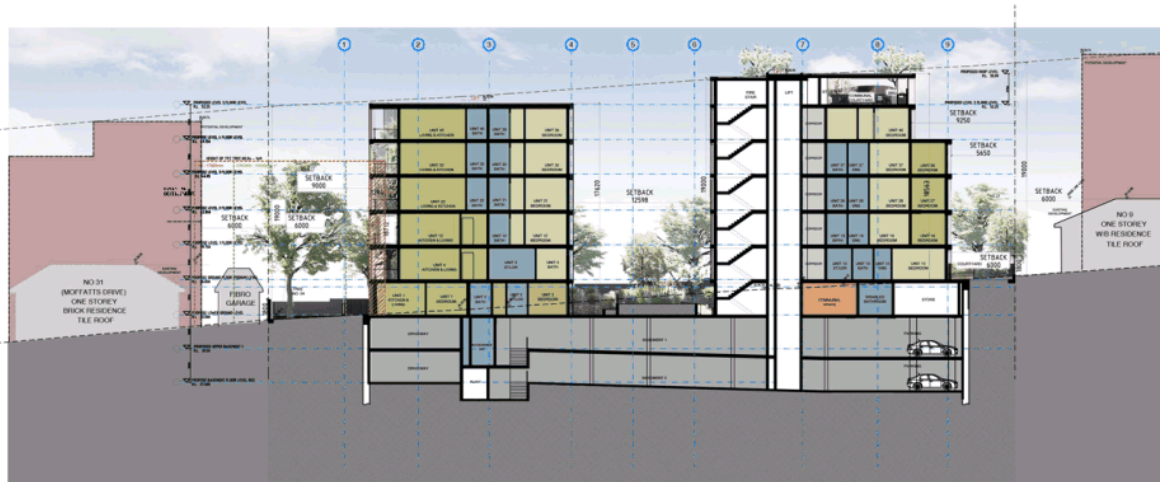
**urbanistica**  
architecture • urban design • interiors

Drawing Title		Project No:		Sheet size:	
<b>INTERNAL ELEVATION WITH EXISTING &amp; FUTURE POTENTIAL DEVELOPMENT ON ADJACENT PROPERTIES</b>		19549		A3	
		23.04.24		CMA	
		1:200 @A1/1:400@A3		ADA	
		This document is copyright. All rights reserved.		Copyright © 2024	

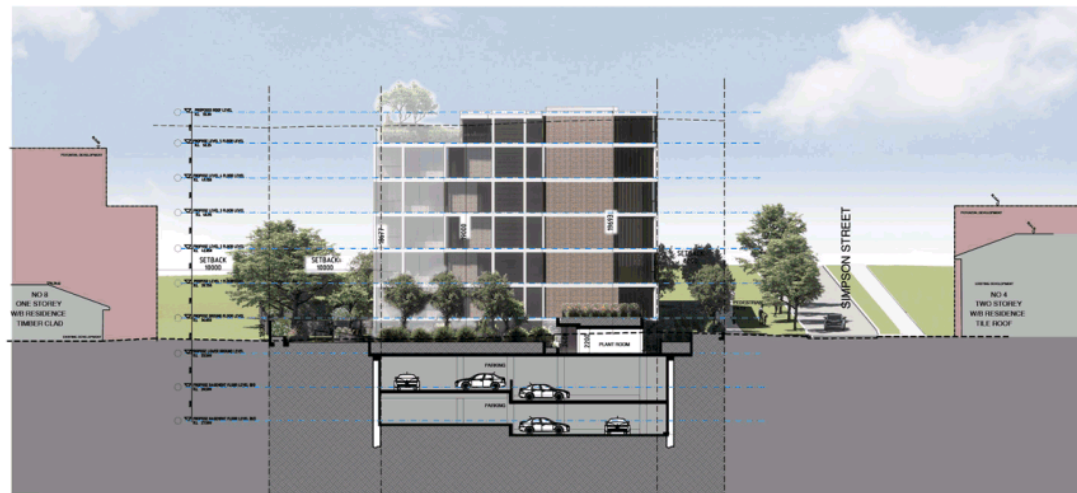
ADA21  
Revision: F

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024





INTERNAL ELEVATION (SOUTH EAST)



INTERNAL ELEVATION (SOUTH WESTERN)

The drawings is subject to copyright and is not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A	Issue for Development Application		21.04.23
E	Issue for Amended Development Application		08.11.23
F	Issue for Amended Development Application		23.04.24

Non Arch. & LMA. Des.  
Paul J Mazza MP/IA CPP 35486U AB AIA 12160  
BB Mitrovas in association 7129

Project :  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
Client : CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
Eoneoff@urbanistica.com.au 357 Military Road,  
Wurbanistica.com.au Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

Drawing Title		Project No:		Sheet size:	
<b>INTERNAL ELEVATION WITH EXISTING &amp; FUTURE POTENTIAL DEVELOPMENT ON ADJACENT PROPERTIES</b>		19549		A3	
Date:		23.04.24		Drawn by: CMJ	
Scale:		1:200 @A1/1:400@A3		Status: ADA	
This document is copyright. All rights reserved.		Copyright © 2024		Revision: F	

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024



The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	21.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	25.04.24

Norm Arch. & Urb. Des.  
 Paul J Macra MP/IA CPP 35488/03 AII AIA 12160  
 BB Architects in association 7129

**Project:**  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 E oneoff@urbanistica.com.au | 357 Military Road,  
 W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

**Drawing Title**  
**SOUTH EASTERN (SIMPSON STREET)**  
**INTERNAL ELEVATION**

Project No: 191549  
 Date: 20.04.24  
 Scale: 1:100 (B/A1:1:200)(B/A3)

Sheet size: A3  
 Drawn By: CMJ  
 Status: ADA  
 Revision: F

ADA23  
 This document is copyright. All rights reserved. Copyright © 2024

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A	Issue for Development Application		21.04.23
E	Issue for Amended Development Application		08.11.23
F	Issue for Amended Development Application		25.04.24

Norm Arch. & Urb. Des.  
 Paul J Macra MP/IA CPP 35488/02 AII AIA 12160  
 BB Mstrules in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 E oneoff@urbanistica.com.au | 357 Military Road,  
 W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

Drawing Title <b>NORTHWESTERN (REAR) INTERNAL ELEVATION</b>		Sheet Size: A3		Revision: F
Project No: 19549	Date: 20.04.24	Drawn By: CMJ	ADA24	
Scale: 1:100 (BA1/1:200)(BA3)	Status: ADA	Revision: F		

This document is copyright. All rights reserved. Copyright © 2024

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



STREETSCAPE PERSPECTIVE FROM RIGHT



STREETSCAPE PERSPECTIVE FROM LEFT

The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	21.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	23.04.24

Norm Arch. & Urb. Des.  
Paul J Marzta MP/CA CP/135488/02 All AIA 12/10  
BB Mhzules in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION  
PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
E oneoff@urbanistica.com.au | 357 Military Road,  
W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

Drawing Title		Revision	
<b>VISUAL PERSPECTIVE VIEW STREETSCAPE PERSPECTIVE</b>		<b>IN01</b>	
Project No: 191549	Sheet size: A3	Drawn By: CMJ	Revision: F
Date: 23.04.24	Scale: NTS	Status: ADA	Copyright: © 2024

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024



REAR PERSPECTIVE FROM LEFT



REAR PERSPECTIVE FROM RIGHT

The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty Ltd.  
 Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	21.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	20.04.24

Norm Arch. & Urb. Des.  
 Paul J Marzta MP/PA CPP 3548803 AIA AIA 12160  
 RB Mitchell in association 7129


Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

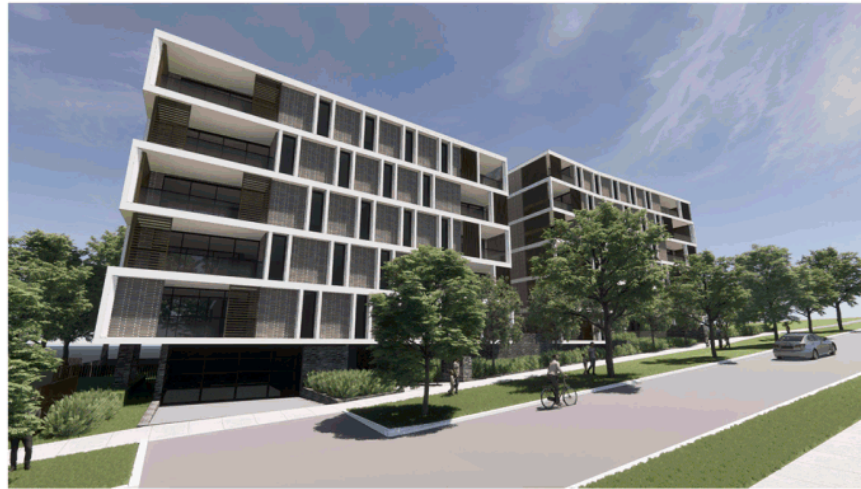
Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 E oneoff@urbanistica.com.au | 357 Military Road,  
 W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

Drawing Title <b>VISUAL PERSPECTIVE VIEW</b>		0 1 2m	
Project No: 191549	Sheet size: A3	 IN02 Revision: F	This document is copyright. All rights reserved. Copyright © 2024
Date: 20.04.24	Drawn By: CMJ		
Scale: NTS	Status: ADA		

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



FRONT PERSPECTIVE



REAR PERSPECTIVE



PERSPECTIVE OF BLOCK B



PERSPECTIVE OF BLOCK A

The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	21.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	20.04.24

Niam Arch. & Udb. Des.  
Paul J Macra MP/IA CPP 3548803 AIA AIA 12160  
BB Architects in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
E oneoff@urbanistica.com.au | 357 Military Road,  
W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

Drawing Title <b>VISUAL PERSPECTIVE VIEW</b>		Project No: 191549		Sheet size: A3	Revision: F
Date: 20.04.24		Scale: NTS	Drawn By: CMJ	IN03	
This document is copyright. All rights reserved. Copyright © 2024		Status: ADA		Revision: F	

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024



COURTYARD VIEW FROM BLOCK B TO A



COURTYARD VIEW FROM BLOCK A TO B

The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figure dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	21.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	23.04.24

Norm Arch. & Urb. Des.  
 Paul J. Mazza MP/CA CP/ 3548803 All AIA 12/10  
 RB Mhzules in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 E oneoff@urbanistica.com.au | 357 Military Road,  
 W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

Drawing Title: <b>VISUAL PERSPECTIVE VIEW COURTYARD</b>		0 1 2m	
Project No: 191549	Sheet No: A3	IN04	
Date: 20.04.24	Drawn By: CMJ	Revision: F	
Scale: NTS	Status: ADA	Copyright © 2024	
This document is copyright. All rights reserved.			

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024



PERSPECTIVE FROM BLOCK A TO B



PERSPECTIVE FROM BLOCK A TO B



REAR VIEW



PERSPECTIVE FROM BLOCK B TO A



PERSPECTIVE FROM PASSAGEWAY TO COMMUNITY SPACE



REAR VIEW

The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	21.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	25.04.24

Norm Arch. & Urb. Des.  
Paul J. Maizis MP/IA CPP 354880J All AIA 12160  
BB Architects in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
E oneoff@urbanistica.com.au | 357 Military Road,  
W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

Drawing Title		Revision	
<b>VISUAL PERSPECTIVE VIEW</b> <b>COMMUNAL SPACE</b>		<b>IN05</b>	
Project No: 191549	Sheet Size: A3	Drawn By: CMJ	Revision: F
Date: 20.04.24	Scale: NTS	Status: ADA	
This document is copyright. All rights reserved.		Copyright © 2024	

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024





The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings, any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	21.04.23
E	Issue for Amended Development Application	08.11.23
F	Issue for Amended Development Application	25.04.24

Norm Arch. & Urb. Des.  
Paul J Macra MP/IA CPP 3548802 AIA AIA 12160  
BB Mstrules in association 7129

Project:  
**AMENDED DEVELOPMENT APPLICATION  
PROPOSED MEDIUM DENSITY DEVELOPMENT**

1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692

Client: CITILINK CONSTRUCTIONS PTY LTD

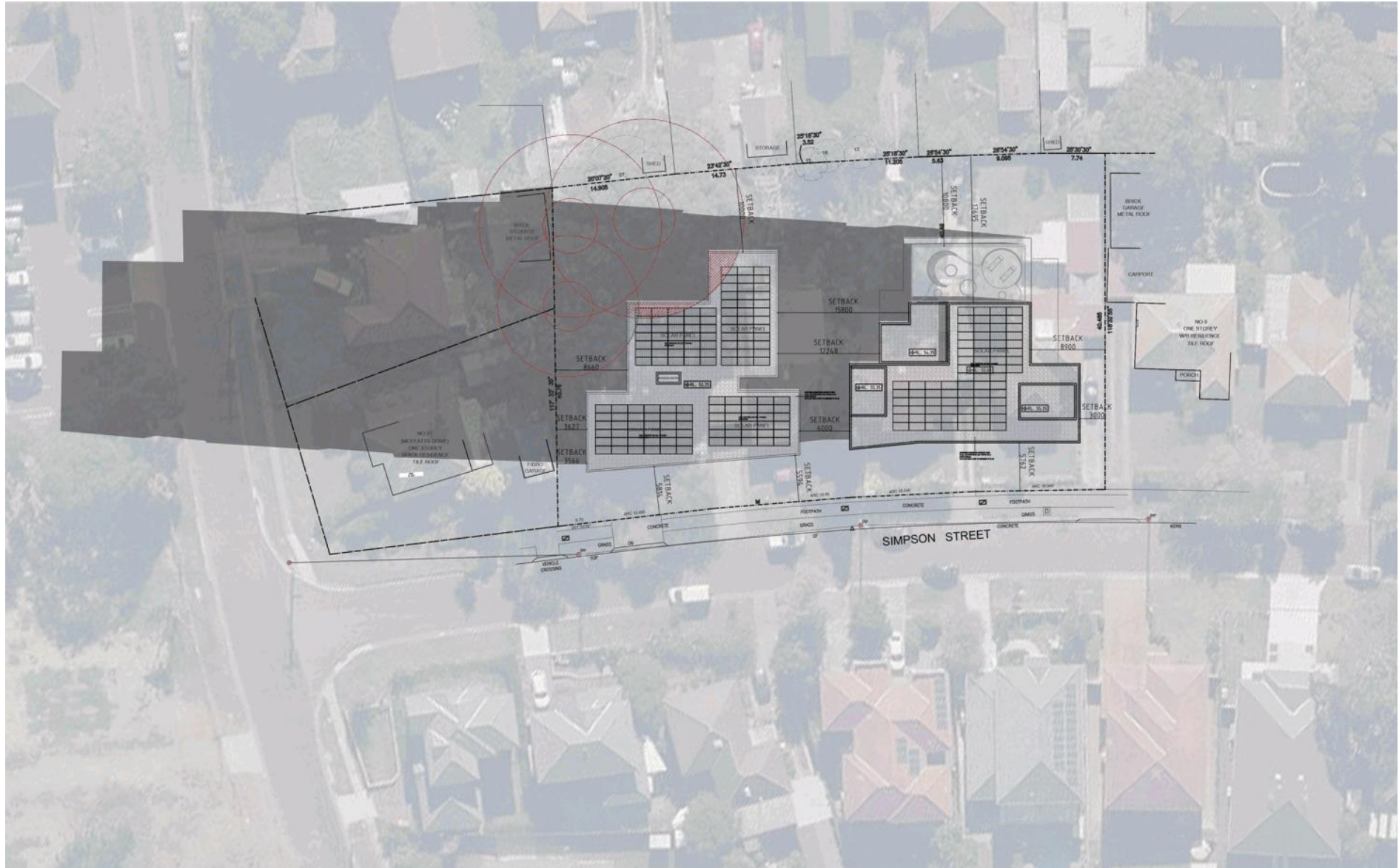
P (02) 9909 2131 | Suite 7 Level 1,  
E oneoff@urbanistica.com.au | 357 Military Road,  
W urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
architecture • urban design • interiors

Drawing Title		Revision	
<b>VISUAL PERSPECTIVE VIEW BLOCK B: TERRACE</b>		<b>IN06</b>	
Project No: 19549	Sheet size: A3	Drawn By: CMJ	Revision: F
Date: 20.04.24	Scale: NTS	Status: ADA	Copyright © 2024
This document is copyright. All rights reserved.			

Document Set ID: 59156  
Version: 1, Version Date: 01/08/2024





The drawings is subject to copyright and is not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION	Issue	Description	Date
A	Issue for Development Application		21.04.23
B	Issue for Review		15.09.23
C	Issue for Review		20.09.23
D	Issue for Amended Development Application		08.11.23

Nam Arch. & Utd. Des.  
 Paul J. Maize MPFA CPP 35488RU AIA AIA 12190  
 RB Melbourne in association 7129

Project :  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
 1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
 Client : CITLINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 E oneoff@urbanistica.com.au | 357 Military Road,  
 W urbanistica.com.au | Mosman NSW 2088

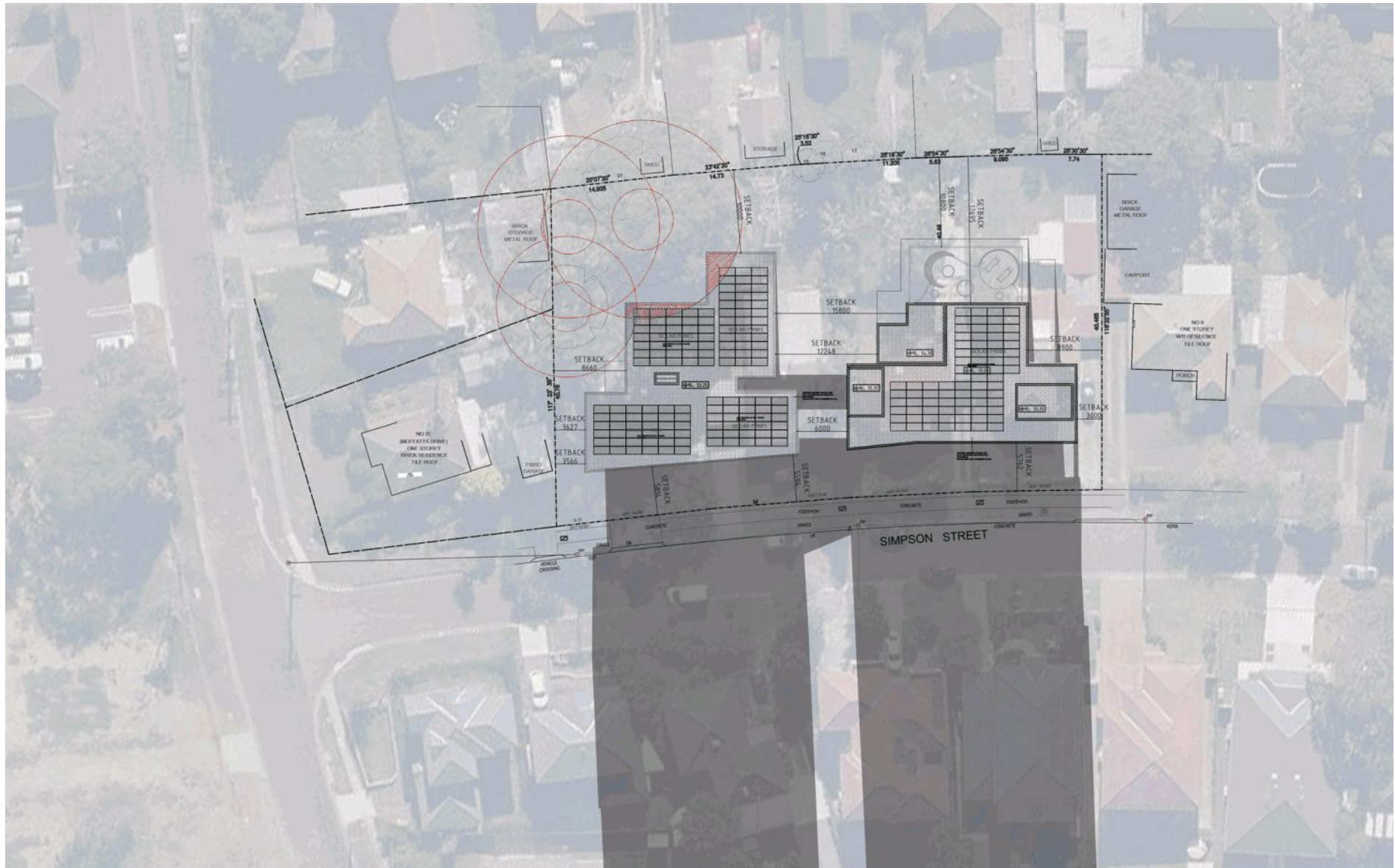
**urbanistica**  
 architecture • urban design • interiors

Drawing Title <b>PROPOSED SHADOW DIAGRAM</b>		Date <b>22 JUNE, 9 AM</b>			
Project No: 196549	Sheet size: A3	Drawn By: GMJ	Scale: 1:200 @A1:1:500@A3		
Date: 08.11.23	Drawn By: GMJ	Checked By: ADA	Scale: 1:200 @A1:1:500@A3		
This document is copyright. All rights reserved. Copyright © 2023		<table border="1"> <tr> <td>SD02</td> <td>Revision: D</td> </tr> </table>		SD02	Revision: D
SD02	Revision: D				

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024







The drawings are subject to copyright and are not to be used or reproduced for the purposes other than the construction of the subject building on the subject site without the consent of Urbanistica Pty. Ltd.  
 Do not scale off drawings. Figured dimensions take precedence. Large scale details take precedence over general and smaller scale drawings. Any discrepancies are to be reported to the Architect immediately. All dimensions are in millimeters unless noted otherwise. This drawing is not to be used for construction unless it is issued for construction. Ground levels may vary due to site conditions. All future work must be carried out in a workmanlike manner according to the construction practices of the Australian Standards and Regulations and to Council's consent or principal certifying authority.

REVISION		Date
A	Issue for Development Application	21.04.23
B	Issue for Review	15.09.23
C	Issue for Review	20.09.23
D	Issue for Amended Development Application	08.11.23

Nam Arch. & UoL. Des.  
 Paul J. Maize MPA CPP 3548RU AIA AIA 12100  
 RB Melbourne in association 7129

**Project:**  
**AMENDED DEVELOPMENT APPLICATION**  
**PROPOSED MEDIUM DENSITY DEVELOPMENT**  
 1-7 SIMPSON STREET, DUNDAS VALLEY, LOTS 422-425 IN DP 36692  
**Client:** CITILINK CONSTRUCTIONS PTY LTD

P (02) 9909 2131 | Suite 7 Level 1,  
 E. oneoff@urbanistica.com.au | 357 Military Road,  
 W. urbanistica.com.au | Mosman NSW 2088

**urbanistica**  
 architecture • urban design • interiors

Drawing Title		Project No:		Sheet size:	
<b>PROPOSED SHADOW DIAGRAM</b>		196549		A3	
22 JUNE, 4 PM		Date: 08.11.23		Drawn By: CMJ	
		Scale: 1:200 @A1:1:600 @A3		Status: ADA	
		This document is copyright. All rights reserved. Copyright © 2023		Revision: D	

Document Set ID: 59156  
 Version: 1, Version Date: 01/08/2024

## **DEVELOPMENT APPLICATION**

---

<b>ITEM NUMBER</b>	5.3
<b>SUBJECT</b>	OUTSIDE PUBLIC MEETING: 35 Strathalbyn Drive, OATLANDS NSW 2117 (Lot 219 DP 718810)
<b>DESCRIPTION</b>	Demolition of existing structures, construction of a two storey dwelling with basement, front fence and retaining walls.
<b>REFERENCE</b>	DA/541/2023 - D09518341
<b>APPLICANT/S</b>	Applicant - S Mokdassi
<b>OWNERS</b>	T W S Chow
<b>REPORT OF</b>	Group Manager Development and Traffic Services
<b>RECOMMENDED</b>	Approval

**DATE OF REPORT 30 JULY 2024**

### **REASON FOR REFERRAL TO LPP**

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development proposal exceeds the maximum permissible Floor Space Ratio by 61.36m<sup>2</sup>m which is a 15.53% variation to the development standard.

### **EXECUTIVE SUMMARY**

Development Application DA/541/2023 was lodged on 11 September 2023 for the demolition of existing structures, construction of a two-storey dwelling with basement, front fence and retaining walls. Associated civil engineering, earthworks and landscaping is also proposed.

### **CONSULTATION**

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised. In response, zero (0) submissions were received.

### **SITE & LOCALITY**

The subject site is legally described as Lot 219 DP 718810 also known as 35 Strathalbyn Drive, Oatlands and has an approximate area of 853m<sup>2</sup>. The site is an irregular shaped allotment that becomes narrower towards the rear. The site has a slope from the rear to the front of approximately 2.5m.

The site and surrounding properties are zoned R2 Low Density Residential as well as zoned R3 Medium Density Residential adjacent along Strathalbyn Drive and zoned RE1 Public Recreation 220m from the subject site.

The subject site currently accommodates a two-storey residential dwelling. It is located within an established residential area characterised by double storey residential dwellings, dual occupancy developments as well as town houses located within the R3 Medium Density zone. Adjoining the subject site to the east and west are two storey residential dwellings.

## RECOMMENDATION





- (a) **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, **approve** development consent to DA/541/2023 for the demolition of existing structures. construction of a two-storey dwelling with basement, front fence with retaining walls on land at 35 Strathalbyn Drive, Oatlands, subject to conditions of consent.
- (b) **Further that**, the Parramatta Local Planning Panel, approve the Clause 4.6 variation to the FSR for the following reasons:
- a) The departure representing a variation of 15.53% from the standard is reasonable and allows for a transition of height that is sympathetic with the existing topography whilst providing good urban design.
  - b) The departure does not result in adverse amenity impacts to adjoining developments.
  - c) Despite the departure the development remains generally consistent with the controls and provisions of HDCP 2012.
  - d) The variation to the height does not result in unreasonable perception of bulk and scale.

## REASONS FOR APPROVAL

1. The development is permissible in the R2 zone pursuant to the Parramatta Local Environmental 2023 and satisfies the requirements of all applicable planning standards controls.
2. The development will be compatible with the emerging and planned future character of the area.
3. The development will provide facilities and services which meet the day-to-day needs of residents.
4. For the reasons given above, approval of the application is in the public interest.

Felicity Lam  
**Development Assessment Officer**

## ATTACHMENTS:

1	 Assessment Report & Draft Conditions	55 Pages
2	 Locality Map	1 Page
3	 Plans used during assessment	5 Pages
4	Internal plans used during assessment (confidential)	4 Pages
5	 Clause 4 6 Report	9 Pages





<b>City of Parramatta</b>	
File No:	DA/541/2023

**SECTION 4.15 ASSESSMENT REPORT**  
**Environmental Planning & Assessment Act 1979**

<b>DA No:</b>	DA/541/2023
<b>Subject Property:</b>	35 Strathalbyn Drive, OATLANDS NSW 2117 Lot 219 DP 718810
<b>Proposal:</b>	Demolition of existing structures. construction of a two storey dwelling with basement, front fence with retaining walls.
<b>Date of receipt:</b>	11 September 2023
<b>Applicant:</b>	S Mokdassi
<b>Owner:</b>	Mr T W S Chow and Mrs B L Chow
<b>Property owned by a Council employee or Councillor:</b>	The site is not known to be owned by a Council employee or Councillor
<b>Political donations/gifts disclosed:</b>	None disclosed on the application form
<b>Submissions received:</b>	No submissions received
<b>Recommendation:</b>	<b>Approval</b>
<b>Assessment Officer:</b>	Felicity Lam

#### Legislative Requirements

<b>Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Parramatta Local Environmental Plan 2023 (PLEP 2023)</li> <li>• Parramatta (the former Hills) Development Control Plan 2011 (PDCP 2011)</li> </ul>
<b>Zoning</b>	R2 Low Density Residential
<b>Bushfire Prone Land</b>	No
<b>Heritage</b>	No
<b>Heritage Conservation Area</b>	No
<b>Designated Development</b>	No
<b>Integrated Development</b>	No
<b>Clause 4.6 variation</b>	Yes – FSR under Clause 4.4

**Delegation** Parramatta Local Planning Panel (PLPP) due to Floor Space Ratio variation of more than 10%.

## 1. Executive Summary

Development Application DA/541/2023 was lodged on 11 September 2023 for the demolition of existing structures, construction of a two-storey dwelling with basement, front fence and retaining walls. Associated civil engineering, earthworks and landscaping is also proposed.

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised. In response, zero (0) submissions were received.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development proposal exceeds the maximum permissible Floor Space Ratio by 61.36m<sup>2</sup>m which is a 15.53% **variation** to the development standard.

### Section 4.15 Assessment Summary

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

The proposed development is appropriately located within the locality and some variations (as detailed in this report) in relation to the Parramatta Local Environmental Plan 2023 are sought. The request to vary the FSR standard is considered to be well founded for reasons including, but not limited to, the constraints imposed by the site and the numerical break that does not unreasonably impact on the site's residential amenity.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/541/2023 be approved. The recommended conditions of consent are within **Attachment 1**.

## 2. Site Description and Conditions

The subject site is legally described as Lot 219 DP 718810 also known as 35 Strathalbyn Drive, Oatlands and has an approximate area of 853m<sup>2</sup>. The site is an irregular shaped allotment that becomes narrower towards the rear. The site has a slope from the rear to the front of approximately 2.5m.

The site and surrounding properties are zoned R2 Low Density Residential as well as zoned R3 Medium Density Residential adjacent along Strathalbyn Drive and zoned RE1 Public Recreation 220m from the subject site.

The subject site currently accommodates a two-storey residential dwelling. It is located within an established residential area characterised by double storey residential dwellings, dual occupancy developments as well as town houses located within the R3 Medium Density zone. Adjoining the subject site to the east and west are two storey residential dwellings.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image and photographs in **Figures 1 – 3 below**.



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined in red. Source: Nearmap: July 2024.



Figure 2: Zoning Map. Subject site outlined in yellow. (ePlanning Spatial Viewer)



Figure 3: Subject site as viewed from Strathalbyn Drive. Source: Site Photo

**3. Relevant Site History**

No site history relevant to this application.

**4. Relevant Locality History**

Address	Comment
<p><b>39 Strathalbyn Drive, Oatlands</b></p>	<p>On 24 May 2022 8.3 Review Application DA/155/2021 was approved by Council for the demolition of existing building and construction of two-storey dwelling house with 2 basement levels for parking and entertainment area, landscaping and swimming pool. The application was approved under the Parramatta (former the Hills) 2012 where FSR was not required. The proposal has an approved site coverage of 394.38m<sup>2</sup> (45%).</p> <p>Had the application been assessed under PLEP 2023, the proposal would have resulted in an FSR of 0.72:1, which would result in a variation of 37% to the Development Standard.</p>
<p><b>32 Strathalbyn Drive, Oatlands</b></p>	<p>On 1 October 2021 Development Application DA/650/2021 was approved by Council for the demolition of the existing dwelling and construction of a three-storey dwelling, pool and front fence. The application was approved under the Parramatta (former the Hills) 2012 where FSR was not required. The proposal has an approved site coverage of 472.73m<sup>2</sup> (56%).</p> <p>Had the application been assessed under PLEP 2023, the proposal would have resulted in an FSR of 0.71:1, which would result in a variation of 43% to the Development Standard.</p>
<p><b>20 Strathalbyn Drive, Oatlands</b></p>	<p>On 14 September 2021 Development Application DA/333/2021 was approved by Council for the demolition of the existing dwelling and construction of a new dwelling and swimming pool. The application was approved under the Parramatta (former the Hills) 2012 where FSR was not required. The proposal has an approved site coverage of 492.50m<sup>2</sup> (60%).</p> <p>Had the application been assessed under PLEP 2023, the proposal would have resulted in an FSR of 0.71:1, which would result in a variation of 41% to the Development Standard.</p>

<p><b>4 Cumbrae Place, Oatlands</b></p>	<p>On 17 December 2021 Development Application DA/616/2021 was approved by Council for the demolition of the existing dwelling and construction of a new dwelling and swimming pool. The application was approved under the Parramatta (former the Hills) 2012 where FSR was not required. The proposal has an approved site coverage of 1184.7m<sup>2</sup> (56%).</p> <p>Had the application been assessed under PLEP 2023, the proposal would have resulted in an FSR of 0.55:1, which would result in a variation of 10% to the Development Standard.</p>
<p><b>2 Ivanhoe Place, Oatlands</b></p>	<p>On 7 September 2020 Development Application DA/274/2020 was approved by Council for the demolition of the existing structures, construction of a three storey dwelling, inground swimming pool, retaining wall and front fence. The application was approved under the Parramatta (former the Hills) 2012 where FSR was not required. The proposal has an approved site coverage of 415.68m<sup>2</sup> (50.5%).</p> <p>Had the application been assessed under PLEP 2023, the proposal would have resulted in an FSR of 0.57:1, which would result in a variation of 15.45% to the Development Standard.</p>

## 5. The Proposal

Development Application DA/541/2023 was lodged on 11 September 2023 for the demolition of existing structures, construction of a two-storey dwelling with basement, front fence and retaining walls. Specifically, the application seeks approval for:

- Demolition of existing dwelling structure and detached inground swimming pool
- Construction of a two-storey dwelling with basement to include:

### Basement

- Parking for up to two (2) vehicles
- Mechanical services
- Communication room
- Storage
- Lift access to the ground and first floor

Note: A new vehicle crossing is proposed to enable access to the proposed basement. The existing vehicle crossing will be made redundant, and kerb and gutter made good.

### Ground Floor

- Entry
- Formal lounge
- Formal dining
- Guest/media room with ensuite
- Bathroom
- Laundry
- Study
- Open plan kitchen, living and dining

### First Floor

- Five (5) bedrooms (two (2) with ensuite)
- Main bathroom

Associated stormwater and landscaping works are also proposed.

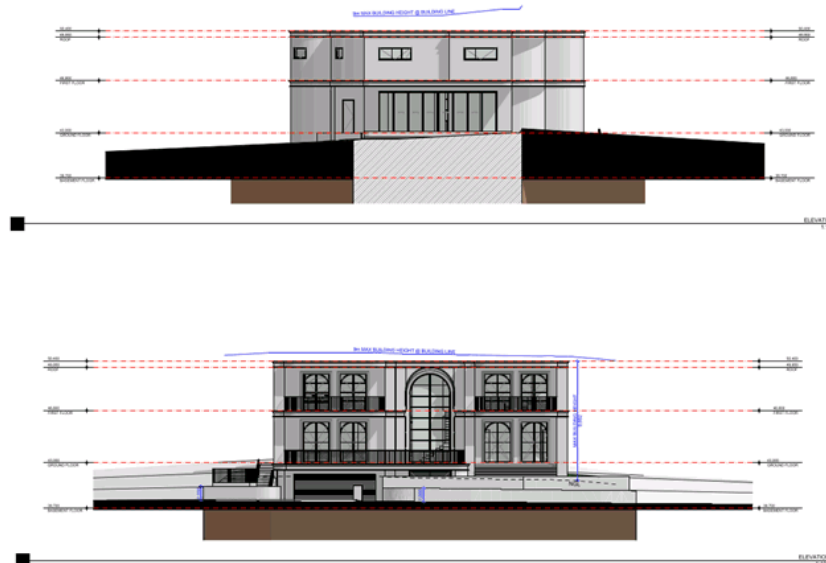


Figure 4: Proposed front and rear elevations (Architectural Plans)

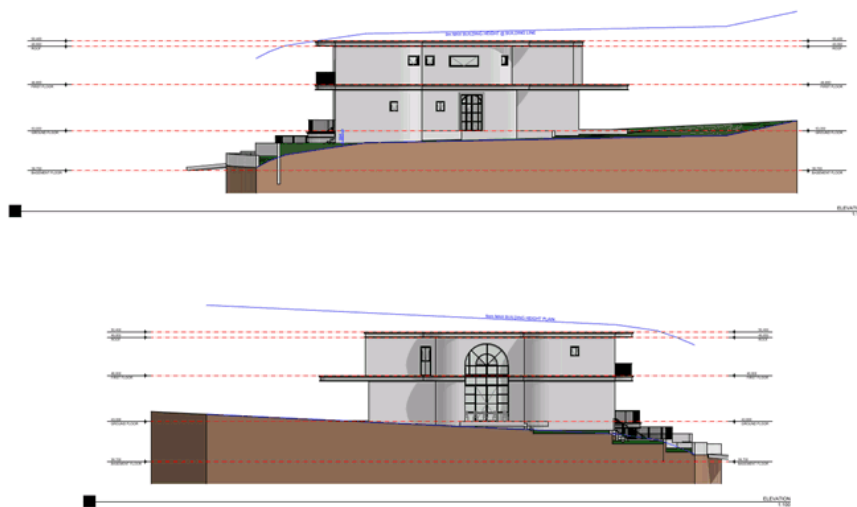


Figure 5: Proposed side elevations (Architectural Plans)

**6. Relevant Application History**

Date	Comment
11 September 2023	Subject Development Application lodged to Council.
20 September 2023	In accordance with the Parramatta Consolidated Notification Procedures the Development Application was notified and advertised between 20 September 2023 and 5 October 2023. Zero (0) submissions were received.
10 August 2021	A Request for Information (RFI) was sent to the applicant. This RFI specifically related to the proposed exceedance in Gross Floor Area.

24 April 2024	Additional information was provided.
17 June 2024	Water NSW General Terms of Approval provided.

## 7. Referrals

Internal Referrals	Comment
Development Engineer	Supported, subject to conditions of consent.
Biodiversity Planning Officer	Supported, subject to conditions of consent.
Tree and Landscape	Supported, subject to conditions of consent.
External Referrals	Comment
Water NSW	Supported, subject to conditions of consent.

## PLANNING ASSESSMENT

### 8. Water Management Act 2000

In accordance with Section 4.46 of the EP&A Act the application was identified as Integrated Development as per Section 91 of the Water Management Act 2000. As such, the Development Application was referred to WaterNSW.

The proposed development excavates to a depth of approximately from 1.0m to 3.5m below the natural ground level to construct a basement. The accompanying Geotechnical report prepared by Geotechnical Consultants Australia dated 6 March 2023, details excavation depths of approximately 2.7m below the natural ground level. The report indicates that no ground water would be encountered at the intended depth of excavation.

Water NSW considers the report satisfactory, and no objection has been raised for the development proposal. General Terms of Approval were issued by Water NSW on 14 June 2024 and form part of the Conditions of Consent.

### 9. Environmental Planning Instruments

#### 9.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Parramatta Local Environmental Plan 2023 (PLEP 2023)
- Parramatta (the former Hills) Development Control Plan 2011 (PDCP 2011)

Compliance with these instruments is addressed below.

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

Under EP&A Regulation, BASIX applies to all BASIX affected development as well as BASIX optional development for which a BASIX certificate is lodged. As such, the requirements outlined in this SEPP has been assessed in accordance with the proposed development.

Council considers that the BASIX compliance certificate submitted as part of this development application (BASIX No. 1412270S, dated 11 August 2023) satisfactory.

### **9.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2 VEGETATION IN NON-RURAL AREAS**

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

The application does not propose any tree removal. Despite this, Council's Landscape Tree Management Officer reviewed the proposal and raised no objections subject to appropriate conditions of consent relating to the proposed planting scheme being included in the recommendation.

The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Parramatta.

### **9.4 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 10 SYDNEY HARBOUR CATCHMENT**

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

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal, and any matters of general relevance (erosion control, etc) are able to be managed by conditions of consent.

### **9.5 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDIATION OF LAND**

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

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 non-residential land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

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

- The site is not identified in Council's records as being contaminated.

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



Standard and special conditions relating asbestos, site audit statement, site investigation and contamination have been recommended.

## 9.6 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2 INFRASTRUCTURE

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

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

Clause	Comment
<b>Clause 2.48 – electricity infrastructure</b>	The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
<b>Section 2.77 – Development adjacent to a pipeline corridor</b>	The subject site is not within the vicinity of a pipeline corridor that would trigger the concurrent of the pipeline operator.
<b>Clause 2.98 – Development adjacent to rail corridors</b>	The subject site is not adjacent to a rail corridor.
<b>Clause 2.119 – Impact of road noise or vibration on non-road development</b>	The subject site does not have frontage to a classified road.
<b>Clause 2.120 – Impact of road noise or vibration on non-road development</b>	<i>Strathalbyn Drive</i> has an average daily traffic volume of less than 20,000 vehicles per day. As such, clause 2.120 is not applicable to the development application.
<b>Clause 2.122 – Traffic-generating development</b>	The proposal does not generate more than 200 motor vehicles per hour and is not a site with access to a classified road or to a road that connects to a classified road.

## 10. Parramatta Local Environmental Plan 2023

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

### Clause 1.2 Aims of Plan

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to protect and enhance the identity, diversity and viability of Parramatta City Centre and recognise its role in the Central River City of the Six Cities Region,
- (b) to create an integrated, balanced and sustainable environment that contributes to environmental, economic, social and physical wellbeing,
- (c) to identify, conserve and promote the City of Parramatta’s natural and cultural heritage,
- (d) to protect and enhance the natural environment, including urban tree canopy cover and areas of remnant bushland,
- (e) to ensure development occurs in a way that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependent ecosystems,
- (f) to encourage ecologically sustainable development,
- (g) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,

- (h) to improve public access along waterways if the access does not adversely impact the natural value of the waterways,
- (i) to improve public access to, and within, the City of Parramatta and facilitate the use of public transport, walking and cycling,
- (j) to encourage a range of development to meet the needs of existing and future residents, workers and visitors,
- (k) to enhance the amenity and characteristics of established residential areas,
- (l) to retain the predominant role of industrial areas,
- (m) to ensure development does not detract from the economic viability of commercial centres,
- (n) to ensure development does not detract from the operation of local or regional road systems.

The proposed development will enhance the amenity and characteristics of the existing low density residential area.

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

Clause 2.3 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential. The aims and objectives for the R2 Low Density Residential zone in Clause 2.3 – Zone Objectives are as follows:

- 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 maintain the low density residential character of the area.
- To ensure non-residential land uses are carried out in a way that minimises impacts on the amenity of a low density residential environment.
- To provide a range of community facilities that serve the needs of people who live in, work in and visit the area.
- To protect and enhance tree canopy, existing vegetation and other natural features

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

Standards and Provisions	Compliance
<b>Part 4 Principal development standards</b>	
<b>Cl. 4.3 Height of buildings</b> Allowable: 9m Proposed: 8.15m (RL50.4 – RL 42.25)	<b>Complies.</b>
<b>Cl. 4.4 Floor space ratio</b>  Site area: 853.74m <sup>2</sup> Max GFA allowable: 426.87m <sup>2</sup> Max FSR allowable: 0.5:1  Proposed Basement: 27.91m <sup>2</sup> Ground Floor: 261.29m <sup>2</sup> First Floor: 203.98m <sup>2</sup> Total: 493.18m <sup>2</sup>  FSR: 0.58:1	<b>Does not comply.</b>

<b>Cl. 4.6 Exceptions to Development Standards</b>	Variation to Clause 4.4 'Floor Space Ratio' standard. See Below.
<b>Part 5 Miscellaneous provisions</b>	
<b>Section 5.1A Development on land intended to be acquired for public purposes</b>	The subject site is not identified on the map.
<b>Section 5.6 Architectural roof features</b>	An architectural roof feature is not proposed.
<b>Section 5.7 Development below mean high water mark</b>	The subject site is not identified on the map.
<b>Section 5.10 Heritage conservation</b>	The site does not contain a heritage item and is not located in a Heritage conservation area.
<b>Section 5.11 Bush fire hazard reduction</b>	The proposal does not include any hazard reduction work.
<b>Part 6 Additional local provisions</b>	
<b>Cl. 6.2 Earthworks</b>	<p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>Associated earthworks to enable the construction of the basement are proposed. This will result in up to 3.5m in cut throughout the site.</p> <p>The scale and location of the proposed earthworks will not adversely affect the visual quality and amenity values of the site given the earthworks are localised to the vicinity of the site and are largely required to create a foundation for building works, access and the proposed car park. The proposed earthworks will not change the line of the landscape.</p> <p>In addition, adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.</p> <p>The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>
<b>Section 6.3 Biodiversity</b>	The subject site is not identified on the map.
<b>Section 6.4 Riparian land and waterways</b>	The subject site is not identified on the map.
<b>Section 6.5 Stormwater management</b>	Council's Development Engineer is satisfied that the proposed stormwater drainage design would minimise the impacts of urban stormwater on adjoining properties, native vegetation and receiving waters.
<b>Section 6.6 Foreshore area</b>	The subject site is not identified on the map.

Clause 4.6 Exceptions to Development Standards Floor Space Ratio

The proposal does not comply with the maximum floor space ratio standard detailed in Clause 4.4 of the PLEP 2023. The proposed dwelling FSR is **0.58:1**.

The development proposal exceeds the maximum permissible FSR by 61.36m<sup>2</sup> which is a **15.53% variation** to the development standard.

Clause 4.6 of the PLEP 2023 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes.

#### **Clause 4.6 (1) – Objectives of Clause 4.6**

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

*“(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,  
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances”*

#### **Clause 4.6(2) – Operation of Clause 4.6**

Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to the development standard that is expressly excluded from the operation of this clause.

#### **Clause 4.6(3) – The applicant’s written consent 4.6**

Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied that the applicant has demonstrated that –

*“(a) compliance with the development standard is unreasonable or unnecessary in the circumstances,  
and  
(b) there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has submitted a written request justifying the variation to the floor space development standard. In the justification the applicant states:

- *The proposal seeks flexibility in application of the standard where the breach of maximum floor space ratio is consistent with the established character of the locality. The maximum floor space ratio development standard was imposed recently through the implementation of the Parramatta Local Environmental Plan 2023. As such, flexibility is sought given the nature of recently approved 3 storey development in the immediate locality of the site (see examples of recent approvals below):*
  - *DA/155/2021 – Development application for a 2 storey dwelling with 2 basement levels was approved on 30 May 2022 (No. 39 Strathalbyn Drive)*
  - *DA/650/2021 – Development application for a three-storey dwelling house was determined under deferred commencement consent on 15 October 2021 (No. 32 Strathalbyn Drive).*
  - *DA/333/2021 – Development application for a three-storey dwelling house was approved on 14 September 2021 (No. 20 Strathalbyn Drive).*
  - *DA/616/2021 – Development application for a three-storey dwelling house was approved on 17 December 2021 (No. 4 Cumbrae Place).*
  - *DA/274/2020 – Development application for a three-storey dwelling house was approved on 7 September 2020 (No. 2 Ivanhoe Place).*
- *The proposed FSR of 0.058:1 (493.18m<sup>2</sup> of gross floor area) is a variation to the development standard, however, it is suggested the floor space that exceeds the maximum does not result in bulk that would exceed the expectations of the site cover, building footprint, setback or building height controls. It is*

therefore considered appropriate that a degree of flexibility of applied in these particular circumstances that will ensure a development that is consistent with the desired, and existing character of the street.

- The proposed FSR does not result in any excessive bulk that decreases the solar amenity currently received to the rear private open space areas, or swimming pools of neighbouring properties.
- The proposed exceedance to the FSR is not the result of non-compliance with setback to side boundary controls, nor maximum height of building standards.
- The proposed development is consistent with the pattern of existing, and recently approved development within the immediate locality of the site, thereby ensuring a consistent pattern of low density residential development is achieved within the locality. Furthermore, as a result of compliance with building height standards, and side and rear boundary setback controls, the proposed development does not have any impacts on the sunlight received by the private open spaces of adjoining properties.
- Compliance with the standard is considered unreasonable and unnecessary in the circumstance of this case as the proposed development is consistent with these objectives. The building, through compliance with all other nominated building envelope criteria, is demonstrated to be compatible with the bulk, scale and character of existing and desired future development in the surrounding area. There would be no additional vehicular and pedestrian traffic generated by the proposed additional floorspace, as the development is for a single dwelling. The built form is appropriate in its context given the scale of established low and medium density development on either side of Strathalbyn Drive. There are no proximate heritage items that need to be taken into consideration in determining the appropriateness of the building's bulk and scale. The resultant built form is respectful of the existing character of development within the Burnside Estate and seeks to reinforce the 'luxury' character of recently established homes in this precinct.
- A degree of flexibility is sought in the circumstances as the breach to the FSR standard does not result in any adverse environmental impacts, is not visible from the public domain, and does not give rise to any overshadowing of adjoining properties. The proposed development also complies with the height and side and rear setback controls, meaning the excess FSR is not a result of noncompliance with other controls or development standards, and is the result of a building that fits within the prescribed envelope controls.
- The removal of floor space by removing 66m<sup>2</sup> by perhaps removing bedrooms or living space from the building to simply achieve numerical compliance would not result in any improved outcome for the development and the adjacent properties, it would still have the same presentation to the street, as the building is compliant with building height and side setback requirements.
- The proposed variation to the FSR control does not result in any adverse impacts to adjacent properties when compared to a compliant FSR.
- The proposed variation to the FSR control does not result in any increased traffic impact when compared to a compliant FSR because the car parking provision is for a single dwelling regardless. Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Strict compliant with the FSR standard in this particular instance would represent a departure from the manner in which the issue of the bulk and scale of recently approved development in the locality and with no measurable benefit for the public or surrounding properties. Accordingly, strict compliance would simply prevent the attainment of floor space which is within the demonstrated environmental capacity of the site.
- The proposed variation allows for the most efficient and economic use of the land. It is subsequently suggested there are sufficient environmental planning grounds to justify contravening the development standard.

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

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

Wehbe v Pittwater Council

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

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

Floor Space Ratio Objectives

- (a) *to ensure buildings are compatible with the bulk, scale and character of existing and desired future development in the surrounding area*

**Comment:** The form and massing of the proposed building has been architecturally designed to sit comfortably within the streetscape. A mix of well-articulated façade elements, setbacks and landscape planting will ensure a sympathetic relationship between the form and massing of the proposed building, the site conditions and surrounding development. The proposed development is not dissimilar to those approved within the immediate locality.

The following table outlines a number of other Development Applications which have been approved within the immediate locality. For comparison purposes only, a comment has been included indicating what the FSR would have been had the application been assessed under the PLEP 2023.

Address	FSR
39 Strathalbyn Drive, Oatlands	FSR of 0.72:1, which would result in a variation of 37% to the Development Standard.
32 Strathalbyn Drive, Oatlands	FSR of 0.71:1, which would result in a variation of 43% to the Development Standard.
20 Strathalbyn Drive, Oatlands	FSR of 0.71:1, which would result in a variation of 41% to the Development Standard.
4 Cumbrae Place, Oatlands	FSR of 0.55:1, which would result in a variation of 10% to the Development Standard.
2 Ivanhoe Place, Oatlands	FSR of 0.57:1, which would result in a variation of 15.45% to the Development Standard.



Figure 6: Aerial map of surrounding locality. Nearmap, July 2024

As shown in **Figures 7, 8 and 9**, the proposed development is not dissimilar to those approved with Strathalbyn Drive.



Figure 7: Two Storey Dwelling House with Basement, located at No. 39 Strathalbyn Drive (Adjoining property). DA/155/2021, approved 30 May 2022.

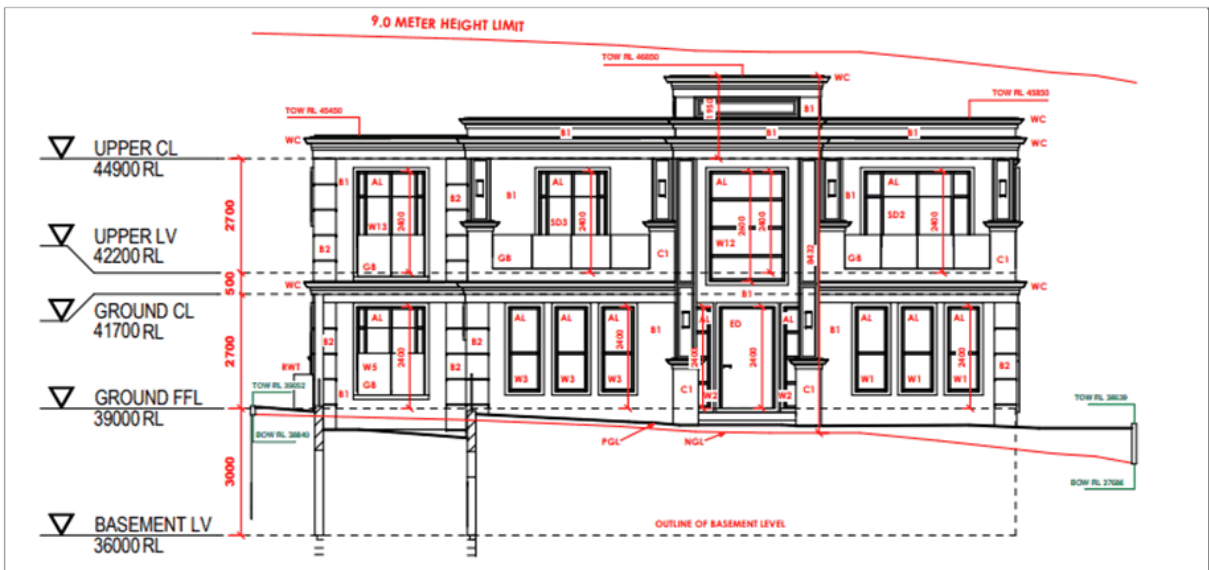
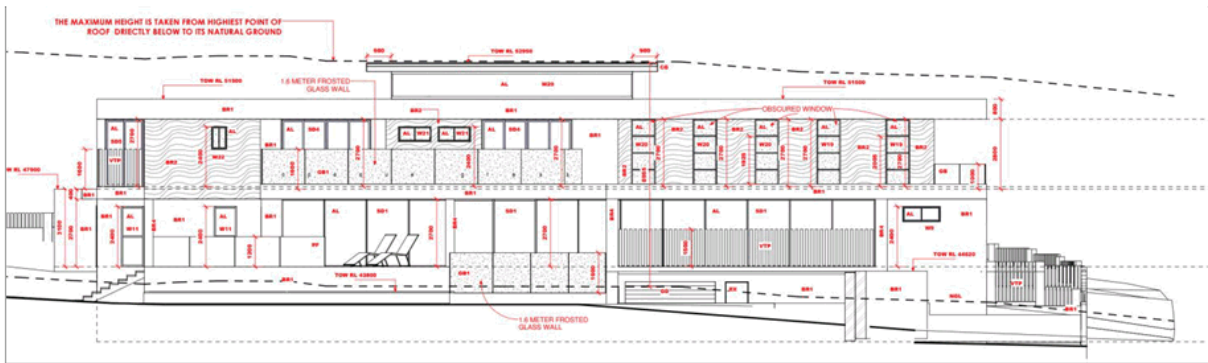


Figure 8: Two Storey Dwelling House with Basement, located at No. 32 Strathalbyn Drive (Approx. 100m to the East of the subject site). DA/650/2021, approved 19 March 2024.





**Figure 9:** Three Storey Dwelling House, located at No. 4 Cumbrae Place). DA/616/2021, approved 17 December 2022.

As demonstrated, the extent of the breach in Floor Space is not dissimilar to those within the immediate locality which is categorised by two and three storey dwelling houses with basements. The proposed variation to this standard is considered to be consistent with the bulk, scale and character of the existing and desired immediate locality.

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

*(a) to regulate density of development and generation of vehicular and pedestrian traffic,*

**Comment:** Although the level of built form will be slightly increased by the proposed re-development, there is no change to the proposed density, being a residential dwelling, or to the use.

As such, the subject site can be developed without adversely affecting the amenity values in the locality in the form of continued access to sunlight, transportation matters, acceptable noise generation and privacy. No increase in the generation of vehicular or pedestrian will result.

*(b) to provide a transition in built form and land use intensity,*

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

When viewed from the street, the development presents as a dwelling a contemporary architectural style with an articulated building elevation along the street frontage and side boundaries.

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

**Comment:** It is considered that the proposed bulk and scale of the building is generally a positive response to the site and is commensurate and compatible with that of the nearby development. Any potential adverse effects on heritage sites or their settings in respect to the exceedance in floor space ratio will be non-existent.

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

**Comment:** The current character of the neighbourhood is a mix of low and medium density residential in nature, which consists of mainly single, two (2) and three (3) storey detached dwelling houses and multi dwelling housing developments.

Adequate setbacks are provided to ensure that solar access, visual and acoustic privacy is maintained for adjoining properties. Landscaping is provided to enhance the amenity of future occupants and to provide a visual buffer to adjoining neighbours and to soften the building appearance from the street.

The character, scale and intensity proposed in terms of built form is considered to be appropriate due to the size of the site, the existing built environment and what could occur via the surrounding land.

The proposal is consistent with the objectives of the Low Density Residential zone.

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

**Comment:** The applicant does not challenge that the underlying objectives are not relevant. However, the Applicant does note that the proposed dwelling is able to achieve the objectives of the development standard as the proposal is not considered to have any adverse impacts on the street character.

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

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

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

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

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

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

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

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

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

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

**Comment:** In this instance, Council is satisfied that applicant’s Clause 4.6 Statement adequately addresses

the matters in Clause 4.6(3) of PLEP2023.

It is considered that the proposed building is well-articulated at all levels, with a mix of balcony elements and façade treatments. The building will sit comfortably within the streetscape, further it is considered that the development respects the existing and desired future character of the area.

The building form and mass is compatible with the character and spatial characteristics of the locality.

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

Clause 4.6(4) of PLEP 2023 outlines that development consent must not be granted for development that contravenes a development standard unless:

- “a) the consent authority is satisfied that:*
- i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- b) the concurrence of the Secretary has been obtained.”*

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

Public Interest

Clause 4.6(4)(a)(ii) of PLEP 2023 states:

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

**Comment:** The subject site can accommodate a development) of this scale without causing further impacts on the amenity of surrounding properties and is ideally located close to public transport links, services and facilities.

The proposed development is consistent with the objectives of this standard and is in the public interest.

Concurrence

Clause 4.6(4)(b) of PLEP 2023 states:

*“The concurrence of the Secretary has been obtained”.*

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

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

### 11. The Parramatta (former the Hills) Development Control Plan 2012

The Parramatta Development Control Plan 2023 (PDCP 2023) was placed on public exhibition from 13 March 2023 to 1 May 2023. The draft PDCP will replace the five existing DCPs that apply within the Local Government Area and will serve as a primary supportive planning document to the Parramatta Local Environmental Plan 2023 for guiding development and land use decisions made by Council.

On Monday 28 August 2023, Council adopted the PDCP 2023, and it came into effect on Monday 18 September 2023. Section 1.4 of the adopted PDCP 2023 which concerns the relationship to other plans and policies is outlined below:

*If a Development Application has been lodged before the commencement of the PDCP 2023 in relation to land to which the PDCP 2023 applies, and the Development Application has not been finally determined before the commencement of the PDCP 2023, the Development Application must be determined as if the PDCP 2023 had not commenced.*

In this instance, the application was lodged 11 September 2023 and therefore, is to be assessed under the Parramatta (former the Hills) Development Control Plan (DCP) 2011. However, it is acknowledged that all future development is to be assessed under PDCP 2023.

Whilst the application has been assessed under the Parramatta Development Control Plan (DCP) 2011, it is noted that the proposal does not unreasonably defer from the aims and objectives of the PDCP 2023 and is considered complimentary of the expected future design and character of the area.

The relevant matters to be considered under the Parramatta (former the Hills) Development Control Plan (DCP) 2011 for the proposed development are outlined below.

Control	Proposal	Compliance
<b>Part B, Section 2 - Residential</b>		
<b>2.4 Site Analysis</b>	A satisfactory and comprehensive site analysis was submitted.	Yes
<b>2.5 Streetscape and Character</b>	<p>The proposed dwelling is of a high architectural quality and is well-articulated at all levels, with a mix of façade treatments.</p> <p>The proposed dwelling will sit comfortably within the streetscape and respect the existing and desired future character of the area.</p> <p>Further, it is considered that the building will continue to contribute positively to the visual amenity and character of the streetscape, without resulting in any unreasonable adverse amenity impacts.</p>	Yes
<b>2.6 Bushfire Hazard Management</b>	The site is not bushfire prone.	N/A
<b>2.7 Geotechnical Site Stability</b>	<p>The proposed development excavates to a depth of approximately from 1.0m to 3.5m below the natural ground level to construct a basement.</p> <p>The accompanying Geotechnical report prepared by Geotechnical Consultants Australia dated 6 March 2023. The report was reviewed by Council's Senior Development Engineer who raised no objections to</p>	Yes

	the proposed basement and its associated earthworks.											
<b>2.8 Bushland and Biodiversity</b>	The site does not contain any mapped significant bushland. No trees are proposed to be removed. Council’s Landscape Tree Management Officer has reviewed the proposal and raised no objection subject to the imposition of recommended conditions.	Yes										
<b>2.9 Erosion and Sediment Control</b>	Adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.	Yes										
<b>2.10 Heritage</b>	The site is not heritage listed and is not in the vicinity of a heritage listed item or a heritage conservation area.	N/A										
<b>2.12 Stormwater Management</b>	Council’s Senior Development Engineer reviewed the proposal with regard to stormwater and advised the concept stormwater design is considered to be satisfactory subject to the imposition of the recommended conditions.	Yes										
<b>2.14 Residential</b>												
<b>2.14.1 Building Setbacks</b>												
<p>Front Dwelling Setback: 10m</p> <p>Garage Setback: All garages must be in accordance with the required road setback requirement or 5.5m, whichever is the greater.</p> <p>Maximum dwelling Width:</p> <table border="1"> <thead> <tr> <th>Width of allotment at the building line</th> <th>% of width at building line</th> </tr> </thead> <tbody> <tr> <td>Greater than 18m</td> <td>75% or 23.65m</td> </tr> </tbody> </table> <p>Minimum side setback:</p> <table border="1"> <thead> <tr> <th>Height of building</th> <th>Distance of wall to boundary line</th> <th>Distance of eave to boundary line</th> </tr> </thead> <tbody> <tr> <td>1-2 storey</td> <td>900mm</td> <td>675mm</td> </tr> </tbody> </table>	Width of allotment at the building line	% of width at building line	Greater than 18m	75% or 23.65m	Height of building	Distance of wall to boundary line	Distance of eave to boundary line	1-2 storey	900mm	675mm	<p>The proposed dwelling is setback 9.4m from the road frontage to the front wall of the dwelling house.</p> <p>The proposed garage is setback 9.5m from the road frontage.</p> <p>While the front setback is not numerically compliant, the proposal complements the streetscape and protects the privacy and sunlight for adjacent dwellings. A mix of well-articulated façade elements, setbacks and landscape planting will ensure a sympathetic relationship between the form and massing of the proposed building, the site conditions and surrounding development</p> <p>Dwelling width at building line: 21.37m</p> <p>Side Setback Ground Floor East – 1.4m West – 1.4m</p> <p>First Floor East – 1.4m West – 1.4m</p>	<p>No. Acceptable on merit.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Width of allotment at the building line	% of width at building line											
Greater than 18m	75% or 23.65m											
Height of building	Distance of wall to boundary line	Distance of eave to boundary line										
1-2 storey	900mm	675mm										

<p>Minimum rear setback:</p> <table border="1" data-bbox="213 232 632 398"> <thead> <tr> <th>Height building of</th> <th>Setback</th> </tr> </thead> <tbody> <tr> <td>1 storey</td> <td>4m</td> </tr> <tr> <td>2-3 storey</td> <td>6m</td> </tr> </tbody> </table>	Height building of	Setback	1 storey	4m	2-3 storey	6m	<p>Rear Setback:  <u>Ground Floor</u>                      13.41m  <u>First Floor</u>                      13.11m</p>	
Height building of	Setback							
1 storey	4m							
2-3 storey	6m							
<p><b>2.12.2 Site Coverage</b>                      Maximum site coverage: 60% (512.24m<sup>2</sup>)</p>	<p>A site coverage of approximately 461.54m<sup>2</sup> is proposed which complies with this control.</p>	<p>Yes</p>						
<p><b>2.14.3 Building Height</b>                      Maximum building height as per LEP 2023: 9m</p>	<p>9m</p>	<p>Yes</p>						
<p><b>2.14.4 Private Open Space</b>                      Maximum Private Open Space: 20% or 170.6m<sup>2</sup> of lot area or 80m<sup>2</sup> whichever is the greater.                       Minimum private open space dimension: 6m x 4m</p>	<p>Site Area = 853m<sup>2</sup>                      POS = 175.27m<sup>2</sup> (20%)                       The proposal provides for 175.27m<sup>2</sup> of private open space which is continuous to, and accessible from, the primary living areas of the dwelling.</p>	<p>Yes</p>						
<p><b>2.14.5 Landscaping and Open Space</b>                      Minimum landscaped area: 40% or 341.2m<sup>2</sup></p>	<p>The proposal provides for a landscaped area 379.01m<sup>2</sup> in area, which equates to 44%.</p>	<p>Yes</p>						
<p><b>2.14.6 Dwelling Design and Construction</b></p> <ul style="list-style-type: none"> <li>A) Removal of Trees minimised</li> <li>B) Any part of the structure must comply with the building line setbacks of the land</li> <li>C) Stairs, single storey verandahs, single storey entry features, and single storey porticos may encroach up to 1.2 metres of the building setback for 30% of width of the dwelling provided the design, materials, colours and construction be consistent with the dwelling.</li> <li>D) Dwellings must be designed so that walls facing public spaces contain window or door openings to a habitable room. Council discourages design that results in carports and garages facing a public place as prominent elements of the streetscape.</li> <li>E) Garages should be no more than 6.5m in width and should not extend across more than</li> </ul>	<p>No tree removal is proposed.</p> <p>See assessment in S 2.14.1</p> <p>The proposed front porch is setback 6.6m from the front boundary. While not numerically compliant, the porch provides an element of articulation to the street which ensures the appearance of the dwelling is of a high visual quality and enhances the streetscape.</p> <p>The proposed dwelling has been designed with window openings to habitable rooms.</p> <p>The proposed garage does not extend across more than 50% of the property and has been designed to be visually subservient and to be integrated into the overall dwelling design.</p>	<p>Yes</p> <p>No. Acceptable on merit.</p> <p>No. Acceptable on merit.</p> <p>Yes</p> <p>Yes</p>						

<p>50% of the width of the property. Garages must be designed to be:-</p> <ul style="list-style-type: none"> <li>• visually subservient;</li> <li>• integrated into the overall dwelling design; and</li> <li>• constructed of similar materials and finishes to the dwelling.</li> </ul>		
<p><b>2.14.7 Cut and Fill</b> Maximum Fill: 600mm</p> <p>Maximum Fill with Dropped Edge Beams: 1.5m</p> <p>Maximum Cut: 1m</p>	<p>Associated earthworks to enable the construction of the basement are proposed. This will result in up to 3.5m in cut throughout the site.</p> <p>The scale and location of the proposed earthworks will not adversely affect the visual quality and amenity values of the site given the earthworks are localised to the vicinity of the site and are largely required to create a foundation for building works, access and the proposed car park. The proposed earthworks will not change the line of the landscape.</p> <p>In addition, adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.</p> <p>The proposed dwelling has been designed to minimise the impact, where possible on the surrounding landform.</p>	<p>No. Acceptable on merit.</p>
<p><b>2.14.8 Building Materials</b> The choice of materials and external finishes are to be compatible with surrounding developments and landscape features in terms of colours, textures and quality.</p>	<p>The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass and will provide a contemporary building, reinforce the desired future character of the area and enhance the amenity of the locality.</p>	<p>Yes</p>
<p><b>2.14.9 Privacy – Visual and Acoustic Privacy</b></p>	<p>With regard to visual and acoustic privacy, the proposed development has been designed to minimise the likelihood of any adverse overlooking or intrusion of aural privacy of adjoining properties. This has been achieved by providing sufficient setbacks, screening elements, and narrow windows.</p> <p>The proposed window along the western elevation has a floor to ceiling height of approximately 6.5m. A paved area accessed from the dining room is proposed. The applicant has proposed screen planting along the side boundary.</p> <p>However, it is noted that the architectural drawings and landscape drawings are inconsistent in demonstrating the width of the proposed deck and location of the planting.</p>	<p>Yes</p>

	As such, in order to maintain visual privacy, a condition has been recommended in the consent requiring the proposed deck is to be cut back to be 1m from the side boundary to allow for adequate space for screen planting. Further to this it is also recommended that the planting extend for the entire length of the paved area.	
<b>2.14.10 Solar Access</b> Dwellings should be sited to allow adequate provision for access of direct sunlight to private open space within the subject land and on adjacent properties. At least 50% of the required private open space within the subject property and that on adjoining properties is to receive direct sunlight for a minimum of 4 hours between 9am and 3pm on 21 June.	The applicant has demonstrated that the proposal will allow adequate provision for access of direct sunlight to the private open space of adjacent properties.  At least 50% of the required private open space on adjoining properties receive a minimum of 4 hours of direct sunlight between 9am and 3pm on 21 June	Yes
<b>2.14.11 Ventilation</b> Place windows to allow cross ventilation	The dwelling is adequately ventilated and achieve cross ventilation.	Yes
<b>2.14.14 Car Parking and Vehicular Access</b> Dwelling house  At least one car parking spaces must be provided behind the front building line. Single garages must have minimum internal dimensions of 5.5m by 3.0m. Double garages must have minimum internal dimensions of 5.5m by 5.0m.	The proposal provides basement parking for two (2) car spaces as well as driveway space. The proposed basement parking will be accessed via a newly proposed vehicular crossing.  Note: The existing vehicle crossing located toward the east of the site will be made redundant. An application for the new crossing location will be required to be submitted to Council.  Overall, it is considered that the proposal achieves sufficient on-site car parking for the extent of the proposed development.	Yes
<b>2.14.15 Access and Surveillance</b>	The proposed development has been designed to achieve safety and security for visitors and encourages crime prevention.	Yes
<b>2.15 Fencing</b>	No fencing is proposed. However, a 1m high masonry retaining wall is proposed along the front boundary. 1.5m high hedge planting will sit behind the proposed wall ensuring it is consistent with the surrounding streetscape.	Yes
<b>2.16 Waste Management</b>		
<b>2.16.1 Storage and Facilities</b>	Adequate waste storage facilities on site are provided and screened from view.	Yes
<b>2.16.2 Waste Management Planning</b>	An adequate waste management plan was submitted with the application	Yes
<b>2.17 Services</b>	Existing services are able to adequately services the proposed development.	Yes

## 12. Development Contributions

### 12.1 SECTION 7.11 CONTRIBUTIONS



In accordance with the City of Parramatta (Outside CBD) Development Contributions Plan 2021, a Section 7.11 Development Contribution is not required to be paid as the proposal consists of the demolition of a dwelling house prior to the construction of a new dwelling house which is listed as development that is exempt from this plan.

## **12.2 HOUSING & PRODUCTIVITY CONTRIBUTIONS**

In accordance with cl.7.28 of the Environmental Planning and Assessment Act 1979, the Housing Productivity Contributions is not applicable as this development application was lodged on 11 September 2023.

## **13. 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.

## **14. EP&A Regulation 2021**

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.

## **15. The likely impacts of the development**

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and built form. In the context of the site and the assessments provided by Council's experts, the development is considered satisfactory in terms of environmental impacts.

## **16. Suitability of the Site**

The subject site can accommodate a development of scale as the site required services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding properties and is ideally located close to services and facilities.

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

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

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

## **17. Public Consultation**

In accordance with the Parramatta Notification Plan the Development Application was notified and zero (0) submissions were received.

## 18. Public interest

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

## 19. Conclusion

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

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide acceptable levels of amenity for future residents.

It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

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

## 20. Recommendation

### RECOMMENDATION

- A. **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, **approve** development consent to DA/541/2023 for the demolition of existing structures. construction of a two-storey dwelling with basement, front fence with retaining walls on land at 35 Strathalbyn Drive, Oatlands, subject to conditions of consent.
- B. That the Parramatta Local Planning Panel, approve the Clause 4.6 variation to the FSR for the following reasons:
  - a) The departure representing a variation of 15.53% from the standard is reasonable and allows for a transition of height that is sympathetic with the existing topography whilst providing good urban design.
  - b) The departure does not result in adverse amenity impacts to adjoining developments.
  - c) Despite the departure the development remains generally consistent with the controls and provisions of HDCP 2012.
  - d) The variation to the height does not result in unreasonable perception of bulk and scale.

### REASONS FOR APPROVAL

1. The development is permissible in the R2 zone pursuant to the Parramatta Local Environmental 2023 and satisfies the requirements of all applicable planning standards controls.
2. The development will be compatible with the emerging and planned future character of the area.
3. The development will provide facilities and services which meet the day to day needs of residents.
4. For the reasons given above, approval of the application is in the public interest.

**“Appendix 4” to Section 4.15 Assessment Report - DA/541/2023****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/541/2023  
**Property Address:** Lot 219 DP 718810  
 35 Strathalbyn Drive, OATLANDS NSW  
 2117

**GENERAL CONDITIONS****Approved Plans & Supporting Documents**

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 (Reference No. ZD-2023 Zealous Consulting)

Drawing/Plan No.	Issue	Plan Title	Dated
DA1	B	Site Analysis/ Demolition Plan	05/09/2023
DA2	B	Neighbouring details	05/09/2023
DA3	B	Basement floor Plan	05/09/2023
DA5	B	Ground Site Plan	05/09/2023
DA7	B	First Floor Plan	05/09/2023
DA10	B	Front and Rear Elevation	05/09/2023
DA10	B	Section Plan	05/09/2023
DA13	B	East and West Elevation/ Cut and Fill Plan	05/09/2023

Civil Drawings/Stormwater (Drawing No. SEC-202340 Sabbagh)

Sheet No.	Issue	Plan Title	Dated
SWDA-1/5	A	Stormwater Drainage site management layout and details	02/08/2023
SWDA-2/5	A	Roof Drainage and layout and Rainwater tank Details and Sections	02/08/2023
SWDA-3/5	A	Pump out calculations and Rainwater tank details and Sections	02/08/2023

Sheet No.	Issue	Plan Title	Dated
SWDA- 4/5	A	Basement Drainage Layout & Pump out system details	02/08/2023

Landscape Drawings (Project No.22020 New Eden Design)

Drawing/Plan No.	Issue	Plan Title	Dated
DA101	A	Landscape Plan	03.08.2023

Specialist Reports

Document	Prepared By	Dated
Statement of Environmental Effects	DMPs	August 2023
Geotechnical Investigation Report G2392-1	GCA	6 March 2023
Supplementary Geotechnical Investigation	Douglas Partners	30 August 2021
Waste Management Plan	Zealous Consulting	2 August 2023
Clause 4.6 Variation Report	DMPs	April 2024
Cover Letter	Zealous Consulting	28 August 2024
WaterNSW General Terms of Approval	WaterNSW	17 June 2024
BASIX Certificate No. 1412270S	Certified Energy 1	11 August 2023

**Note:** In the event of any inconsistency between the approved plans and/or the civil drawings and/or landscape plans and/or supporting documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

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

**Construction Certificate**

2. 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.

**No encroachment on Council and/or Adjoining proper**

3. 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.

**Demolition of Buildings**

4. Approval is granted for the demolition as per the stamped demolition plan shown 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 Safe Work NSW 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 contain with asbestos approval to commence demolition will not be given until Council is satisfied that all asbestos removal measures and obligations are in place.
  - (e) On demolition sites where buildings to be demolished contain asbestos cement, signage is to be erected and maintained in accordance with Cl.469 of the Work Health and Safety Regulation 2017.

- (f) 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.
- (g) 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.
- (h) Demolition works involving the removal and disposal of friable asbestos must be undertaken by a Class A friable licensed asbestos professional. Where there is in excess of 10sqm of non-friable (bonded) asbestos, the removal and disposal of the non-friable asbestos must be undertaken by either a Class A or Class B Asbestos Licence asbestos professional.
- (i) Demolition is to be completed within 5 days of commencement. Unless agreed in writing by the City of Parramatta Council for larger sites.
- (j) Demolition works are restricted to Monday to Saturday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Sundays or Public Holidays.
- (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (l) 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).
- (m) Before demolition works begin, adequate toilet facilities are to be provided.
- (n) 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.
- (o) 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.
  - (iv) Prior to any earthworks or construction undertaken on site associated with the proposed development, ensure the above items are submitted and a post demolition clearance is provided from Council.

**Reason:** To protect the amenity of the area.

**Soil and Water Management – Stockpiles**

5. 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.

**BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE****Stormwater Disposal**

6. All roof water and surface water are 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. The stormwater drainage detail design shall be generally in accordance with the following stormwater plans approved by this consent, and the additional details requested below, with Council's DCP requirements, Design and Development Guidelines and the relevant Australian Standards:

- I. Stormwater Drainage, Site Management Layout and Details, Sheet No. SWDA – 1/5, Revision A, dated 2/08/2023, prepared by Sabbagh Engineering Consultancy.
- II. Stormwater Drainage, Roof Layout and Rainwater Tank Details, Sheet No. SWDA – 2/5, Revision A, dated 2/08/2023, prepared by Sabbagh Engineering Consultancy.
- III. Stormwater Drainage, Pump Out Calculations and Rainwater Tank Details and Sections, Sheet No. SWDA - 3/5, Revision A, dated 2/08/2023, prepared by Sabbagh Engineering Consultancy.
- IV. Stormwater Drainage, Basement Layout and Pump-Out Tank Details, Sheet No. SWDA - 4/5, Revision A, dated 2/08/2023, prepared by Sabbagh Engineering Consultancy.
- V. Sediment & Erosion Details, General Notes, Silt Arrester Pit, Sheet No. SWDA - 5/5, Revision A, dated 2/08/2023, prepared by Sabbagh Engineering Consultancy.

Please increase the size of the Pit 9 from 450 x 450 to 600 x 600, to provide adequate capacity for the surface flow and overflow from the rainwater tank.

The basement pump holding tank access grate covers shall be fitted with non-corrosive, childproof locking devices. Details shall be included in final

construction drainage plans submitted for approval with the construction certificate application.

**Reason:** To ensure satisfactory stormwater disposal and safety.

#### **Retaining walls**

7. 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.

#### **Sydney Water Quick check**

8. 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.

#### **Dial Before you Dig Service**

9. 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.



**Basement carpark and subsurface drainage**

10. 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.

**Construction of a standard vehicular crossing**

11. A standard vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS8 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.

**Impact on Existing Utility Installations**

12. 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.

**Driveway Grades**

13. 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.

#### **Sufficient support for adjoining property**

14. As the development involves excavation that extends well below the level of the base of the footings of buildings on adjoining land, there is a requirement to construct sufficient support (pile shoring or similar) prior to excavation and underpin the adjoining premises where necessary. The support and any required underpinning shall be designed and certified by a suitably qualified Registered Engineer for structural adequacy and any proposed works detailed on plans to be submitted to the PCA prior to the issue of a Construction Certificate

**Reason:** Protect and support the adjoining properties from possible damage from the basement excavation.

#### **Tanked Construction of Basement**

15. The perimeter walls and floor of the basement shall be constructed using a "Tanked Construction" method, to prevent any ground water seeping through the basement walls and floor base. This must be provided using a diaphragm wall and membrane or other approved form of construction and not through permanent draining of the basement structure.

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).

Any undesigned ingress of water from the tanked basement shall be collected and connected to the site pump-out system.

Details demonstrated compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to release of relevant Construction Certificate.

#### **Please Note:**

If it can be demonstrated through the completion of a hydrogeological study prepared by a suitably experienced Engineer, including but not limited to.

- i. Identify the existing groundwater flow regime, existing hydrogeological characteristics and groundwater flow

- direction with a desktop hydrogeological assessment including:
- ii. A review of regional topographic, geological and soil landscape maps,
  - iii. An assessment of local hydrogeological conditions, beneficial users, and groundwater flow direction, including a search for groundwater data from registered water supply bores within 2-3 km radius of the site (using the NSW Office of Water groundwater database as one of the available sources; however, as many datasets as possible are to be included),
  - iv. A groundwater inflow assessment to determine the approximate flow rate and permeability of the underlying soils,
  - v. Groundwater modelling to show groundwater depth, regional groundwater flow direction in accordance with regional topography and general groundwater condition, that a tanked basement is not required, this condition does not apply.

No discharge of groundwater will be permitted to be drained to Council's stormwater drainage system.

**Reason:** Protection of the environment and public health.

#### **Infrastructure & Restoration Administration fee**

16. 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.

#### **Long Service Levy**

17. Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the Long Service Levy of 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST) or as calculated at the date of this consent to the Long Service Corporation 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](http://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.

### Landscaping Plan Amendments

18. The final Landscape Plan must be consistent with the Architectural Plans numbered DA5 (Ground Site Plan), dated 05.09.2023, prepared by Zealous Consulting with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:
- a. All landscape plans are to be prepared by a professionally qualified Landscape Architect or Landscape Designer.
  - b. Screen planting along the western boundary for the full extent of the paved decking is required. Screen hedge planting must be provided in a minimum 200mm containers, be able to reach a minimum 1.8m height at ma and be planted at maximum distances of 1 (one) metre between trunk centres. Suitable species include (but are not limited to) the following:
    - Syzygium australe 'Pinnacle' (Lilly Pilly)
    - Photinia x fraseri 'Red Robin' (Red Robin)
    - Callistemon viminalis 'Slim' (Bottlebrush)
    - Acmena smithii 'Firescreen' (Lilly Pilly)
  - c. To facilitate the screen planning, the paved decking must be cut back a minimum of 1m from the western side boundary as indicated in red on the approved plans.

**Reason:** To protect the privacy of adjoining residents.

### **BEFORE THE COMMENCEMENT OF BUILDING WORK**

#### **Toilet facilities on site**

19. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

**Reason:** To ensure adequate toilet facilities are provided.

#### **Road Opening Permits - DA's involving drainage wrk**

20. 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.

#### **Dilapidation survey & report for private properties**

21. 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](mailto: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.

#### **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.

#### **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.

#### **Shoring and adequacy of adjoining property**

24. 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.

#### **Special Permits**

25. 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.

#### **Driveway Crossing Application**

26. 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 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:** To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

#### **Appointment of Principal Certifier**

27. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifier 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 Certifier 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.

**Enclosure of the site**

28. 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 Certifier prior to the commencement of any work on site.

**Reason:** To ensure public safety.

**Site Sign**

29. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70 of the Environmental Planning and Assessment Regulations 2021 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 Certifier;
- (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.

**Public liability insurance**

30. 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.



**Compliance with Home Building Act**

31. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.  
**Reason:** Prescribed condition EP&A Regulation, section 69(1).

**PC0011 Home Building Act requirements**

32. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —
- (a) In the case of work for which a principal contractor is required to be appointed—
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) In the case of work to be done by an owner-builder—
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

**Reason:** Prescribed condition EP&A Regulation, section 69(2) and (3).

**PC0016 – Payment of Security Deposits**

33. 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
<b>Development Sites Bonds:</b> <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

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.

**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/677/2023;
- 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 ensure any damage to public infrastructure is rectified and public works can be completed.

**PB0060 Long Service Levy**

34. Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the Long Service Levy of 0.25% of the value of building and construction work where the cost of building is \$250,000 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](http://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.

#### **Erosion and Sediment Control measures**

35. 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.

#### **Hazardous material survey**

36. 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.

#### **Asbestos – hazardous management strategy**

37. 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.

#### **Asbestos – signage**

38. 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](http://www.safework.nsw.gov.au).

**Reason:** To comply with the requirements of Safework NSW.

#### **Waste management plan – demolition**

39. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:

- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

**Reason:** To ensure waste is managed and disposed of properly.

### **WHILE BUILDING WORK IS BEING CARRIED OUT**

#### **Erosion & sediment control measures**

40. 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.

#### **Damage to public infrastructure**

41. 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.

**Planting Requirements**

42. All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

**Reason:** To ensure appropriate landscaping.

**Trees with adequate root volume**

43. 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.

**Copy of development consent**

44. 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.

**Dust Control**

45. 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.

**Materials on footpath**

46. 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.

**Hours of work and noise**

47. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 5pm on Monday to Friday
- 7am 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.

#### Complaints register

48. 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 affect;
- (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 complaint; 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 Certifier upon request.

**Reason:** To allow the Principal Certifier/Council to respond to concerns raised by the public.

**Construction Noise**

49. 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.

**Survey Report**

50. A signed registered survey certificate is to be submitted to the Principal Certifier at footing and/or formwork stage. The Certificate must indicate the location of the building in relation to all boundaries and easements and must confirm the finished floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

**Reason:** To ensure buildings are sited and positioned in the approved location.

**Building Work with Compliance BCA**

51. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code) and ABCB Housing Provisions Standard.

**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2021.

**Road Occupancy Permit**

52. 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.

**Oversize vehicles using local roads**

53. 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](http://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.

#### **Dust Control**

54. 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.

#### **Asbestos—records disposal& licensed waste facility**

55. 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.

#### **Asbestos handled& disposed of by licensed facility**

56. 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.

#### **Waste data file maintained**

57. 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.

#### **Hazardous/intractable waste disposed of in accor.**

58. 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.



**Liquid and Solid Wastes**

59. 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 the Environment Protection Authority's Waste Tracking Guidelines as described in 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.

**Contaminated waste to licensed EPA landfill**

60. 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.

**BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE****Record of inspections carried out**

61. 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.

**Reinstatement of laybacks etc**

62. 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.

**Landscaping shall be completed prior to occupation**

63. The landscaping must be completed in accordance with the consent and approved plans, prior to occupation/use of the premises.

**Reason:** To ensure landscaping is completed in accordance with the approved plans and maintained.

#### **Occupation Certificate**

64. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 and/or 6.10 of the Environmental Planning and Assessment Act 1979.

**Reason:** To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

#### **Street Number when site readily visible location**

65. 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.

#### **BASIX Compliance**

66. Under Section 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. **1412270S**, will be complied with prior to occupation.

**Reason:** To comply with legislative requirements of section 75 of the Environmental Planning & Assessment Regulation 2021.

#### **Clinical waste storage/disposal**

67. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.

**Reason:** To ensure a waste collection service is commenced at the time of occupation of the development.

### **OCCUPATION AND ONGOING USE**

#### **Graffiti Management**

68. 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.

#### **Air Conditioners in Residential Buildings**

69. 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.

#### **Release of Securities/Bonds**

70. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities.

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.

#### **External Plant/Air-conditioning noise levels**

71. 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.

### **WATERNSW CONDITIONS**

#### **GT0115-00001**

72. Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

#### **GT0116-00001**

73. Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2.

notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

**GT0117-00001**

74. A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

**GT0118-00001**

75. If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 212 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

**GT0119-00001**

76. All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

**GT0120-00001**

77. The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground

levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

**GT0121-00001**

78. Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

**GT0122-00001**

79. Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).

**GT0123-00001**

80. (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a

completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/waterlicensing/dewatering](http://www.waternsw.com.au/customer-service/waterlicensing/dewatering).

**GT0150-00001**

81. The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.

**GT0151-00001**

82. Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

**GT0152-00001**

83. This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

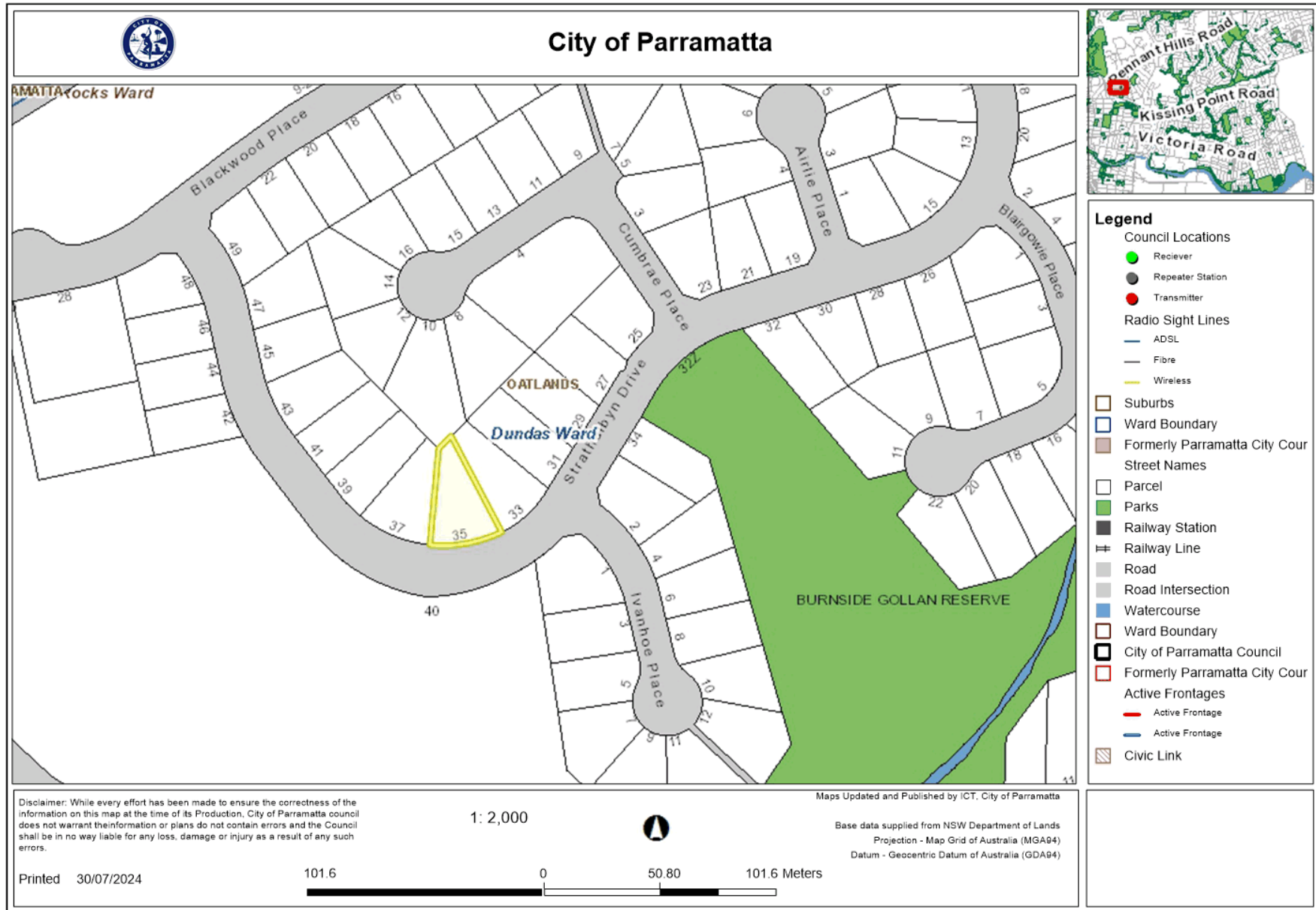
**GT0155-00001**

84. The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless

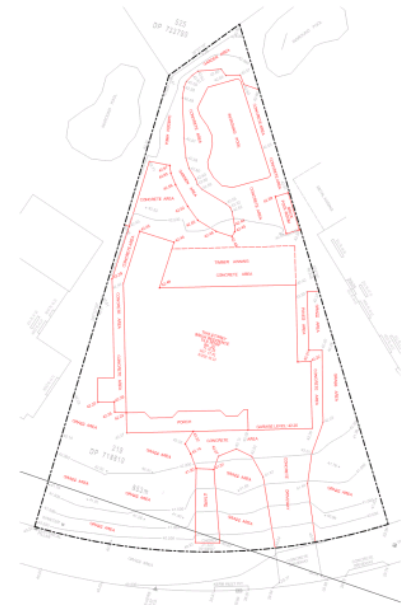
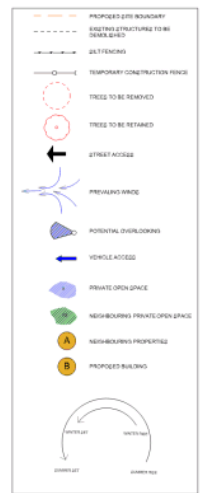
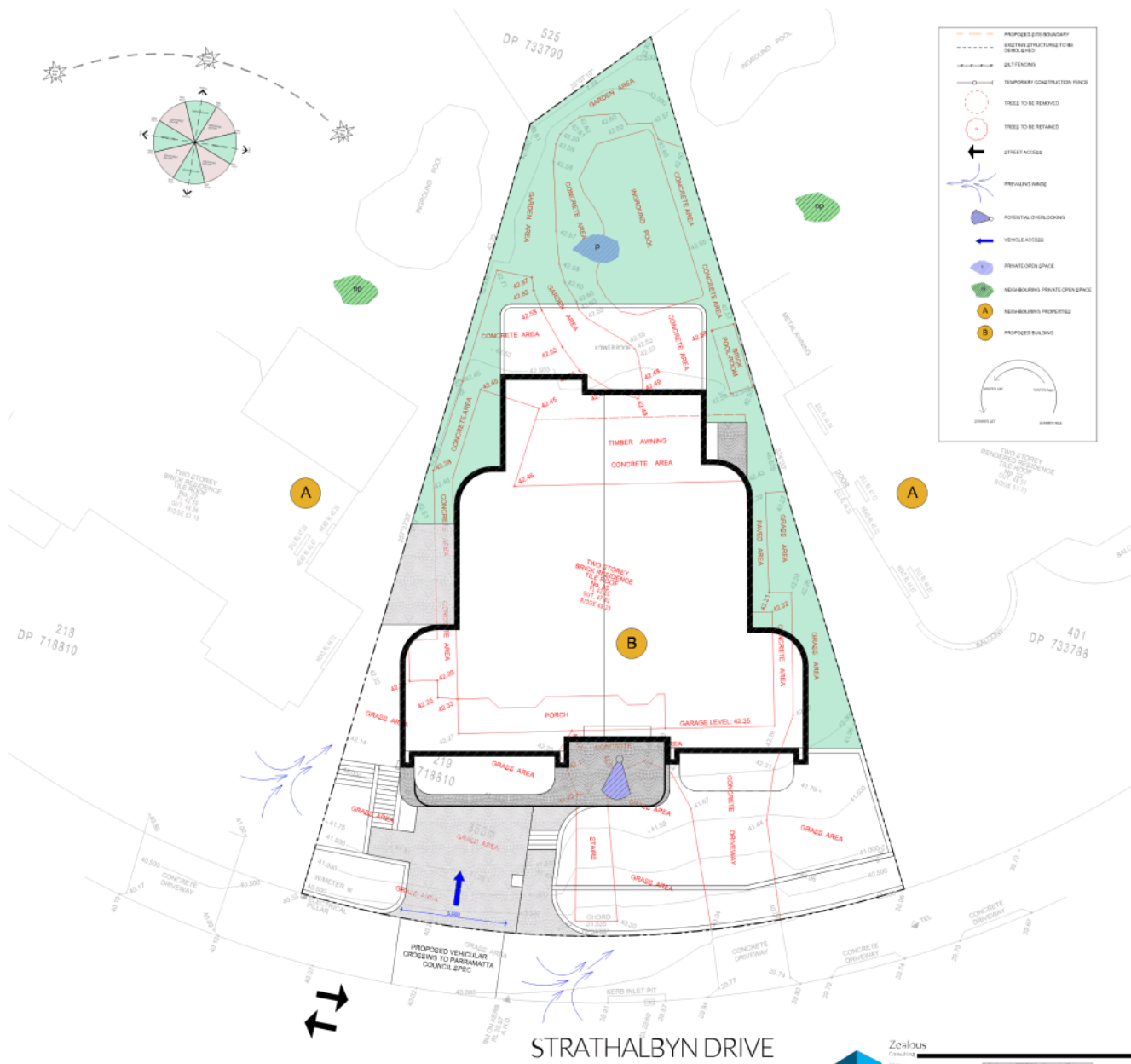
otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

---

**Date:** 22 July 2024  
**Responsible Officer:** Felicity Lam







DEMOLITION PLAN 1:200

CONTROL	The Hill DCP 2012 Paramatta (former the Hill) ESP 2012	REQUIRED	PROPOSED	COMPLIANCE
SITE AREA	450sqm	450sqm	863.7sqm	YES
BUILDING FOOT PRINT	40% 134.16sqm	200sqm	200sqm	YES
SITE COVERAGE	40% 152.20sqm	85.0sqm	85.0sqm	YES
LANDSCAPED AREA	40% 141.5sqm	241.6sqm (min)	241.6sqm	YES
PRIVATE OPEN SPACE	20% 174.25sqm	22sqm (min)	22sqm	YES
STREET FRONT SETBACK	15m	8.2m	8.2m	NO
LOOK SETBACK	300mm	min 1.4m	1.4m	YES
REAR SETBACK	8m	15.4m	15.4m	YES
MAXIMUM BUILDING HEIGHT	2m	8.66m	8.66m	YES
PARKING	min 1	min 1	1	YES
SOLAR ACCESS	min 2 hours	min 2 hours	2 hours	YES
SAVE SETBACK	875mm	min 1	1	YES

**Project Partners**  
 Planning Consultant - DANIEL McNAMARA PLANNING SOLUTIONS  
 Surveyor - CHAMM & ASSOCIATES  
 Structural Engineer - N/A  
 Civil/Stormwater Engineer - TRANCIVO ENGINEERING  
 Landscape Designer - NEW EDGE LANDSCAPE  
 Accredited Energy Assessor - CERTIFIED ENERGY  
 Geotechnical Engineer - GEOTECHNICAL CONSULTANTS AUSTRALIA

Document Set ID: 33603  
 Version: 1, Version Date: 28/07/2024



**Project:** DP 71448  
 STRATHALBYN DE GRANTLANDS  
**Client:** STRATHALBYN



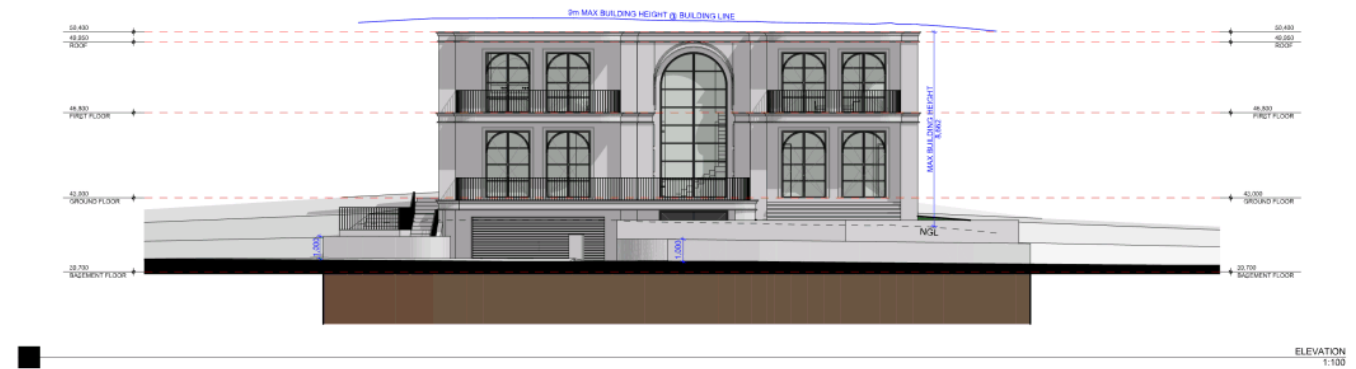
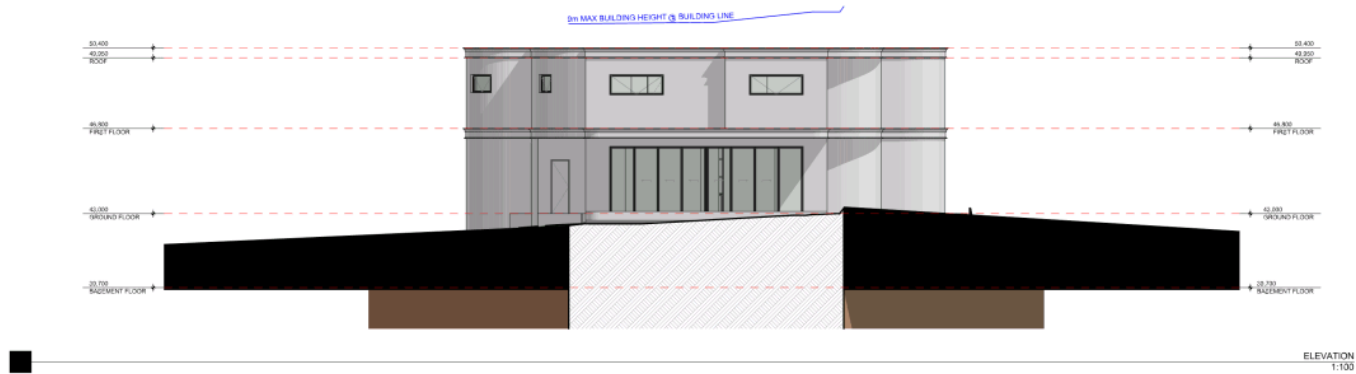
**SHEET DAT:**  
 SKETCH B

**DATE:** 20/08/2023  
**DATE:** JULY 2022  
**DRAWN BY:** S.M. / C.M.

SITE ANALYSIS PLAN

SITE ANALYSIS PLAN 1:100





Document Set ID: 33639  
Version: 1, Version Date: 28/07/2024

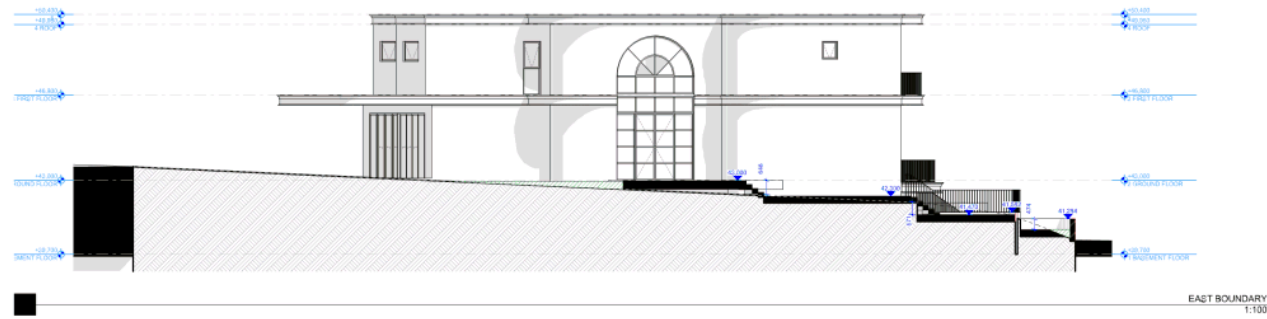


**Zelus**  
Consulting  
Suite 20/15  
77 Seaton Road, Seaton Road 2150  
Auckland, New Zealand  
Phone: +64 9 252 451 255  
Email: info@zelus.co.nz  
www.zelus.co.nz

**Project:** PARRAMATTA COLLEGE (NEW BASEMENT)  
**Address:** Lot 215, 67 TANKS  
BUSHY HILLS DRIVE, PARADISE  
**Client:** PARRAMATTA COLLEGE



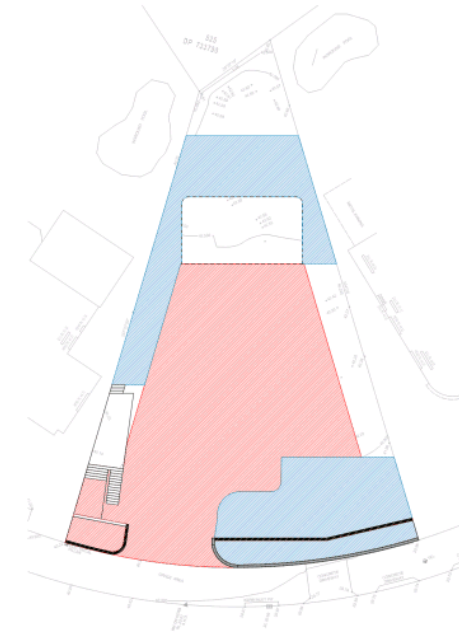
SHEET DATA		NORTH & SOUTH ELEVATION	
NO:	KS 1389 / 1.108	PROJECT:	PARRAMATTA COLLEGE SKETCH A DEVELOPMENT APPLICATION (30/06/23)
REV:	ZD-28/03/24	SCALE:	AS SHOWN / 1:100
DATE:	JULY 2023	DRAWN BY:	S.M. / C.M.



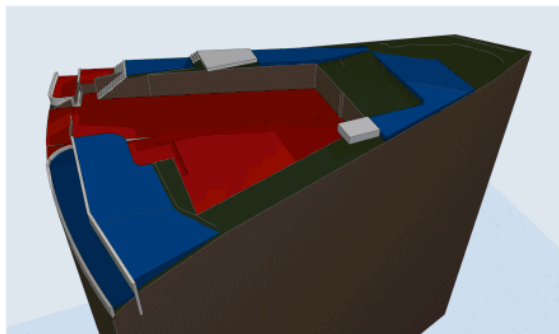
EAST BOUNDARY  
1:100



WEST BOUNDARY  
1:100



CUT & FILL PLAN  
1:200



- CUT & FILL LEGEND**
- DENOTES AREA TO BE CUT
  - DENOTES AREA TO BE FILLED
  - DENOTES CONTOURED TO BE RETAINED

Document Set ID: 33639  
Version: 1, Version Date: 28/07/2024



**Project:** PARRAMATTA COUNCIL SKETCH A DEVELOPMENT APPLICATION (30/06/23)  
**Address:** Lot 215 DP 714614 BOSTON HALLS DRIVE DARLINGTON NSW 2158  
**Client:** PARRAMATTA COUNCIL

**Project:** PARRAMATTA COUNCIL SKETCH A DEVELOPMENT APPLICATION (30/06/23)  
**Address:** Lot 215 DP 714614 BOSTON HALLS DRIVE DARLINGTON NSW 2158  
**Client:** PARRAMATTA COUNCIL



**SHEET DATA**  
**SKETCH B**

<b>NO:</b>	PARRAMATTA COUNCIL SKETCH A DEVELOPMENT APPLICATION (30/06/23)
<b>SCALE:</b>	A3 1:200 / 1:200
<b>REV:</b>	ZD-28/03/23
<b>DATE:</b>	JULY 2023
<b>DRAWN BY:</b>	S.M. / C.M.



# CLAUSE 4.6 VARIATION

---

STRATHALBYN DRIVE, OATLANDS

**NOTE:** This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review as permitted under the Copyright Act, no part of this document may be reproduced in whole or in part, without the written permission of **Daniel McNamara**,  
**Planning Solutions**, No. 138 Woorarra Avenue, ELANORA HEIGHTS NSW 2101.

Document Set ID: 53964  
Version: 1, Version Date: 30/07/2024

# 1 STATUTORY PLANNING FRAMEWORK

## 1.1 PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

The Parramatta Local Environmental Plan 2023 applies to the subject site. The particular aims of the LEP are to:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to protect and enhance the identity, diversity and viability of Parramatta City Centre and recognise its role in the Central River City of the Six Cities Region,
- (b) to create an integrated, balanced and sustainable environment that contributes to environmental, economic, social and physical wellbeing,
- (c) to identify, conserve and promote the City of Parramatta's natural and cultural heritage,
- (d) to protect and enhance the natural environment, including urban tree canopy cover and areas of remnant bushland,
- (e) to ensure development occurs in a way that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependent ecosystems,
- (f) to encourage ecologically sustainable development,
- (g) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,
- (h) to improve public access along waterways if the access does not adversely impact the natural value of the waterways,
- (i) to improve public access to, and within, the City of Parramatta and facilitate the use of public transport, walking and cycling,
- (j) to encourage a range of development to meet the needs of existing and future residents, workers and visitors,
- (k) to enhance the amenity and characteristics of established residential areas,
- (l) to retain the predominant role of industrial areas,
- (m) to ensure development does not detract from the economic viability of commercial centres,
- (n) to ensure development does not detract from the operation of local or regional road systems.

### Clause 4.4 – Floor Space Ratio

Clause 4.4 of the LEP prescribes a maximum FSR of 0.5:1 for the site. The development proposes a FSR of 0.58:1 which exceeds the maximum prescribed by the development standard. This application is supported by a Clause 4.6 Variation Request.

### Clause 4.6 – Exceptions to Development Standards

The proposal seeks to vary Clause 4.4 Floor Space Ratio of the LEP.

This Clause 4.6 variation has been prepared having regard to Land and Environment Court judgements in *Wehbe v Pittwater Council* [2007] NSWLEC 827 at [42]– [48] (*Wehbe*), *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (*Initial Action*), *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 (*RebelMH Neutral Bay*).

- (1) The objectives of this clause are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

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

**Comment:** The proposal seeks flexibility in application of the standard where the breach of maximum floor space ratio is consistent with the established character of the locality. The maximum floor space ratio development standard was imposed recently through the implementation of the Parramatta Local Environmental Plan 2023. As such, flexibility is sought given the nature of recently approved 3 storey development in the immediate locality of the site (see examples of recent approvals below):

- DA/155/2021 – Development application for a 2 storey dwelling with 2 basement levels was approved on 30 May 2022 (No. 39 Strathalbyn Drive)
- DA/650/2021 – Development application for a three-storey dwelling house was determined under deferred commencement consent on 15 October 2021 (No. 32 Strathalbyn Drive).
- DA/333/2021 – Development application for a three-storey dwelling house was approved on 14 September 2021 (No. 20 Strathalbyn Drive).
- DA/616/2021 – Development application for a three-storey dwelling house was approved on 17 December 2021 (No. 4 Cumbrae Place).
- DA/274/2020 – Development application for a three-storey dwelling house was approved on 7 September 2020 (No. 2 Ivanhoe Place).

The decision of Chief Justice Preston in *Initial Action* provides guidance in respect of the operation of Clause 4.6 subject to the clarification by the NSW Court of Appeal in *RebelMH Neutral Bay* at [1], [4] & [51] where the Court confirmed that properly construed, a consent authority has to be satisfied that an applicant's written request has in fact demonstrated the matters required to be demonstrated by Clause 4.6(3).

*Initial Action* involved an appeal pursuant to s56A of the Land & Environment Court Act 1979 against the decision of a Commissioner. At [90] of *Initial Action* the Court held that:

*In any event, cl 4.6 does not give substantive effect to the objectives of the clause in cl 4.6(1)(a) or (b). There is no provision that requires compliance with the objectives of the clause. In particular, neither cl 4.6(3) nor (4) expressly or impliedly requires that development that contravenes a development standard "achieve better outcomes for and from development". If objective (b) was the source of the Commissioner's test that non-compliant development should achieve a better environmental planning outcome for the site relative to a compliant development, the Commissioner was mistaken. Clause 4.6 does not impose that test.*

The legal consequence of the decision in *Initial Action* is that clause 4.6(1) is not an operational provision and that the remaining clauses of Clause 4.6 constitute the operational provisions.

The proposed FSR of 0.058:1 (493.18m<sup>2</sup> of gross floor area) is a variation to the development standard, however, it is suggested the floor space that exceeds the maximum does not result in bulk that would exceed the expectations of the site cover, building footprint, setback or building height controls. It is therefore considered appropriate that a degree of flexibility of applied in these particular circumstances that will ensure a development that is consistent with the desired, and existing character of the street.

The proposed FSR does not result in any excessive bulk that decreases the solar amenity currently received to the rear private open space areas, or swimming pools of neighbouring properties. See Shadow Diagrams in Architectural Plans that demonstrate the shadow cast by the proposed development at 9am, 12pm and 3pm at mid-winter. The proposed exceedance to the FSR is not the result of non-compliance with setback to side boundary controls, nor maximum height of building standards.

Therefore, despite not strictly complying with the maximum FSR development standard as prescribed by Clause 4.4(2) of the LEP, the proposed development is consistent with the pattern of existing, and recently approved development within the immediate locality of the site, thereby ensuring a consistent pattern of low density residential development is achieved within the locality. Furthermore, as a result of compliance with building height standards, and side and rear boundary setback controls, the proposed development does not have any impacts on the sunlight received by the private open spaces of adjoining properties.



(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

**Comment:** The development standard to be contravened Clause 4.4(2) Floor Space Ratio. The prescribed maximum FSR is 0.5:1

(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.

**Comment:** This submission is a written request for consideration by the consent authority.

In *Initial Action* the Court summarised the legal requirements of Clause 4.6 and confirmed the continuing relevance of previous case law at [13] to [29]. In particular, the Court confirmed that the five common ways of establishing that compliance with a development standard might be unreasonable and unnecessary as identified in *Wehbe v Pittwater Council* continue to apply as follows:

*The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council at [42] and [43].*

*A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: Wehbe v Pittwater Council at [45].*

*A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: Wehbe v Pittwater Council at [46].*

*A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: Wehbe v Pittwater Council at [47].*

*A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary: Wehbe v Pittwater Council at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in Wehbe v Pittwater Council at [49]- [51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act.*

*These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*

The first approach as outlined in *Wehbe* is appropriate in this instance. The objectives of the floor space ratio control are as follows:

- (a) to ensure buildings are compatible with the bulk, scale and character of existing and desired future development in the surrounding area,
- (b) to regulate density of development and generation of vehicular and pedestrian traffic,
- (c) to provide a transition in built form and land use intensity,
- (d) to require the bulk and scale of future buildings to be appropriate in relation to heritage sites and their settings,
- (e) to reinforce and respect the existing character and scale of low density residential areas.

Compliance with the standard is considered unreasonable and unnecessary in the circumstance of this case as the proposed development is consistent with these objectives. The building, through compliance with all other nominated building envelope criteria, is demonstrated to be compatible with the bulk, scale and character of existing and desired future development in the surrounding area. There would be no additional vehicular and pedestrian traffic generated by the proposed additional floorspace, as the development is for a single dwelling. The built form is appropriate in its context given the scale of established low and medium density development on either side of Strathalbyn Drive. There are no proximate heritage items that need to be taken into consideration in determining the appropriateness of the building's bulk and scale. The resultant built form is respectful of the existing character of development within the Burnside Estate and seeks to reinforce the 'luxury' character of recently established homes in this precinct.

A degree of flexibility is sought in the circumstances as the breach to the FSR standard does not result in any adverse environmental impacts, is not visible from the public domain, and does not give rise to any overshadowing of adjoining properties. The proposed development also complies with the height and side and rear setback controls, meaning the excess FSR is not a result of non-compliance with other controls or development standards, and is the result of a building that fits within the prescribed envelope controls.

In *Initial Action* the Court found at [23]-[25] that:

*As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.*

*The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds.*

*The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].*

#### **Sufficient Environmental Planning Grounds**

Consistent with the objectives established at Clause 1.3 of the Environmental Planning and Assessment Act 1979, the development seeks to promote the orderly and economic use and development of land, consistent with the scale of housing established in the area, and consistent with the building envelope controls established by the DCP. The development seeks to promote good design and amenity of the built environment, and has no adverse impacts on adjoining properties.

The removal of floor space by removing 66m<sup>2</sup> by perhaps removing bedrooms or living space from the building to simply achieve numerical compliance would not result in any improved outcome for the development and the adjacent properties, it would still have the same presentation to the street, as the building is compliant with building height and side setback requirements.

The proposed variation to the FSR control does not result in any adverse impacts to adjacent properties when compared to a compliant FSR.

The proposed variation to the FSR control does not result in any increased traffic impact when compared to a compliant FSR because the car parking provision is for a single dwelling regardless.

Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.

Strict compliance with the FSR standard in this particular instance would represent a departure from the manner in which the issue of the bulk and scale of recently approved development in the locality and with no measurable benefit for the public or surrounding properties. Accordingly, strict compliance would simply prevent the attainment of floor space which is within the demonstrated environmental capacity of the site.

The proposed variation allows for the most efficient and economic use of the land.

It is subsequently suggested 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 Secretary has been obtained.*

**Comment:** In *Initial Action* the Court found that Clause 4.6(4) required the satisfaction of two preconditions ([14] & [28]). The first precondition is found in clause 4.6(4)(a). That precondition requires the formation of two positive opinions of satisfaction by the consent authority.

The first positive opinion of satisfaction (cl 4.6(4)(a)(i)) is that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)(a)(i) (*Initial Action* at [25]). The second positive opinion of satisfaction (cl 4.6(4)(a)(ii)) is 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 development of the zone in which the development is proposed to be carried out (*Initial Action* at [27]).

The second precondition is found in clause 4.6(4)(b). The second precondition requires the consent authority to be satisfied that that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained (*Initial Action* at [28]).

The consent authority needs to be satisfied that the proposed development will be in the public interest. A development is said to be in the public interest if it is consistent with the objectives of the particular standard to be varied and the objectives of the zone.

Preston CJ in *Initial Action* (at [27]) described the relevant test for this as follows:

*The matter in cl 4.6(4)(a)(i), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out.*

*It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(i).*

The objectives of the floor space ratio control are as follows:

- (a) to ensure buildings are compatible with the bulk, scale and character of existing and desired future development in the surrounding area,
- (b) to regulate density of development and generation of vehicular and pedestrian traffic,
- (c) to provide a transition in built form and land use intensity,
- (d) to require the bulk and scale of future buildings to be appropriate in relation to heritage sites and their settings,
- (e) to reinforce and respect the existing character and scale of low density residential areas.

The building, through compliance with all other nominated building envelope criteria, is demonstrated to be compatible with the bulk, scale and character of existing and desired future development in the surrounding area. There would be no additional vehicular and pedestrian traffic generated by the proposed additional floorspace, as the development is for a single dwelling. The built form is appropriate in its context given the scale of established low and medium density development on either side of Strathalbyn Drive. There are no proximate heritage items that need to be taken into consideration in determining the appropriateness of the building's bulk and scale. The resultant built form is respectful of the existing character of development within the Burnside Estate and seeks to reinforce the 'luxury' character of recently established homes in this precinct.

The site is zoned R2 Low Density Residential. The objectives of the zone are as follows:

- 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 maintain the low density residential character of the area.
- To ensure non-residential land uses are carried out in a way that minimises impacts on the amenity of a low density residential environment.
- To provide a range of community facilities that serve the needs of people who live in, work in and visit the area.
- To protect and enhance tree canopy, existing vegetation and other natural features.

Each of the relevant stated objectives of the zone are satisfied by the proposed development. The proposal will provide for the housing needs of the community within a low density residential environment, with a scale consistent with the established low density residential character of the locality. The proposal does not propose non-residential land uses and therefore does not seek to enable other land uses that provide facilities or services to meet the day to day needs of residents, or to provide a range of community facilities that serve the needs of people who live in, work in and visit the area. The development does not seek to remove any vegetation from the site, but rather to establish significant new landscaping, commensurate with the scale of the intended development, proposing the establishment of 4 x native eucalypts in 100 litre pots within the front setback, having the ability to grow to a mature size of 10 – 15 metres, with a 5 metre canopy spread, greatly enhancing established vegetation and other natural features of the street.

The proposed development will maintain the existing character of the area, and will ensure the proposal is consistent with the bulk and scale of existing development and the desired future character of the estate.

- (5) *In deciding whether to grant concurrence, the Secretary 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 Secretary before granting concurrence.*

**Comment:** The contravention raises no matters of State or regional significance. It is considered that as the proposal is consistent with the desired future character of development in the precinct, there is no public benefit in maintaining the development standard given the very minor nature of the variation proposed. No other matters are required to be taken into consideration by the Director-General.

- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
  - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

**Comment:** The proposal is not for contravention of a subdivision control.

- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

**Comment:** The consent authority will keep a record of the determination.

- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
- (a) *a development standard for complying development,*
  - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
  - (c) *clause 5.4,*
  - (caa) *clause 5.5,*
  - (ca) *for Parramatta City Centre—a development standard relating to the height or floor space ratio of a building by more than 5%,*
  - (cb) *for a building on land in the Epping Town Centre and identified as "Area D" on the Floor Space Ratio Map—clause 4.4 if the building will be used for one or more of the following—*
    - (i) *for land in Zone R4 High Density Residential—attached dwellings, boarding houses, dual occupancies, dwelling houses, hostels, multi dwelling housing, residential flat buildings, semi-detached dwellings, seniors housing or shop top housing,*
    - (ii) *for land in Zone E1 Local Centre—boarding houses, hostels, seniors housing, shop top housing or tourist and visitor accommodation.*

**Comment:** The proposal is not for complying development. The development standard does not arise from the regulations in connection with BASIX. The standard does not arise from Clause 5.4 or any of the other exclusions listed.

*(8A) Subclause (8)(cb) does not apply from the beginning of 31 July 2024.*

**Comment:** Noted.

## DEVELOPMENT APPLICATION

---

<b>ITEM NUMBER</b>	5.4
<b>SUBJECT</b>	OUTSIDE PUBLIC MEETING: 48 Crowgey Street, RYDALMERE NSW 2116 (Lot 137 DP 12523).
<b>DESCRIPTION</b>	Demolition of the existing structures and construction of a 2 storey boarding house.
<b>REFERENCE</b>	DA/710/2023 - D09518342
<b>APPLICANT/S</b>	Design Cubicle Pty Ltd
<b>OWNERS</b>	Toupa Investments PTY LTD
<b>REPORT OF</b>	Group Manager Development and Traffic Services
<b>RECOMMENDED</b>	Refusal

**DATE OF REPORT 29 JULY 2024**

### REASON FOR REFERRAL TO LPP

The development is being referred to the Local Planning Panel due to a variation to a development standard greater than 10%.

### EXECUTIVE SUMMARY

Development application DA/710/2023 was lodged on 28 November 2023 for a 2 storey boarding house with 12 rooms and an on-site manager.

The subject site of the development application is legally described as Lot 137 DP 12523 and commonly known as 48 Crowgey Street, Rydalmere, and has an approximate area of 640.2m<sup>2</sup>. The subject site is a corner allotment with frontages to Crowgey Street and Pryor Street.

The lot currently comprises a single storey residential dwelling with vehicular access provided off Pryor Street to both a carport and a detached garage in the rear. The site is located on gentle sloping land, falling from the frontage to the rear.

The site has a street frontage of approximately 15.3m to Crowgey Street and approximately 42.6m to Pryor Street.

It is located within a residential area comprising of single and double storey detached dwelling and dual occupancy developments. The site is zoned R3 Medium Density Residential with sites to the south of Pryor Street zoned R2 Low Density residential.

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 11 December 2023 and 23 January 2024. Two (2) unique submissions were received. The issues raised have been addressed in the report.

### Section 4.15 Assessment Summary

The application has been assessed relative to section 4.15 of the *Environmental Planning and Assessment Act 1979*, taking into consideration all relevant state and local planning controls. Consideration of technical matters by Council's engineering

and landscaping departments, and Council's social and universal access experts, has identified substantial and fundamental issues of concern.

The proposal does not demonstrate reasonable compliance with the statutory requirements with variation to some controls in the SEPP (Housing) 2021, Parramatta LEP 2021 and the Parramatta DCP 2021 that cannot be supported.

A development standard under the SEPP (Housing) 2021 requires the minimum lot size for boarding houses in an R3 Medium Density Residential zone not be less than 800m<sup>2</sup>. The subject site has an area of 640.2m<sup>2</sup>, a variation of 20% or 159.8m<sup>2</sup>. A clause 4.6 request to vary a Development Standard was in accordance with cl.37(2) of "The Regulation", being required to be made via the NSW Planning Portal, for the minimum lot size and therefore the variation could not be considered or supported.

Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, it is recommended Development Application No. DA/710/2023 be refused.

In its context, this development proposal cannot be supported in terms of the development's context, function, environmental impacts and overall lack of public benefit.

## RECOMMENDATION

- (a) That the Parramatta Local Planning Panel, exercising the functions of Council under section 4.16 of the *Environmental Planning and Assessment Act 1979*, REFUSE development consent for DA/710/2023 at 48 Crowgey Street, Rydalmere.
- (b) **Further, that** submitters be informed of the decision.

## REASONS FOR REFUSAL













1. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the requirements of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas*
2. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the requirements to the following clauses of the *State Environmental Planning Policy (Housing) 2021 Division 2 - Boarding houses*:
  - a. Clause 24 – Non-discretionary development standards
  - b. Clause 25 – Standards for boarding houses
3. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the requirements to the following clauses of the *Parramatta Local Environment Plan 2023*:
  - a. Clause 1.2 Aims of Plan
  - b. Clause 2.3 Zone objectives and Land Use Table
  - c. Clause 4.6 Exceptions to Development Standards
  - d. Clause 6.5 Stormwater Management



4. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply the following parts of the Parramatta Development Control Plan 2023:
  - a. Part 2, Section 2.3 Preliminary Building Envelope,
  - b. Part 2, Section 2.4 Building Form and Massing
  - c. Part 2, Section 2.5 Streetscape and Building Address
  - d. Part 2, Section 2.6 Fences
  - e. Part 2, Section 2.7 Open Space and Landscape,
  - f. Part 2, Section 2.9 Public Domain,
  - g. Part 2, Section 2.11 Access for People with a Disability,
  - h. Part 3, Section 3.2.1 Solar Access and Cross Ventilation,
  - i. Part 3, Section 3.2.2 Visual and Acoustic Privacy,
  - j. Part 3, Section 3.4.1.2 Preliminary Building Envelope,
  - k. Part 3, Section 3.4.1.5 Open Space and Landscape,
  - l. Part 3, Section 3.4.1.7 Internal Amenity,
  - m. Part 4, Section 3.7 Boarding Houses
  - n. Part 5 Section 5.1.2 Water Sensitive Urban Design
  - o. Part 5, Section 5.1.3 Stormwater Management,
  - p. Part 5, Section 5.1.4 On-Site Detention Management,
  - q. Part 5, Section 5.3.4 Tree Preservation
  
5. In accordance with Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposal is not suitable for the site.
  
6. In accordance with Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposal is not in the public interest.

Najeeb Kobeissi  
**Senior Development Assessment Officer**

#### **ATTACHMENTS:**

<b>1</b>  	Assessment Report	25 Pages
<b>2</b>  	Locality Map	1 Page
<b>3</b>  	Zoning Map	1 Page
<b>4</b>  	Access Report	25 Pages
<b>5</b>  	Statement of Environmental Effects	53 Pages
<b>6</b>	Landscape Plan (confidential)	1 Page
<b>7</b>	Stormwater plan (confidential)	5 Pages
<b>8</b>	Internal floor plans (confidential)	4 Pages
<b>9</b>  	Architectual Plans	18 Pages

#### **REFERENCE MATERIAL**



City of Parramatta	
File No:	DA/710/2023

**SECTION 4.15 ASSESSMENT REPORT**  
**Environmental Planning & Assessment Act 1979**

<b>DA No:</b>	DA/710/2023
<b>Subject Property:</b>	Lot 137 DP 12523, 48 Crowgey Street, RYDALMERE NSW 2116
<b>Proposal:</b>	Demolition of the existing structures and construction of a 2 storey boarding house.
<b>Date of receipt:</b>	28 November 2023
<b>Applicant:</b>	Design Cubicle Pty Ltd
<b>Owner:</b>	Toupa Investments PTY LTD
<b>Property owned by a Council employee or Councillor:</b>	The site is not known to be owned by a Council employee or Councillor
<b>Political donations/gifts disclosed:</b>	None disclosed on the application form
<b>Submissions received:</b>	2 Unique Submissions
<b>Recommendation:</b>	<b>Refusal</b>
<b>Assessment Officer:</b>	Najeeb Kobeissi

**Legislative Requirements**

<b>Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• Parramatta Local Environmental Plan 2023 (PLEP 2023)</li> </ul>
<b>Zoning</b>	R3 Medium Density Residential
<b>Bushfire Prone Land</b>	No
<b>Heritage</b>	In the vicinity of a heritage item
<b>Heritage Conservation Area</b>	No
<b>Designated Development</b>	No
<b>Integrated Development</b>	No
<b>Clause 4.6 variation</b>	A variation to the required minimum lot size standard for a boarding house in an R3 Zone as per Section 25(g) of the SEPP (Housing) 2021 is proposed. The <b>Environmental Planning and Assessment Regulation 2021 (“the Regulation”)</b> requires a development application for development that proposes to contravene a development standard to be

accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b). A written request was **not** submitted in accordance with cl.37(2) of **"The Regulation"**, being required to be made via the NSW Planning Portal.

#### Delegation

**Parramatta Local Planning Panel (PLPP)** due to a variation to a development standard greater than 10%

### 1. Executive Summary

Development application DA/710/2023 was lodged on 28 November 2023 for a 2 storey boarding house with 12 rooms and an on-site manager.

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 11 December 2023 and 23 January 2024. Two (2) unique submissions were received. The issues raised have been addressed in the report.

#### Section 4.15 Assessment Summary

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. Consideration of technical matters by Council's engineering and landscaping departments, and Council's social and universal access experts, has identified substantial and fundamental issues of concern.

The proposal does not demonstrate reasonable compliance with the statutory requirements with variation to some controls in the SEPP (Housing) 2021, Parramatta LEP 2021 and the Parramatta DCP 2021 that cannot be supported.

A development standard under the SEPP (Housing) 2021 requires the minimum lot size for boarding houses in an R3 Medium Density Residential zone not be less than 800m<sup>2</sup>. The subject site has an area of 640.2m<sup>2</sup>, a variation of 20% or 159.8m<sup>2</sup>. A clause 4.6 request to vary a Development Standard was in accordance with cl.37(2) of "The Regulation", being required to be made via the NSW Planning Portal, for the minimum lot size and therefore the variation could not be considered or supported.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/710/2023 be refused.

In its context, this development proposal cannot be supported in terms of the development's context, function, environmental impacts and overall lack of public benefit.

### 2. Site Description and Conditions

The subject site is legally described as Lot 137 DP 12523 and commonly known as 48 Crowgey Street, Rydalmere, and has an approximate area of 640.2m<sup>2</sup>. The subject site is a corner allotment with frontages to Crowgey Street and Pryor Street.

The lot currently comprises a single storey residential dwelling with vehicular access provided off Pryor Street to both a carport and a detached garage in the rear. The site is located on gentle sloping land, falling from approximately RL 26 in the north-west frontage to approximately RL 24.8 in the south-east rear, a 2.8% slope over 43m.

The site has a street frontage of approximately 15.3m to Crowgey Street and approximately 42.6m to Pryor Street.

It is located within a residential area comprising of single and double storey detached dwelling and dual occupancy developments. The site is zoned R3 Medium Density Residential with sites to the south of Pryor Street zoned R2 Low Density residential.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image and photographs in **Figures 1 - 4** below.



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined in red. Source: Nearmap: June 2024.



Figure 2: Land use zoning map. Source: NSW Planning Portal Spatial Viewer.



Figure 3: Subject site as viewed from the corner of Crowgey and Pryor Street. Source: Site Inspection.



Figure 4: Subject site as viewed from Pryor Street. Source: Site Inspection.

### 3. The Proposal

Development Application DA/710/2023 was lodged on 28 November 2023 for the *demolition of the existing structures and construction of a 2 storey boarding house*. Specifically, the application seeks approval for:

- Enabling works which comprise:
  - Demolition of all existing structures on site
  - Removal of 10 trees throughout the site, neighbouring sites and the road reserve.
- Construction of a 2 storey boarding house

#### Ground Level

- Pedestrian access via Crowgey Street.
- Vehicle access via Pryor Street.
- At-grade parking area,
  - 4 car parking spaces (including 1 accessible parking space)
  - 3 motorcycle parking spaces.
- 5 boarding rooms
  - 3 single lodger rooms
  - 2 double lodger rooms. The 2 double lodger rooms are designed as accessible rooms in accordance with the Australian standards.
- 1 manager's room, with a private open space area, accessed directly from the room.
- Each suite is provided with a bathroom, kitchenette and laundry.
- Internal stairwell to upper floor
- A waste storage area is provided beneath the stairwell.
- Communal open space and A common living room

#### First Floor

- 7 single occupancy suites.
- Each suite is provided with a bathroom, kitchenette and laundry.
- Unit 6 is provided a small balcony.
- Units 9 & 12 are each provided with a private open space area, accessed directly from the rooms.
- Internal foyer stairwell to ground floor.

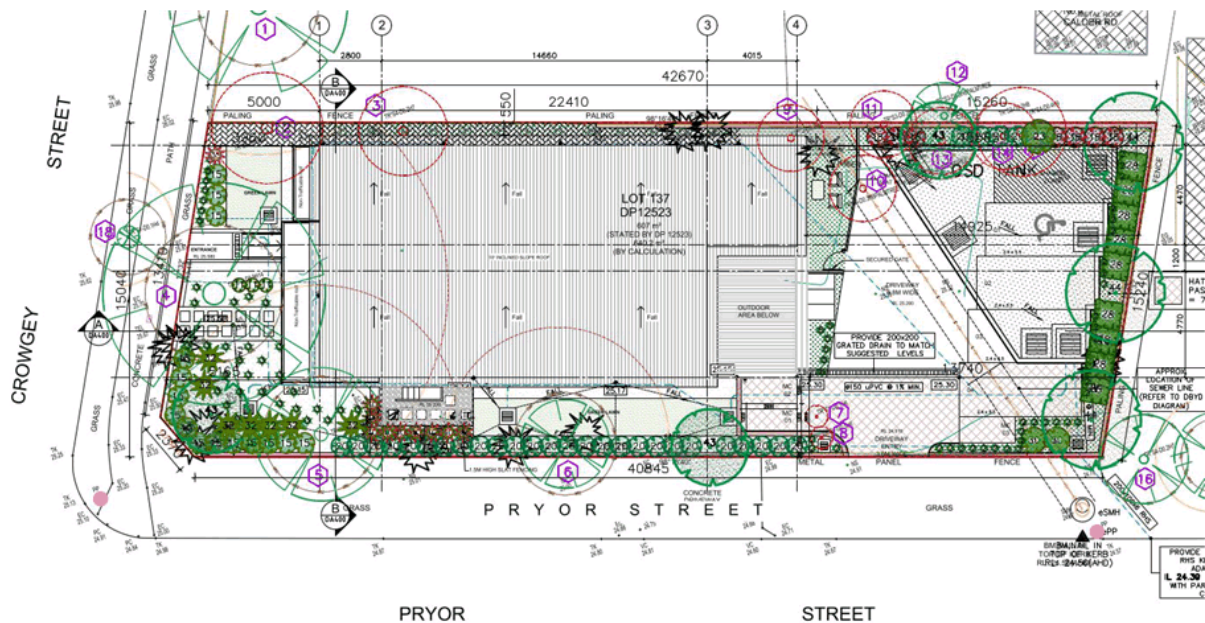


Figure 5: Site Plan. Source: Design Cubicle.



Figure 6: Photomontage. Source: Design Cubicle.

#### 4. Relevant Application History

Date	Comment
28 November 2023	Development application was lodged.
7 December 2023	A site inspection was completed, and a notification sign was placed on the subject site.
11 December 2023	The development application was placed on public exhibition for 21 days. <b>Note:</b> As required under the EP&A Act 1979, the Christmas/New Year period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
23 January 2024	The public exhibition period ended.
20 May 2024	A request for additional information (RFI) letter was sent to the applicant via the planning portal to resolve issues identified in the proposal. The issues identified in the letter are as follows: <ul style="list-style-type: none"> <li>- Minimum lot size as required under the SEPP (Housing) 2021</li> <li>- Side Setback</li> <li>- Landscaped area</li> <li>- Stormwater engineering</li> <li>- Retaining walls</li> <li>- Landscape and Tree Management</li> <li>- Outdated Statement of environmental effects</li> </ul>
29 May 2024	The applicant submitted (via email, not the NSW Planning Portal) a Draft Clause 4.6 request to vary the 800m <sup>2</sup> minimum lot size development standard as the subject site area is only 640.2m <sup>2</sup> .  The applicant requested that Council review the Clause 4.6 prior to addressing the remaining issues in the RFI as they stated that the minimum lot size issue is fundamental to their response.
14 June 2024	Upon review of the Clause 4.6, the applicant was informed that the variation to the 800m <sup>2</sup> minimum lot size development standard could not be supported, and that the application should be withdrawn, determined in its current form, or, if the applicant desired, provide an official response to the RFI by submitting additional information, including the Clause 4.6 request, via the Planning Portal.
17 June 2024	The applicant's deadline to inform Council of their decision closed. No additional information was submitted via the planning portal.

## 5. Referrals

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application.

Referral	Comment
<b>Development Engineer</b>	<p>Council's Development Engineer does not support the proposal with regards to stormwater management and has identified the following issues:</p> <p><b>1. Stormwater Requirements recommendation</b></p> <p>The proposed development appears to be located within the path of the natural runoff caused by the localised upstream catchment from the north direction. It has not been demonstrated that the water caused from the upstream catchment can be captured via a swale and pipe system and disposed separately without discharging into the proposed OSD system.</p> <p>Calculations in relation to the upstream catchment and the proposed swale have not been submitted to Council demonstrating that the proposed swale and pipe system have sufficient capacity for the 1% AEP storm event. However, if the upstream property incorporates OSD then the swale will not be required. There is insufficient information for council to determine the requirement of a swale.</p> <p><b>2. Water Sensitive Urban Design Recommendations</b></p> <p>The proposed Stormwater plans have not incorporated WSUD and Stormwater Harvesting measures within the plans and have not been submitted to Council a MUSIC model demonstrating compliance with the minimum requirements and targets listed in the DCP. Furthermore, cross-sectional and plan view details for all the proposed infrastructure and WSUD measures have not been included in the Stormwater plans.</p> <p><b>3. Retaining Walls and Earthworks</b></p> <p>In relation to earthwork, the following have not been provided:</p> <ul style="list-style-type: none"> <li>(a) A separate cut and fill plan.</li> <li>(b) All retaining walls that form part of this development have not been shown across all plans.</li> </ul>
<b>Landscape and Tree Management</b>	<p>Council's Landscape and Tree Management Officer does not support the proposal with regards to tree protection and has identified the following issues:</p> <ul style="list-style-type: none"> <li>• The Tree Protection Management Plan (TPMP) is missing.</li> <li>• All submitted site plans (Architectural, Civil, Landscape) do not indicate the tree protection zone requirements as set forth in the Arborist's report or any other note requirements that the arborist deemed necessary to ensure the long-term health and sustainable retention of the trees.</li> <li>• Pipes and pits are located in the Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) of tree 4 and 5 to the front.</li> <li>• The current landscape plan impacts to trees 4 and 5 within the front garden due to the following: <ul style="list-style-type: none"> <li>- The wall or edging shown along the boundary within the Tree Protection Zone (TPZ)</li> <li>- The planting within the Structural Root Zone (SRZ) of all trees to be retained and protected.</li> <li>- the entry path within the SRZ of tree 4</li> <li>- the stepping-stones within the SRZ of tree 4</li> <li>- The location of pits and pipes.</li> </ul> </li> </ul>
<b>Social Impact</b>	<p>Council's City Strategic Planning (Social/Cultural) team reviewed the documentation and does not support the proposal with regards to the amenity of the intended occupants of the development and has identified the following issues:</p>



	<p><b>1. Room Amenity</b></p> <ul style="list-style-type: none"> <li>The Plan of Management states that rooms are to be furnished with lights, blinds, and a mirror. This is not considered to be furnished.</li> <li>The Parramatta DCP 2023 establishes minimum fixed room furnishings per room, to ensure a high level of amenity and meet the needs of residents.</li> <li>The Statement of Environmental Effects (SEE) states that <i>“The insistence upon fitted furniture such as beds, dining tables, bedside tables etc. is draconian and institutional in nature and will detract from the high-quality feel of the development. The occupants of the Boarding House will comprise persons of a lower income (but greater than welfare payment income) such as students, nurses, ambulance drivers and schoolteachers who will be given the discretion to furnish their boarding suite.”</i></li> <li>Given the shorter-term nature of boarding house leases and focus on the provision of affordable housing, it is not appropriate to expect tenants to furnish their rooms.</li> <li>An emergency evacuation plan has not been provided.</li> </ul> <p><b>2. Accessible rooms</b></p> <ul style="list-style-type: none"> <li>The floor plans indicate that the microwave will be located above the fridge. This is not considered to be accessible.</li> <li>This layout suggests that the boarding rooms are constrained in size and the applicant seeking to maximise floor space by stacking appliances.</li> </ul> <p><b>3. Communal spaces</b></p> <ul style="list-style-type: none"> <li>The proposal does not meet the requirements for communal living space and communal outdoor space.</li> <li>This layout suggests that the boarding rooms are constrained in size and the applicant is seeking to maximise floor space by stacking appliances.</li> <li>Given that an on-site manager is not required for a boarding house of this scale, the space dedicated to the on-site manager’s room should be repurposed to provide adequate communal space.</li> </ul>
<b>Universal Access</b>	<p>Council’s Project Officer – Universal Access does not support the proposal with regards to access for people with a disability and has identified the following issues:</p> <ul style="list-style-type: none"> <li>Entry from Crowgey Street is via a 1m wide 1:10 ramp. The ramp should be increased to the full width of the front porch area and the ramp gradient should be reduced to 1:14 for greater amenity for the occupants and to open the entry door area. Similar works to the rear entry would also be beneficial.</li> <li>The garbage chute should provide features suitable for use by persons with a disability.</li> <li>Access to the bin store is required to be accessible. (steppingstones are not accessible).</li> <li>An accessible path of travel is required to the clothesline.</li> <li>Both accessible units are provided with the same layout including the bathroom. Reversing the bathroom layout (transfer onto the pan) to one unit provides greater choices for persons with a disability while also reflecting the requirements of BCA F4D5 (g).</li> </ul>

	<ul style="list-style-type: none"> <li>Locating the microwave over the fridge in the accessible rooms will not provide suitable access.</li> <li>Equipment and furniture within the communal areas including the living area and BBQ require accessible and inclusive features suitable for a person with a mobility and other impairments.</li> </ul>
<b>Traffic and Parking</b>	<p>Council's Traffic Engineer supports the proposal with regards to traffic generation and parking and has provided the following comments:</p> <p><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.</i></p>
<b>Heritage</b>	<p>Council's Senior Heritage Advisor supports the proposal with regards to the impact of the proposal on the neighbouring heritage item, and has provided the following comments:</p> <p><i>The proposal satisfies the requirements of Council's controls and <b>can be supported</b>, subject to standard and/or special conditions of consent.</i></p> <p><i>No heritage comments required for the development, although the site is in the vicinity of a heritage listed dwelling house (Local - I687), there is sufficient separation (by Pryor Street).</i></p> <p><i>From a heritage perspective this site is not affected by the DCP controls except for those relating to its vicinity and context which includes the local heritage item.</i></p>
<b>Environmental Health - General</b>	Supported, subject to conditions of consent.
<b>Environmental Health - Waste management</b>	Supported, with regards to the proposed waste management, subject to conditions of consent.
<b>Environmental Health - Acoustic</b>	Supported, with regards to the acoustic impacts of the development, subject to conditions of consent.

## PLANNING ASSESSMENT

### 6. Environmental Planning Instruments

#### 6.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Parramatta Local Environmental Plan 2023 (PLEP 2023)
- Parramatta Development Control Plan 2023 (PDCP 2023)

Compliance with these instruments is addressed below.

#### 6.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2 VEGETATION IN NON-RURAL AREAS

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

Council's Consultant Landscape and Tree Management officer does not support the proposal. For further information refer to part 5 of this report.

### 6.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 6 WATER CATCHMENTS

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

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal, and any matters of general relevance (erosion control, etc) would have been managed by conditions of consent should the application have been recommended for approval.

### 6.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDIATION OF LAND

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

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 non-residential land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

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

Standard and special conditions relating asbestos, site audit statement, site investigation and contamination would have been imposed should the application have been recommended for approval.

### 6.5 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2 INFRASTRUCTURE

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

CLAUSE	COMMENT
<b>Clause 2.48 – Electricity infrastructure</b>	The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
<b>Clause 2.98 – Development adjacent to rail corridors</b>	The subject site is not adjacent to a rail corridor.
<b>Clause 2.119 – Impact of road noise or vibration on non-road development</b>	The subject site does not have frontage to a classified road.
<b>Clause 2.120 – Impact of road noise or vibration on non-road development</b>	<i>Crowgey Street and Pryor Street</i> have an average daily traffic volume of less than 20,000 vehicles per day. As such, clause 2.120 is not applicable to the development application.
<b>Clause 2.122 – Traffic-generating development</b>	The proposal does not generate more than 200 motor vehicles per hour and is not a site with access to a classified road or to a road that connects to a classified road.  The proposed boarding house on <i>Crowgey Street and Pryor Street</i> does not trigger Clause 2.122.

### 6.6 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition would have been imposed to ensure such commitments would have been fulfilled during the construction of the development should the application have been recommended for approval.

## 6.7 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 – CHAPTER 2 AFFORDABLE HOUSING

## Division 2 Boarding Houses

Clause 23 Boarding houses permitted with consent of the Housing SEPP states the following:

*Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument.*

Boarding Houses are *permitted with Consent* in an R3 Medium Density Residential Zone under the Parramatta LEP 2023. Therefore, the proposed development is permitted on the subject site.

An assessment against the provisions of Division 2 of the SEPP has been carried out in the below table.

Clause / SEPP requirement	Comments	Compliance
<b>Clause 24 – non-discretionary development standards</b>		
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of boarding houses that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies.		
<b>Clause 2(a)</b> (a) for development in a zone in which residential flat buildings or shop top housing are permitted—a floor space ratio that is not more than— (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 30% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house,	Does not apply as residential flat buildings and shop top housing are not permitted in an R3 Medium Density Residential zone.	N/A
(b) if paragraph (a) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land	Site area: 640.2m <sup>2</sup> FSR= 0.6:1 = Max GFA allowable: 384.12m <sup>2</sup> proposed FSR: 0.57:1 = GFA Proposed: 364.5m <sup>2</sup>  Ground Floor: 193.7m <sup>2</sup> First Floor: 170.8m <sup>2</sup> Total: 364.5m <sup>2</sup>	Yes
(c) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument	PDCP 2023 requires 40% (256.1m <sup>2</sup> ) of the site area as landscaping with a minimum dimension of 2 metres x 2 metres and has a minimum soil depth of 1.2 metres.  The proposal provides 24.7% of the site area (158.2m <sup>2</sup> ) as landscaped area.  The applicant has included the first-floor outdoor communal area as landscaped, however, the space does not meet the definition under the PDCP 2023.	No
(d) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat	The subject site is not in an R4 High Density Residential zone	N/A

buildings under a relevant planning instrument,		
(e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,	The proposal achieves the required 3 hours of solar access.	Yes
(f) for a boarding house containing 6 boarding rooms— (i) a total of at least 30m <sup>2</sup> of communal living area, and (ii) minimum dimensions of 3m for each communal living area,	The proposed boarding house contains more than 6 rooms.	N/A
(g) for a boarding house containing more than 6 boarding rooms— (i) a total of at least 30m <sup>2</sup> of communal living area plus at least a further 2m <sup>2</sup> for each boarding room in excess of 6 boarding rooms, and (ii) minimum dimensions of 3m for each communal living area,	Required: $30m^2 + [2m^2 \times (12 - 6)] = 42m^2$  Proposed: 23m <sup>2</sup>  <b>Does not Comply</b>	<b>No</b>
(h) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m,	Site area: 640.2m <sup>2</sup> Required Communal open space: 128m <sup>2</sup>  Proposed: 39m <sup>2</sup>  <b>Does not Comply</b>	<b>No</b>
i) if a relevant planning instrument does not specify a requirement for a lower number of parking spaces—at least the following number of parking spaces— (i) for development on land within an accessible area—0.2 parking spaces for each boarding room, (ii) otherwise—0.5 parking spaces for each boarding room,	The subject site is located in an accessible area as it is 160m walk to the future Dundas Light Rail Station and 110m from the nearest regularly serviced bus stop.  <b>accessible area</b> means land within— (a) 800m walking distance of a public entrance to— (i) a railway station, or (ii) a wharf from which a Sydney Ferries ferry service operates, or (b) 400m walking distance of— (i) a public entrance to a light rail station, or (ii) for a light rail station with no entrance—a platform of the light rail station, or (c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the <i>Passenger Transport Act 1990</i> , that has at least 1 bus per hour servicing the bus stop between— (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and (ii) 8am and 6pm on each Saturday and Sunday.  Required: 12 boarding rooms x 0.2 = 2.4 (3) parking spaces. Provided: The proposal provides four (4) at-grade parking spaces including one accessible parking space.	Yes
(j) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument.	The PDCP 2023 requires Parking rates be provided as per the <i>State Environmental Planning Policy (Housing) 2021</i> .  Refer to the row directly above for further information.	Yes
<b>Clause 25 – Standards for boarding houses</b>		

(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that.		
(a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m <sup>2</sup> , and	Each boarding room is proposed to be between 12.5m <sup>2</sup> and 14m <sup>2</sup> excluding kitchenette and ensuite facilities.	Yes
(b) no boarding room will be occupied by more than 2 adult residents, and	2 rooms are occupied by 2 adults and the remaining 10 rooms are single occupancies.	Yes
(c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident,	Kitchenette and ensuite facilities are provided for each room.	Yes.
(d) for a boarding house on land in Zone R2 Low Density Residential or an equivalent land use zone—the boarding house will not have more than 12 boarding rooms, and	The subject site is zoned R3 Medium Density Residential.	N/A
(e) for a boarding house on land in a business zone—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 the use, and	The subject site is not in a business zone.	N/A
(f) for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living area, and	A communal Living Area is provided.	
(g) the minimum lot size for the boarding house is not less than— (i) for development on land in Zone R2 Low Density Residential—600m <sup>2</sup> , or (ii) for development on other land—800m <sup>2</sup> . (iii) repealed	<p>The subject site is located in an R3 Medium Density Residential Zone</p> <p><b>Minimum required lot size:</b> 800m<sup>2</sup> <b>Site area:</b> 640.2m<sup>2</sup> <b>Variation:</b> 20% or 159.8m<sup>2</sup></p> <p>The subject site does not meet the minimum lot size standard for co-living developments in an R3 medium density residential zone.</p> <p>The subject site's variation to the standard results in variations to the required areas for deep soil, landscaping, communal space, room areas, and setbacks. The proposed development on the undersized site is one that lacks the built and natural characteristics of the area, reduces internal amenity, lacks the adequate areas for communal spaces, and potentially impacts the visual privacy of neighbouring properties due to insufficient setbacks.</p> <p>In order for Council to assess a variation to a development standard, a Clause 4.6 request to vary a development standard would need to be submitted.</p>	<b>No</b>

	<p>A draft Clause 4.6 request to vary a development standard was submitted via email for consideration. However, as the clause 4.6 request was not submitted via the NSW Planning Portal, in accordance with cl. 37 of “<b>The Regulation</b>”, it does not officially form part of the development application.</p> <p>For further information, refer to the discussion under Clause 4.6 of the PLEP 2023 below.</p>	
<p><b>(h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following—</b></p> <p><b>(i) for a boarding room intended to be used by a single resident—12m<sup>2</sup>,</b></p> <p><b>(ii) otherwise—16m<sup>2</sup>, and</b></p>	<p>The area of the single rooms, excluding the area used for the purposes of the private kitchen and bathroom facilities, ranges from 12.5m<sup>2</sup> to 14m<sup>2</sup>.</p> <p>Both double occupancy rooms, excluding the area used for the purposes of the private kitchen and bathroom facilities, are 14m<sup>2</sup>.</p> <p>A clause 4.6 request to vary the development was not submitted and therefore could not be considered by Council.</p>	<p>Yes</p> <p><b>No</b></p>
<p><b>(i) the boarding house will include adequate bicycle and motorcycle parking spaces.</b></p>	<p>The PDCP 2023 requires the follow parking provision rates for bicycle and motorcycles:</p> <ul style="list-style-type: none"> <li>- Bicycle parking is to be provided at a rate of 0.2 spaces per car parking space that would normally be required.</li> <li>- Motorcycle parking is to be provided at a rate of 1 space per 50 car parking spaces</li> </ul> <p>With 3 carparking spaces required the provision of bicycle and motorcycle parking are as follows:</p> <ul style="list-style-type: none"> <li>- 0.6 bicycle parking, therefore one (1) bicycle parking</li> <li>- One (1) Motorcycle parking.</li> </ul> <p>The proposal provides the following bicycle and motorcycle parking spaces:</p> <ul style="list-style-type: none"> <li>- Three (3) bicycle parking</li> </ul> <p>Three (3) Motorcycle parking.</p> <p>Adequate bicycle and motorcycle parking spaces have been provided</p>	<p>Yes</p>
<p>(2) Development consent must not be granted under this Division unless the consent authority considers whether—</p>		
<p><b>(a) the design of the boarding house will be compatible with—</b></p> <p><b>(i) the desirable elements of the character of the local area, or</b></p> <p><b>(ii) for precincts undergoing transition—the desired future character of the precinct, and</b></p>	<p>The proposal does not contribute to the character of the area due to issues regarding side setbacks, deep soil and landscaping.</p> <p>The area is, via the development controls applying to the land for future development, to be characterised with sufficient building separations and spaces with mature trees and appropriate landscaping. The impact on the existing mature trees has not been determined due to insufficient information and the lack of additional landscaping cannot be supported.</p>	<p><b>No</b></p>
<p><b>(b) the front, side and rear setbacks for the boarding house are not less than—</b></p> <p><b>(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi</b></p>	<p>The subject site is zoned R3 Medium Density Residential.</p> <p>An assessment for setbacks is detailed below in Part 8 <i>Parramatta Development Control Plan 2023</i> of this report.</p>	<p><b>No</b></p>

dwelling housing under a relevant planning instrument, (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument,		
(c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide.	N/A	N/A
<b>Clause 26 – Must be used for affordable housing in perpetuity</b>		
(1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity—		
(a) the boarding house will be used for affordable housing, and	The applicant's SEE states that the boarding house will be used for affordable housing.  Should the application have been recommended for approval, a condition of consent would have been imposed requiring the development to be used for affordable housing in perpetuity.	Capable of compliance
(b) the boarding house will be managed by a registered community housing provider.	Should the application have been recommended for approval, a condition of consent would have been imposed requiring the development to be managed by a registered community housing provider.	Capable of compliance
(2) Subsection (1) does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	The proposal is not on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	N/A
<b>Clause 27 – Subdivision of boarding houses not permitted</b> Development consent must not be granted for the subdivision of a boarding house.	Subdivision is not proposed.	Yes

## 7. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

The relevant matters considered under the PLEP 2023 for the proposed development are outlined below:

### 1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in the City of Parramatta in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to protect and enhance the identity, diversity and viability of Parramatta City Centre and recognise its role in the Central River City of the Six Cities Region,

(b) to create an integrated, balanced and sustainable environment that contributes to environmental, economic, social and physical wellbeing,

(c) to identify, conserve and promote the City of Parramatta's natural and cultural heritage,

(d) to protect and enhance the natural environment, including urban tree canopy cover and areas of remnant bushland,

(e) to ensure development occurs in a way that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependent ecosystems,

(f) to encourage ecologically sustainable development,



- (g) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,
- (h) to improve public access along waterways if the access does not adversely impact the natural value of the waterways,
- (i) to improve public access to, and within, the City of Parramatta and facilitate the use of public transport, walking and cycling,
- (j) to encourage a range of development to meet the needs of existing and future residents, workers and visitors,
- (k) to enhance the amenity and characteristics of established residential areas,
- (l) to retain the predominant role of industrial areas,
- (m) to ensure development does not detract from the economic viability of commercial centres,
- (n) to ensure development does not detract from the operation of local or regional road systems.

It is considered that the development does not satisfactorily meets the aims of the plan, specifically objectives (b), (d) and (k). This is due to the issues raised in this report surrounding stormwater, tree management, social impact, character

#### Clause 2.3 Zone objectives and Land Use Table

The site is zoned R3 Medium Density Residential. The aims and objectives for the R3 zone in Clause 2.3 – Zone Objectives are as follows:

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

The proposal is not consistent with the objectives of the zone, as the proposal will have impacts on the character of a medium density residential environment and on the amenity of the area.

Standards and Provisions	Compliance
<b>Part 4 Principal development standards</b>	
<b>Cl. 4.3 Height of buildings</b> Allowable: 11m	<b>Proposed:</b> 9m  <b>Complies</b>
<b>Cl. 4.4 Floor space ratio</b> <b>Allowable: 0.6:1</b> <b>Max GFA allowable: 384.12m<sup>2</sup></b>	Site area: 640.2m <sup>2</sup>  Proposed FSR: 0.57:1 = GFA Proposed: 364.5m <sup>2</sup>  Ground Floor: 193.7m <sup>2</sup> First Floor: 170.8m <sup>2</sup> Total: 364.5m <sup>2</sup>  <b>Complies</b>
<b>Cl. 4.6 Exceptions to Development Standards</b>	A draft Clause 4.6 request to vary a development standard was submitted via email for consideration. However, as the clause 4.6 request was not submitted via the NSW Planning Portal, in accordance with cl. 37 of <b>The Regulation</b> , it does not officially form part of the development application.  The applicant was advised if they wanted to officially respond to Council's Request for additional information, all documents, including the Clause 4.6 request, would need to be submitted via the Planning Portal.  A response was not provided; therefore the proposal has not met the requirements of Clause 4.6; as Council was unable to be satisfied that: <ul style="list-style-type: none"> <li>a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</li> <li>b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</li> </ul>

	as a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b) was not formally submitted to Council in accordance with cl.37 of <b>"the Regulations"</b> , being via the NSW Planning Portal.
<b>Part 5 Miscellaneous provisions</b>	
<b>Cl. 5.6 Architectural roof features</b>	An architectural roof feature is not proposed.
<b>Cl. 5.7 Development below mean high water mark</b>	The proposal is not for the development of land that is covered by tidal waters.
<b>Cl. 5.8 Conversion of fire alarms</b>	Does Not Apply
<b>Cl. 5.9 Dwelling house or secondary dwelling affected by natural disaster</b>	Does Not Apply
<b>Cl. 5.10 Heritage conservation</b>	<p>The subject site does not contain a heritage item and does not fall within a heritage conservation area.</p> <p>However, south of the subject site, across Pryor Street, a heritage listed dwelling house (Local - I687) is identified.</p> <p>Council's Senior Heritage Advisor has reviewed the application and supports the proposal with regards to the impact of the development on a neighbouring heritage item.</p> <p>For further information, refer to the referral comments in part 5 of this report.</p>
<b>Cl. 5.11 Bush fire hazard reduction</b>	The site is not identified as bushfire prone.
<b>Cl. 5.21 Flood Planning</b>	The site is not identified as flood prone.
<b>Part 6 Additional local provisions</b>	
<b>Cl. 6. 1 Acid sulfate soils</b>	<p>The subject site is identified as a class 5 on the Acid Sulfate Soils map.</p> <p>An Acid Sulfate Soil management plan is not required.</p>
<b>Cl. 6. 2 Earthworks</b>	<p>The proposed Earthworks on site are limited to the footprint of the building with a maximum fill of 600mm. The ground levels on the remainder of the site remain unchanged.</p> <p>The proposed earthworks are acceptable and meet the objectives of the clause.</p>
<b>Cl. 6. 3 Biodiversity</b>	The subject site is not identified on the Biodiversity Values map.
<b>Cl. 6. 4 Riparian land and waterways</b>	The subject site is not identified as "Riparian land and waterways" on the Natural Resources Map.
<b>Cl. 6. 5 Stormwater management</b>	<p>Council's Development Engineer does not support the proposal with regards to stormwater management, and has identified a number of changes that are required to the proposal for it to satisfy the controls within the DCP.</p> <p>For further information, refer to the referral comments in part 5 of this report.</p>
<b>Cl. 6. 6 Foreshore area</b>	The subject site is not located in the foreshore area.
<b>Cl. 6. 7 Essential services</b>	The required essential services are available on the site.
<b>Cl. 6. 8 Landslide risk</b>	The subject site is not identified as "Landslide risk land" on the Natural Resources Map.

### 8. The Parramatta Development Control Plan 2023

Standards and Provisions	Comment	Compliance
<b>Part 2 Design Context</b>		
<b>2.3 Preliminary Building Envelope C.01 – C.07</b>	The proposal does not satisfy the requirements of part 2.3 due to encroachments into the northern side setback. Further detail regarding the non-compliant side setback are detailed below.	<b>No</b>
<b>2.4 Building Form and Masses C.01 – C.07</b>	<p>The proposed use of materiality and façade articulation is acceptable.</p> <p>The proposed building form and mass results in a building that does not relate to the form, proportions, and massing of future building patterns envisioned in an R3 Medium density zone. This is due to the non-compliant setbacks and a lack of landscaping.</p>	<b>No</b>

	Additionally, the building form and mass results in a loss of amenity to adjacent properties with impacts to visual amenity, and privacy.	
<b>2.5 Streetscape and Building Address C.01 – C.12</b>	The proposal addresses the street and is considered appropriate when viewed from the public domain.	No, but would have complied.
<b>2.6 Fences C.01 – C.11</b>	Due to insufficient information, a full and proper assessment to the boundary fences cannot be completed.	<b>No Insufficient Information</b>
<b>2.7 Open Space and Landscape C.01 – C.16</b>	Refer to 3.3.1.4 Open Space and Landscape for details.	<b>No</b>
<b>2.8 Views and Vistas C.01 – C.06</b>	There are no significant views or vistas affected from the proposal.	Yes
<b>2.9 Public Domain C.01 – C.10</b>	Due to insufficient information in relation to boundary fences, a full and proper assessment cannot be completed.	<b>No Insufficient Information</b>
<b>2.10 Accessibility and Connectivity C.01 – C.10</b>	The proposal does not impact on accessibility and connectivity.	Yes
<b>2.11 Access for People with a Disability C.01</b>	Councils Universal Access Officer has reviewed the development and does not support the proposal, with regards to Access for People with a Disability.  Refer to the Universal Access Officer's comments in part 5 of this report for additional information.	<b>No</b>
<b>2.12 Amenities in Buildings Available to The Public C.01</b>	The proposal does not affect amenities to the public.	N/A
<b>2.13 Culture and Public Art C.01 – C.03</b>	The proposal does not impact culture and public art.	N/A
<b>2.14 Safety and Security C.01 – C.12</b>	There are no negative impact on safety and security for adjoining properties.	Yes
<b>Part 3 Residential Development</b>		
<b>3.2 General Residential Controls</b>		
<b>3.2.1 Solar Access and Cross Ventilation C.01 – C.16</b>	The proposal achieves the required solar access and cross ventilation.	Yes
<b>3.2.2 Visual and Acoustic Privacy C.01 – C.09</b>	Council's Environmental Health Officer has reviewed the proposal and raised no objections with regards to acoustic privacy. The proposal will not have a detrimental impact on the acoustic privacy of neighbouring properties.  Due to the non-compliant north side setback, the proposal will impact on the visual privacy of the adjoining neighbour.	<b>No</b>
<b>3.2.3 Attic Design C.01 – C.11</b>	There is no attic proposed.	N/A
<b>3.2.4 Swimming Pools C.01 – C.06</b>	There are no swimming pools proposed in the development.	N/A
<b>3.2.5 Outbuildings C.01 – C.07</b>	There are no outbuildings proposed in the development.	N/A
<b>3.4 Multi-Dwelling Housing</b>		
<b>3.4.1 Key Development Standards for Townhouses</b>		
<b>3.4.1.1 Minimum Site frontage C.01 – C.03</b>	A subdivision is not proposed.	N/A
<b>3.4.1.2 Preliminary Building Envelope</b>		
<b>Building Height C.01 – C.05</b>	Refer to the Parramatta LEP 2023 for height dimensions.	Yes

Setbacks C.06 – C.17	<p><b>Front Control:</b> Minimum 6m setback or to match prevailing streetscape</p> <p>Minimum 4m for the secondary street frontage</p>	<p><b>Front Proposed:</b> Ranges from 5.16m – 6.9m. this matches the prevailing along Crowgey Street and the variation is acceptable in this instance.</p> <p>The proposed secondary frontage is 3.3m to 3.5, a variation to the required 4m. The objective of the secondary is to maintain local street character and retain existing trees while providing the opportunity for future planting.</p> <p>The proposed secondary street frontage does appear to maintain existing trees, However, the required information for the protection and retention of those trees has not been adequately provided.</p> <p>As the required arboricultural information has not been provided, the variation to the secondary frontage cannot be supported due to its potential impact on the existing trees.</p>	<p>Yes</p> <p><b>Unable to be assessed due to insufficient information</b></p>
	<p><b>Side Control:</b> Min 1.5m from side boundary</p> <p>Driveways</p>	<p><b>Side Proposed:</b> The proposed 1m side setbacks to the northern boundary does not satisfy the requirements of the PDCP 2023.</p> <p>The variation to the side setback creates additional opportunities for overlooking and impacts to visual privacy to the northern neighbour.</p>	No
	<p><b>Rear Control:</b> Equal to 15% of the site length</p> <p>Control: 40.85m site depth, therefore 6.13m rear setback to the proposal.</p>	<p><b>Rear Proposed:</b> The proposed rear setback is 14.3m.</p>	Yes
<b>3.4.1.3 Building Separation</b>	As the proposal is not for townhouses and is in one building, the controls for building separation are not applicable.		N/A
<b>3.4.1.4 Streetscape and Building Address C.01 – C.03</b>	C.01 Dwellings are to be orientated towards the street.	The proposal is oriented towards the primary street.	Yes
<b>3.4.1.5 Open Space and Landscape C.01 – C.08</b>	<p>C.01 <i>Minimum 30% of total site area deep soil 4m x 4m</i></p> <p>a) <i>at least 50% located at rear</i></p> <p>b) <i>at least 15% located at front</i></p> <p><b>Control:</b> 192m<sup>2</sup> or 30%</p>	<p><b>Proposed:</b> 98.8m<sup>2</sup> or 15.4%</p> <p><b>Variation:</b> 93.2m<sup>2</sup> or 48.5%</p> <p>The required deep soil areas are not achieved reducing opportunities for quality planting for occupant outlook and contextual character.</p>	No
	<p>C.02 <i>Minimum 40% of total be area to be landscaping 2m x 2m</i></p> <p><b>Control:</b> 256.1m<sup>2</sup> or 40%</p>	<p><b>Proposed:</b> 158.2m<sup>2</sup> or 24.7%</p> <p><b>Variation:</b> 97.9m<sup>2</sup> or 38.2%</p> <p>The required landscaped areas are not achieved reducing the scale and density of planting that softens the visual impact of buildings that provide privacy and amenity to dwelling. Additionally, the reduced landscaping in contrary to the character of the area.</p>	No

<b>3.4.1.6 Parking Design and Vehicular Access</b>	Councils Traffic Engineer has reviewed the proposal and raised no objections with regards to parking design and vehicular access. Conditions of consent, should the application have been recommended for approval, were provided.	Yes
<b>3.4.1.7 Internal Amenity</b>	The requirements for internal amenity have been discussed in the SEPP Housing (2021) and under 3.7 <i>Boarding house</i> of this table.  The proposal does not comply with those requirements.	No
<b>3.7 Boarding Houses</b>		
<b>Location criteria</b>	The subject site is located the following distances from facilities and amenities: <ul style="list-style-type: none"> <li>- 160m walk to the future Dundas Light Rail Station and 110m from the nearest regularly serviced bus stop.</li> <li>- Less than 200m from local shops and services on Station Street.</li> <li>- Less than 100m from Winjoy Reserve</li> </ul> The public transport provides reasonable access to areas with employment, recreation and entertainment.	Yes
<b>Building Form and Appearance</b>	An assessment of the building form and appearance have been completed under previous parts of the DCP assessment table above.  Issues have been identified in those assessment.	No
<b>Building envelope</b>	An assessment of the building envelope have been completed under the PLEP 2023 for height and floor space ratio, and under previous parts of the DCP assessment table above.  Issues have been identified in the DCP assessment.	No
<b>Occupation Requirements</b>	Occupation requirements have been considered under the SEPP housing.	Yes
<b>Operation Management</b>	The requirements of the section would have been imposed by way of condition of consent should the application have been recommended for approval.	Yes
<b>Annual Certification / Registration</b>	The requirements of the section would have been imposed by way of condition of consent should the application have been recommended for approval.	Yes
<b>Design of Boarding Houses - General</b>	The proposal has provided each individual rooms and communal area with the required areas. The required furniture and fittings have not been provided.  The Local Government (General) Regulation 2021 states under Schedule 2, Part 1 <i>Standards for places of shared accommodation</i> , Section 6 <i>Furniture and fittings</i> , the following:  <i>Appropriate furniture and fittings must be provided and maintained in good repair.</i>  According to the definition under the Local Government Act 1993, place of shared accommodation includes a boarding house, a common lodging house, a house let in lodgings and a backpackers hostel.  The applicants Statement of Environmental Effects states <i>"The insistence upon fitted furniture such as beds, dining tables, bedside tables etc. is draconian and institutional in nature and will detract from the high-quality feel of the development."</i>  The proposal does not comply with the requirements of the local government act and regulations.	No
<b>Minimum Size and Design for Bedrooms</b>	The proposed bedroom sizes are compliant with the requirements of the SEPP (Housing) 2021.  Bedrooms have not been provided with the required furnishings. See the above row for further information.	No
<b>Minimum Size and Design for Bathrooms</b>	The provided bathrooms are compliant and would have been required to comply with the BCA by imposed conditions of consent should the application have been recommended for approval.	Yes
<b>Minimum Size and Design for Kitchens, Laundries and Clothes Drying Facilities</b>	Internal kitchens and laundry areas have been provided and would have been required to comply with the BCA by imposed conditions of consent should the application have been recommended for approval.	Yes

<b>Minimum Size and Design for Internal Communal Living Areas and External Recreation Areas</b>	The proposal does not provide the required area of Communal spaces as required by the SEPP Housing (2021).  Refer to the assessment under the SEPP Housing (2021) for further information.	<b>No</b>
<b>Private Open Space</b>	3 rooms have been provided with acceptable private open space.  The manager has been provided with 8.7m <sup>2</sup> of private open space.	Yes
<b>Acoustic Amenity</b>	Council's Environmental Health Officer has reviewed the proposal and raised no objections with regards to acoustic amenity.	Yes
<b>Visual Privacy</b>	Due to the non-compliant north side setback, the proposal will impact on the visual privacy of the adjoining neighbour.	<b>No</b>
<b>Access for People living with a disability</b>	Council's Project Officer – Universal Access does not support the proposal with regards to access for people with a disability and has raised multiple issues. For further information, refer to the referral comments in part 5 of this report.	<b>No</b>
<b>Sustainability, Energy Efficiency and Solar Access</b>	The proposal satisfies the requirements of solar access.  The requirements of the BASIX certificate would have been required to be complied with by way of conditions of consent should the application have been recommended for approval.	Yes
<b>Car and Bicycle Parking</b>	Council's Traffic Engineer has reviewed the proposal and raised no objections with regards to car and bicycle parking. Conditions of consent, should the application have been recommended for approval, were provided.	Yes
<b>Waste Management</b>	Council's Environmental Health Officer has reviewed the proposal and raised no objections with regards to the proposed waste management.	Yes
<b>Fire Safety</b>	The proposal would have been required to comply with the BCA by imposed conditions of consent should the application have been recommended for approval.	Yes
<b>Signage</b>	No signage is proposed.	N/A
<b>Strata Subdivision</b>	Strata subdivision is not proposed.	Yes
<b>Standards and Provisions</b>	<b>Comment</b>	<b>Compliance</b>
<b>5 Environmental Management</b>		
<b>5.1 Water Management</b>		
<b>5.1.1 Flooding</b>	The subject site is not identified as flood prone.	N/A
<b>5.1.2 Water Sensitive Urban Design</b>	Council's Development Engineer have reviewed the development and do not support proposal with regards to the management of stormwater for the proposal. Refer the Development Engineer's comments in part 5 of this report for further information.	<b>No</b>
<b>5.1.3 Stormwater Management</b>	The proposed stormwater management is not supported. Refer the Development Engineer's comments in part 5 of this report for further information.	<b>No</b>
<b>5.1.4 On-Site Detention Management</b>	The proposed stormwater management is not supported. Refer the Development Engineer's comments in part 5 of this report for further information.	<b>No</b>
<b>5.1.5 Protection of Groundwater</b>	The development does incorporate a basement car park but is unlikely to impact on groundwater quality.	Yes
<b>5.2 Hazard and Pollution Management</b>		
<b>5.2.1 Soil Management</b>	An erosion and sedimentation control plan was submitted with the application.	Yes
<b>5.2.2 Acid sulfate soils</b>	Refer to LEP table above.	Yes
<b>5.2.3 Salinity</b>	The site is of low salinity potential and accordingly salinity is unlikely to impact on the development.	Yes
<b>5.2.4 Development on Sloping Land</b>	The proposed development has taken the slope of the site into consideration.	Yes
<b>5.2.5 Land Contamination</b>	The subject site is not identified as contaminated. Refer to assessment under SEPP (Resilience and Hazards) heading.	Yes
<b>5.2.6 Air Quality</b>	Had the application been recommended for approval, standard conditions would have been imposed to manage any impacts during the construction and on-going use with relation to dust and air quality.	Yes
<b>5.2.7 Bushfire Hazard</b>	The subject site is not bushfire prone	Yes

5.3 Protection of the Natural Environment		
5.3.1 Biodiversity	The subject site is not identified on the Biodiversity values Map.	N/A
5.3.2 Protection of Waterways and Riparian Corridors	The site does not adjoin a waterway.	N/A
5.3.3 Does the land about the E2 Environmental Protection zone or W1 Natural Waterways zone	The site does not adjoin land zoned E2 or W1.	N/A
5.3.4 Tree Preservation	Insufficient information has been provided to properly determine the impact on trees on both the subject site and adjoining properties. Refer to the Tree and Landscape Officer's comments in part 5 of this report.	No
5.4 Environmental Performance		
5.4.8 Waste Management	A satisfactory waste management plan was submitted with the application.	Yes
6 Traffic and Transport		
6.2 Parking Provision	Councils Traffic Engineer has reviewed the proposal and raised no objections with regards to parking proposed. Conditions of consent, should the application have been recommended for approval, were provided. Refer to the assessment under the SEPP (Housing) 2021 for additional information.	Yes
6.3 Bicycle Parking	Councils Traffic Engineer has reviewed the proposal and raised no objections with regards to bicycle parking proposed. Conditions of consent, should the application have been recommended for approval, were provided. Refer to the assessment under the SEPP (Housing) 2021 for additional information.	Yes
6.4 Loading and Servicing	Councils Traffic Engineer has reviewed the proposal and has reviewed the proposal and raised no issues with loading and servicing. Refer the traffic engineer's comments in part 5 of this report for further information.	Yes
7 Heritage and Archaeology		
7.8 Aboriginal Cultural Heritage	The proposal is identified as a low sensitivity Aboriginal Cultural Heritage site and does not require an Aboriginal Heritage Assessment.	Yes

### 9. Development Contributions

As the development is not by a social housing provider, a section 7.11 contribution would be required. Currently on site is a 2-bedroom dwelling and the proposal will be increasing the occupancy rate to 12 residents for the boarding rooms and 1 worker for the on-site manager.

A Housing and Productivity Contribution would be required as the proposal is a residential development that intensifies land-use where new dwellings are created.

Conditions of consent relating to the payment of section 7.11 contributions and the Housing and Productivity Contribution would have been imposed if the application was recommended for approval.

### 10. Bonds

A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate. A condition of consent relating to the payment of the Security Bond would have been imposed, if the application was recommended for approval.

### 11. EP&A Regulation 2021

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 conditions of consent.

## 12. The likely impacts of the development

The assessment demonstrates that the proposal will have significant adverse impacts upon any adjoining properties and the environment through noncompliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as those to tree, and built environment impacts the built form. In the context of the site and the assessments provided by Council's experts, the development is not considered satisfactory in terms of environmental impacts.

## 13. Suitability of the Site

The subject site cannot accommodate a development of a boarding house as the site area itself does not meet the requirement stated under the State Environmental Planning Policy (Housing) 2021.

Due to the insufficient site area, the proposal cannot satisfy the requirements for deep soil, landscaping, communal space, room areas, and setbacks.

The proposed development on the undersized site has resulted in the following variations to the applicable controls:

- 38.2% (97.9m<sup>2</sup>) to landscaping
- 48.5% (93.2m<sup>2</sup>) to deep soil area
- 45.2% (19m<sup>2</sup>) to the communal living space
- 69.5% (89m<sup>2</sup>) to the communal outdoor space
- 33.3% (0.5m) to the northern side setback
- 12.5% (2m<sup>2</sup>) to the double occupancy rooms (excluding the area used for the purposes of the private kitchen and bathroom facilities)

The above variations result in a development that lacks the built and natural characteristics of the area, lacks the adequate areas for communal spaces, reduces internal amenity, and potentially impacts the visual privacy of neighbouring properties due to insufficient setbacks.

Therefore, the proposal is not suitable for the site.

## 14. Public Consultation

In accordance with the City of Parramatta Notification Requirements, the Development Application was notified from 11 December 2023 to 23 January 2024. In response, 2 unique submissions were received.

Key concerns raised in the submissions are addressed below.

Issue	Response
<b>Noise issues relating to tenants coming and going and pets, if they are allowed.</b>	<p>The proposed boarding house would not have a detrimental impact on the noise in the area. The occupants of the boarding house would create a similar noise level to that of a townhouse development, which is another medium density development permitted in the zone.</p> <p>The inclusion of pets is not an assessment criterion for a boarding house and that is left up to the management of the property.</p>
<b>Insufficient parking</b>	<p>Council's Traffic Engineer has reviewed the proposal and concluded that the boarding house provided the required number of car parks. Car parking requirements are outlined by the State Environmental Planning Policy (Housing) 2021.</p>
<b>Transient tenants pose a threat to the privacy and security of our community</b>	<p>In relation to privacy, Council has determined that the noncompliant side setback could impact on the visual privacy to adjoining properties.</p> <p>In relation to security and transient tenants, the State Government identify that Boarding houses provide compact rental accommodation for a range of occupants, with minimum tenancies of 3 months. Additionally, Boarding Houses are permitted in an R3 Medium Density zone.</p> <p>If there are reasonable suspicion of a crime or security threat in a community, emergency services should be contacted.</p>



## 15. Public interest

For reasons discussed throughout this report, the proposal would be contrary to the public interest.

## 16. Conclusion

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

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

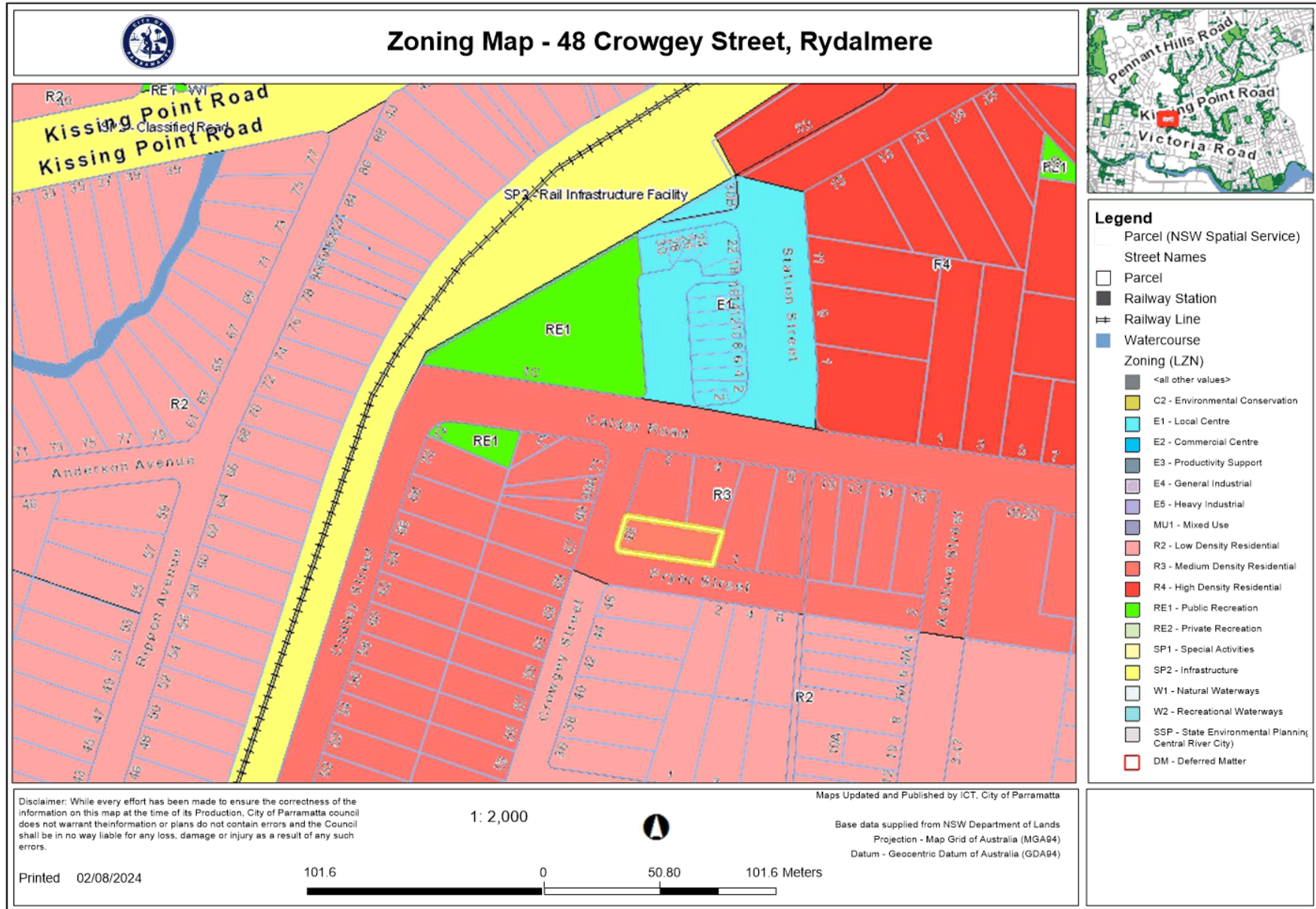
## 17. Recommendation

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

- A. **That the Parramatta Local Planning Panel**, exercising the functions of Council under section 4.16 of the Environmental Planning and Assessment Act 1979, REFUSE development consent for the following reasons:
1. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the requirements of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas*
  2. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the requirements to the following clauses of the *State Environmental Planning Policy (Housing) 2021 Division 2 - Boarding houses*:
    - a. Clause 24 – Non-discretionary development standards
    - b. Clause 25 – Standards for boarding houses
  3. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the requirements to the following clauses of the *Parramatta Local Environment Plan 2023*:
    - a. Clause 1.2 Aims of Plan
    - b. Clause 2.3 Zone objectives and Land Use Table
    - c. Clause 4.6 Exceptions to Development Standards
    - d. Clause 6.5 Stormwater Management
  4. In accordance with Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not comply the following parts of the Parramatta Development Control Plan 2023:
    - a. Part 2, Section 2.3 Preliminary Building Envelope,
    - b. Part 2, Section 2.4 Building Form and Massing
    - c. Part 2, Section 2.5 Streetscape and Building Address
    - d. Part 2, Section 2.6 Fences
    - e. Part 2, Section 2.7 Open Space and Landscape,
    - f. Part 2, Section 2.9 Public Domain,
    - g. Part 2, Section 2.11 Access for People with a Disability,
    - h. Part 3, Section 3.2.1 Solar Access and Cross Ventilation,
    - i. Part 3, Section 3.2.2 Visual and Acoustic Privacy,
    - j. Part 3, Section 3.4.1.2 Preliminary Building Envelope,
    - k. Part 3, Section 3.4.1.5 Open Space and Landscape,
    - l. Part 3, Section 3.4.1.7 Internal Amenity,
    - m. Part 4, Section 3.7 Boarding Houses
    - n. Part 5 Section 5.1.2 Water Sensitive Urban Design
    - o. Part 5, Section 5.1.3 Stormwater Management,
    - p. Part 5, Section 5.1.4 On-Site Detention Management,
    - q. Part 5, Section 5.3.4 Tree Preservation

5. In accordance with Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposal is not suitable for the site.
  6. In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not in the public interest.
- B. **That** Council advise those who made a submission of the determination.







ACCESS MOBILITY SOLUTIONS  
PO Box 675  
Pennant Hills NSW 1715  
m: 0411 456 204  
t: 02 9980 8910  
e: info@accessmobilitysolutions.com.au  
www.accessmobilitysolutions.com.au

---

# ACCESS REPORT

## PROPOSED BOARDING HOUSE

48 Crowgey Street RYDALMERE

DEVELOPMENT APPLICATION (DA)

Design Cubicle Pty Ltd

October 2023

Issue A 26<sup>th</sup> October 2023

Reference Number: 476/AMS01/01GS



## CONTENTS

1	INTRODUCTION	Page 3
2	SUBJECT DEVELOPMENT IN BRIEF	Page 3
3	DEVELOPMENT APPLICATION ARCHITECTURAL ASSESSMENT PLANS	Page 3
4	DISABILITY DISCRIMINATION ACT 1992 (DDA)	Page 4
5	DISABILITY (ACCESS TO PREMISES – BUILDINGS) STANDARDS 2010	Page 4
6	STATE ENVIRONMENTAL PLANNING POLICY (Affordable Rental Housing) 2021	Page 5-8
7	LIMITATIONS AND EXCLUSIONS	Page 8
8	SITE PLAN	Page 9
9	GROUND FLOOR PLAN	Page 9
10	FIRST FLOOR PLAN	Page 10
11	RELEVANT DISABILITY STANDARDS & LEGISLATION ASSESSMENT MATERIAL	Page 10
12	PARRAMATTA DEVELOPMENT CONTROL PLAN 2023	Page 11-15
13	BUILDING CODE OF AUSTRALIA 2022 (NCC)	Page 16
14	BUILDING CODE OF AUSTRALIA 2022 (NCC) VOLUME ONE	Page 17
14.1	D4D2 General building access requirements	Page 17
14.2	D4D3 Access to buildings	Page 18
14.3	D4D4 Parts of buildings to be accessible	Page 19
14.4	D4D5 Exemptions	Page 19
14.5	D4D6 Accessible carparking	Page 20
14.6	D4D7 Signage	Page 21
14.7	D4D8 Hearing augmentation	Page 21
14.8	D4D9 Tactile indicators	Page 22
14.9	D4D10 Wheelchair seating spaces in Class 9b assembly buildings	Page 22
14.10	D4D11 Swimming pools	Page 22
14.11	D4D12 Ramps	Page 22
14.12	D4D13 Glazing on an accessway	Page 22
15	PART F4 SANITARY FACILITIES	Page 23
15.1	F4D5 Accessible sanitary facilities	Page 23
15.2	F4D6 Accessible unisex sanitary compartments	Page 24
15.3	F4D7 Accessible unisex showers	Page 24
16	CONCLUSION	Page 25



## 1. INTRODUCTION

This Access Assessment Report has been prepared by Access Mobility Solutions to accompany the Development Application (DA) lodgement with City of Parramatta council for the proposed Boarding Hosue at 48 Crowgey Street Rydalmere NSW 2116.

## 2. SUBJECT DEVELOPMENT IN BRIEF

The subject site is Lot 137 IN DP 12523 and is known as N°48 Crowgey Street Rydalmere NSW 2116

The Architectural documents used in this Access Assessment Report have been prepared by Design Cubicle.

The proposed development at N°48 Crowgey Street is for a two (2) storey, twelve (12) room Boarding House including three (3) off-street parking spaces.

The proposed development consists of the following:

The ground floor level will have five (5) rooms including Two (2) accessible rooms with accessible bathrooms, also provided is a communal living, managers room, and communal outdoor space.

The first-floor level will consist of seven (7) rooms all having their own ensuites, kitchenettes and laundries. No passenger lift has been proposed with all accessible rooms and accessible communal areas to be on the ground floor level.

There are three (3) car parking spaces provided including one (1) designated accessible parking bay to comply with AS2890.6:2009, as well as three (3) bike parking spaces.

## 3. DEVELOPMENT APPLICATION ARCHITECTURAL ASSESSMENT PLANS

### design cubicle

ARCHITECTURAL SOLUTIONS

JOB NUMBER: 231124

DRAWING No.	DRAWING TITLE	REVISION	DATE
DA: 101	SURVEY PLAN	B	26.10.23
DA: 102	DEMOLITION PLAN	B	26.10.23
DA: 200	SITE PLAN	B	26.10.23
DA: 201	GROUND FLOOR PLAN	B	26.10.23
DA: 202	FIRST FLOOR PLAN	B	26.10.23
DA: 203	ROOF PLAN	B	26.10.23
DA: 300	ELEVATIONS 1 & 2	B	26.10.23
DA: 301	ELEVATIONS 2 & 2	B	26.10.23
DA: 302	STREETSCAPE	B	26.10.23
DA: 400	SECTIONS	B	26.10.23



#### 4. DISABILITY DISCRIMINATION ACT 1992 (DDA)

The objectives of the Discrimination Act 1992 (DDA) are:

1. to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
  - a. work, accommodation, education, access to premises, clubs and sport; and
  - b. the provision of goods, facilities, services and land; and
  - c. existing laws; and
  - d. the administration of Commonwealth laws and programs; and
2. to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
3. to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

The DDA protects persons with disability from both "direct discrimination", where the person is treated less favorably because of their disability, and "indirect discrimination", where all people are treated equally but persons with disability are thereby disadvantaged.

If providing access for people with disabilities will cause "unjustifiable hardship", the Human Rights and Equal Opportunity Commission can rule that the building owner / occupier is not unlawfully discriminating. It should be noted that unjustifiable hardship takes account of more than the cost to the owner. Also considered are the benefits to the community of the premises being accessible.

#### 5. DISABILITY (ACCESS TO PREMISES – BUILDINGS) STANDARDS 2010 (IN PART)

The objectives of the Discrimination Act 1992 (DDA) are:

1. to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
  - a. work, accommodation, education, access to premises, clubs and sport; and
  - b. the provision of goods, facilities, services and land; and
  - c. existing laws; and
  - d. the administration of Commonwealth laws and programs; and
2. to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
3. to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

The DDA protects persons with disability from both "direct discrimination", where the person is treated less favorably because of their disability, and "indirect discrimination", where all people are treated equally but persons with disability are thereby disadvantaged.

If providing access for people with disabilities will cause "unjustifiable hardship", the Human Rights and Equal Opportunity Commission can rule that the building owner / occupier is not unlawfully discriminating. It should be noted that unjustifiable hardship takes account of more than the cost to the owner. Also considered are the benefits to the community of the premises being accessible.





## 6. STATE ENVIRONMENTAL PLANNING POLICY (Affordable Rental Housing) 2021

### Division 2 Boarding houses

#### 23 Boarding houses permitted with consent

- (1) Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument.
- (2) Development for the purposes of a boarding house must not be carried out on land in Zone R2 Low Density Residential or an equivalent land use zone unless—
  - (a) for land in the Greater Sydney region—the land is within an accessible area, or
  - (b) otherwise—all or part of the boarding house is within 400m walking distance of land in Zone E1 Local Centre, Zone MU1 Mixed Use, Zone B2 Local Centre or Zone B4 Mixed Use, or an equivalent land use zone.

#### 24 Non-discretionary development standards—the Act, s 4.15

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of boarding houses that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.
- (2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—
  - (a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—
    - (i) the maximum permissible floor space ratio for residential accommodation on the land, and
    - (ii) an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house,
  - (b) if paragraph (a) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land,
  - (c) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,
  - (d) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument,
  - (e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,
  - (f) for a boarding house containing 6 boarding rooms—
    - (i) a total of at least 30m<sup>2</sup> of communal living area, and
    - (ii) minimum dimensions of 3m for each communal living area,
  - (g) for a boarding house containing more than 6 boarding rooms—
    - (i) a total of at least 30m<sup>2</sup> of communal living area plus at least a further 2m<sup>2</sup> for each boarding room in excess of 6 boarding rooms, and
    - (ii) minimum dimensions of 3m for each communal living area,
  - (h) communal open spaces—
    - (i) with a total area of at least 20% of the site area, and
    - (ii) each with minimum dimensions of 3m,
  - (i) if a relevant planning instrument does not specify a requirement for a lower number of parking spaces—at least the following number of parking spaces—



- (i) for development on land within an accessible area—0.2 parking spaces for each boarding room,
- (ii) otherwise—0.5 parking spaces for each boarding room,
- (j) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument.

## 25 Standards for boarding houses

- (1) Development consent must not be granted under this Division unless the consent authority is satisfied that—
- (a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m<sup>2</sup>, and
  - (b) no boarding room will be occupied by more than 2 adult residents, and
  - (c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and
  - (d) for a boarding house on land in Zone R2 Low Density Residential or an equivalent land use zone—the boarding house will not have more than 12 boarding rooms, and
  - (e) for a boarding house on land in a business zone—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 the use, and
  - (f) for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living area, and
  - (g) the minimum lot size for the boarding house is not less than—
    - (i) for development on land in Zone R2 Low Density Residential—600m<sup>2</sup>, or
    - (ii) or development on other land—800m<sup>2</sup>.
    - (iii) (Repealed)
  - (h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following—
    - (i) for a boarding room intended to be used by a single resident—12m<sup>2</sup>,
    - (ii) otherwise—16m<sup>2</sup>, and
    - (i) the boarding house will include adequate bicycle and motorcycle parking spaces.
- (2) Development consent must not be granted under this Division unless the consent authority considers whether—
- (a) the design of the boarding house will be compatible with—
    - (i) the desirable elements of the character of the local area, or
    - (ii) for precincts undergoing transition—the desired future character of the precinct, and
  - (b) the front, side and rear setbacks for the boarding house are not less than—
    - (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument,
    - (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument,
  - (c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide.
  - (d), (e) (Repealed)
- (3) This section does not apply to development for the purposes of minor alterations or additions to an existing boarding house.



## 26 Must be used for affordable housing in perpetuity

- (1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity—
  - (a) the boarding house will be used for affordable housing, and
  - (b) the boarding house will be managed by a registered community housing provider.
- (2) Subsection (1) does not apply to development on land owned by a relevant authority or to a development application made by a public authority.

## 27 Subdivision of boarding houses not permitted

Development consent must not be granted for the subdivision of a boarding house.

### Division 3 Boarding houses—Aboriginal Housing Office and Land and Housing Corporation

## 28 Development to which Division applies

- (1) This Division applies to development for the purposes of boarding houses on land—
  - (a) on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument, or
  - (b) in Zone R2 Low Density Residential or an equivalent land use zone.
- (2) This Division does not apply to development for the purposes of boarding houses on land in Zone R2 Low Density Residential or an equivalent land use zone unless—
  - (a) for land in the Greater Sydney region—the land is within an accessible area, or
  - (b) otherwise—all or part of the boarding house is within 400m walking distance of land in Zone E1 Local Centre, Zone MU1 Mixed Use, Zone B2 Local Centre or Zone B4 Mixed Use, or an equivalent land use zone.

## 29 Boarding houses permitted without development consent

- (1) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent if—
  - (a) the development complies with the development standards specified in sections 24(2) and 25(1), and
  - (b) the relevant authority considers the matters set out in section 25 (2), and
  - (c) the development will not result in a building with a height of more than 9m, and
  - (d) for development on land in Zone R2 Low Density Residential or an equivalent land use zone—the boarding house will not have more than 12 boarding rooms.
- (2) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17 apply to the development and, in the application of the sections—
  - (a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and
  - (b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.

## 30 Requirements before carrying out development

- (1) Before carrying out development to which this Division applies, a relevant authority must—
  - (a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development, and
  - (b) give written notice of the intention to carry out the development to—
    - (i) the council, and
    - (ii) the person or persons nominated by the council, and
    - (iii) the occupiers of adjoining land, and



- (c) take into account the responses to the notice that are received within 21 days after the notice is given, and
  - (c1) if the relevant authority is the Aboriginal Housing Office—consider the relevant provisions of the *Aboriginal Housing Design Guidelines*, published by the Aboriginal Housing Office in January 2020, and
  - (d) if the relevant authority is the Land and Housing Corporation—consider the relevant provisions of—
    - (i) *Good Design for Social Housing*, published by the Land and Housing Corporation in September 2020, and
    - (ii) the *NSW Land and Housing Corporation Design Requirements*, published by the Land and Housing Corporation in February 2023.
- (2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.

### 31 Exempt development

Development for the purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of a relevant authority in relation to a boarding house.

### 32 Subdivision of boarding houses not permitted

Development consent must not be granted for the subdivision of a boarding house.

## 7. LIMITATIONS AND EXCLUSIONS

This Access Assessment Report is limited to the accessibility provisions of the proposed Boarding House ONLY. Detailed design such as the doorway dimensions, circulation, corridors/walkways, furniture fit outs, passenger lift requirement, slip resistant floor finishes, door schedules, door hardware and controls, glazing, luminance contrast, stair nosing's, tactile ground surface indicators (TGSIs), handrails, signage, accessible bathroom circulation and any other provisions under AS1428.1 series shall be assessed at construction stage.

Details in regards to access for people with disabilities have been assessed against the provisions of the Building Code of Australia. Where assessment against AS1428.1 where not directly referenced in the BCA is outside the Scope of this Report.

The Report also does not address issues in relation to the following:

Local Government Act and Regulations.

Occupational Health and Safety Act and Regulations.

WorkCover Authority requirements

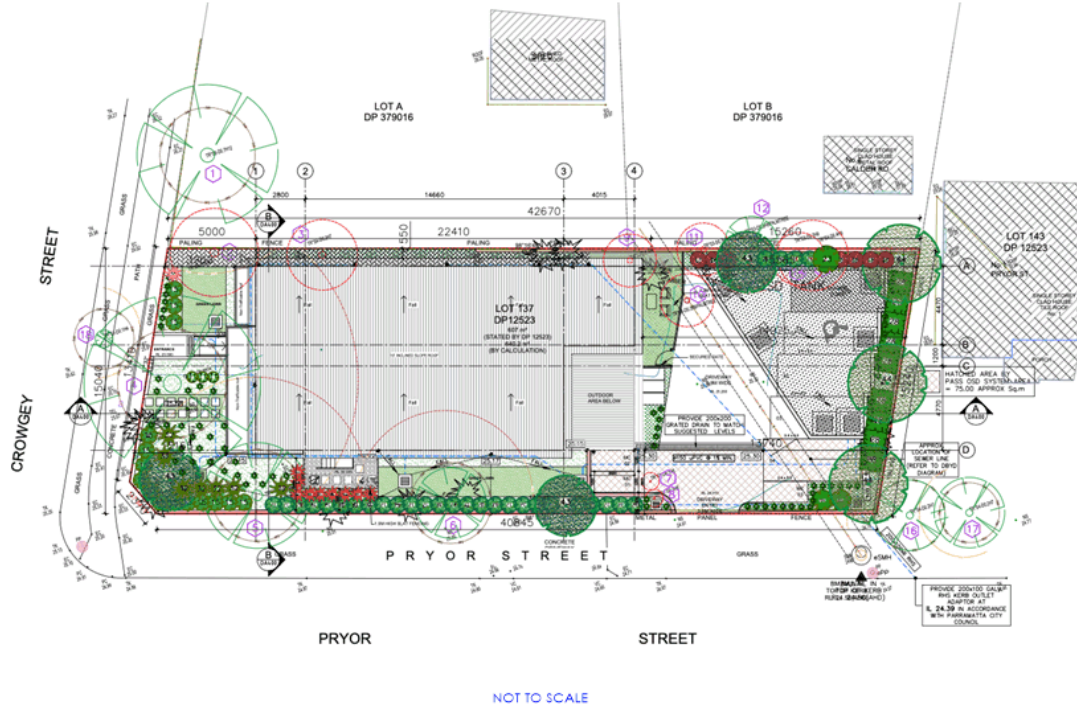
Requirements of any standards that are not identified within this report

Any parts of the BCA not directly referenced within this report

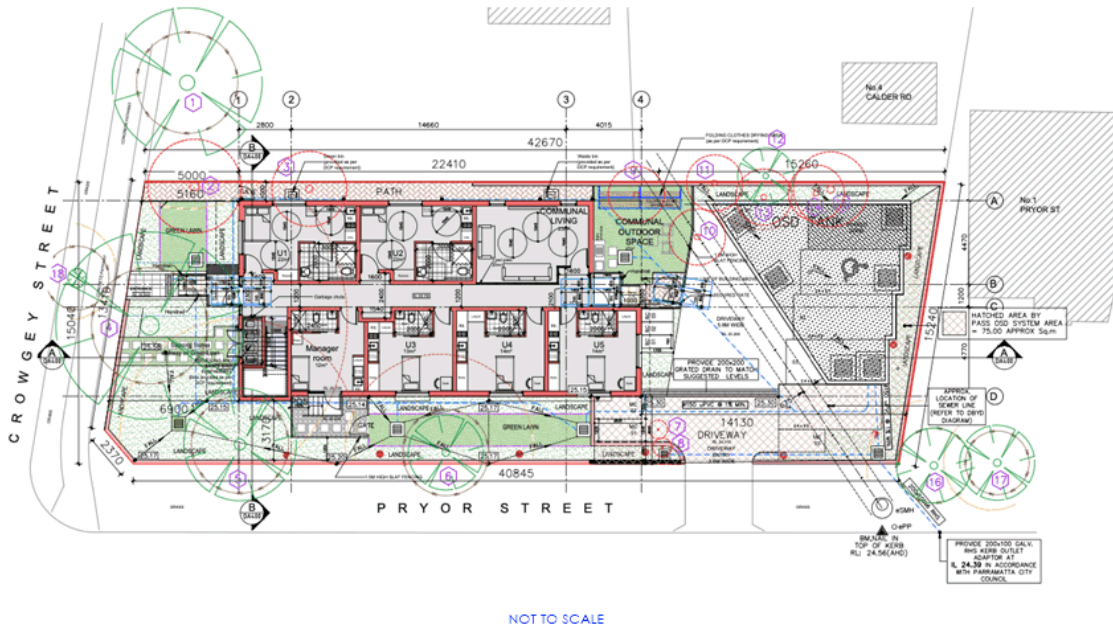
Without written permission from **Access Mobility Solutions**, no part of this document may be reproduced in any form or by any means. This report is based solely on client instructions, and therefore should not be used by any third party without prior knowledge of such instructions.



### 8. SITE PLAN

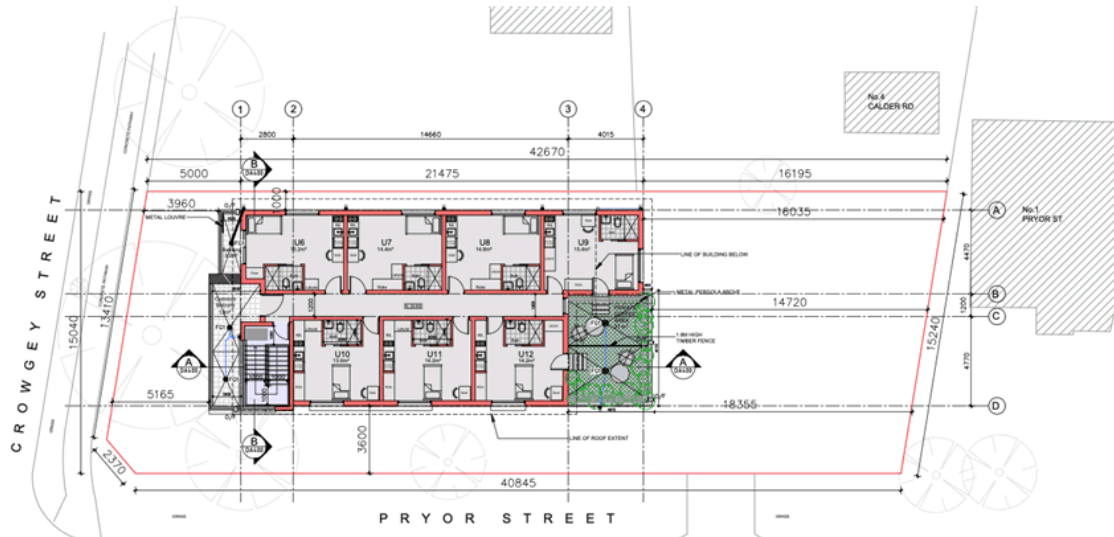


### 9. GROUND FLOOR PLAN





## 10. FIRST FLOOR PLAN



NOT TO SCALE

## 11. RELEVANT DISABILITY STANDARDS & LEGISLATION ASSESSMENT MATERIAL

The following are Standards and disability legislation that has been used as part of the access review process.

Disability Standards 2010 (Access to Premises) – Premises Standards

Building Code of Australia (BCA 2022) Volume One

Australian Standards AS1428.1 2001-2009 Design for access and mobility  
Part 1: General requirements for access – New Building work

Australian Standards AS1428.2 – 1992 Design for access and mobility  
Part 2: Enhanced and additional requirements – Buildings and facilities

Australian Standards AS2890.6:2009 Parking facilities  
Part 6: Off-street parking for people with disabilities

Australian Standard AS1428.4.1 Design for access and mobility  
Part 4.1: Means to assist the orientation of people with vision impairment – Tactile ground surface indicators

State Environmental Planning Policy (Affordable Rental Housing) 2021

Any works that are planned and undertaken to improve access should comply with the relevant Australian Standards for Access and Mobility, particularly AS1428 Parts 1-5 and other relevant Disability Discrimination Act 1992 and Australian Standards.



## 12. PARRAMATTA DEVELOPMENT CONTROL PLAN 2023

### PART 3 RESIDENTIAL DEVELOPMENTS

#### 3.7 BOARDING HOUSES

Boarding houses play a key role in providing affordable accommodation options. Council encourages the retention and the provision of boarding house stock to assist in meeting the housing needs of all residents in the City of Parramatta (the City). The DCP aims to set additional guidelines to ensure that boarding houses are of a high-quality and standard for potential residents.

Private open space, internal amenities of a high quality, common spaces and facilities are of significant importance for boarding house residents. Additionally, boarding houses should be located in an accessible area to ensure residents are within a close proximity to transport options, employment hubs, key services, and entertainment and recreation.

The NSW State Government has various mechanisms in place to encourage the provision and retention of boarding house accommodation including State Environmental Planning Policy (Housing) 2021 (Housing SEPP); the Office of State Revenue's land tax exemptions for boarding houses; and Housing NSW's Boarding House Financial Assistance Program which offers grants to boarding house owners for fire safety upgrades.

This Section of the DCP applies to:

- 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.

**Note:** Boarding house has the same meaning as in the Parramatta LEP 2023.

Part of the development application process may involve consideration of the requirements of Housing SEPP. The Housing SEPP provides a means to retain low cost rental accommodation through the development application process. This includes development applications that propose works to existing boarding houses which must have regard for Part 3 of the Housing SEPP.

If the development proposal incorporates demolition of the boarding house; or alterations or additions to the structure or fabric of the inside or outside of the boarding house; or changing the use of the boarding house to another use (particularly to backpackers' accommodation), the consent authority must have regard to Part 2 of the Housing SEPP.

Part 2 of the Housing SEPP also provides development controls for boarding house development. Where there are any inconsistencies between this DCP and the SEPP, the SEPP will prevail to the extent of the inconsistency.

All controls contained in Section 3.7 – Boarding Houses must be read in conjunction with Part 3 – Residential Development, Section 3.2 – General Residential Controls, Part 2 – Design in Context, Part 5 – Environmental Management and Part 6 – Traffic and Transport of this DCP.

#### Building Classifications under the Building Code of Australia

The BCA provides technical provisions for the design and construction of boarding houses including fire safety, access and structural stability. Reference should be made to the BCA and relevant Australian Standards that are contained in the BCA to ensure compliance with all relevant requirements. The BCA classifies buildings according to the purpose for which they have been designed, constructed or intended to be used. Boarding houses fall under two separate classifications under the BCA as detailed in Table 3.7.1 below.

**Table 3.7.1 – BCA Building Classifications**

BCA Building Class	Definition
<b>Class 1(b)</b>	A boarding house, guest house, hostel or the like, with a total floor area not exceeding 300m <sup>2</sup> and in which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another Class of building other than a private garage.
<b>Class 3</b>	A residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including a boarding house, guest house, hostel, lodgings house or backpackers' accommodation.



### Objectives

- O.01 Encourage the provision of high-quality boarding houses within the City.
- O.02 Recognise boarding house accommodation as an essential component of residential housing for low to moderate income earners and the socially disadvantaged within the City.
- O.03 Minimise the potential adverse impacts of boarding houses on adjoining properties and the wider locality by introducing effective planning, design and on-going management controls.
- O.04 Ensure a high level of amenity in boarding house premises to meet the needs of residents.
- O.05 Ensure the appropriate level of fire safety within all boarding houses, and that acceptable levels of service provision are maintained.
- O.06 Ensure that boarding houses are appropriately located within the City to ensure the safety, security, health and amenity for both boarding house residents and adjoining neighbours.
- O.07 Ensure that all new boarding houses are compatible with the scale and character of the surrounding built form.
- O.08 Ensure the size and intensity of boarding house developments are suitable for the zone in which they are proposed to be located.
- O.09 Encourage the provision of boarding houses within close proximity of public transport services and within areas where there is appropriate access to services and facilities, employment opportunities, entertainment and recreation.
- O.10 Ensure that boarding houses are able to be accessed by all people.
- O.11 Ensure that boarding houses comply with the performance requirements of the Building Code of Australia.

### Location Criteria

- O.12 Ensure that boarding house residents have reasonable access to retail and commercial services, community facilities, recreational and entertainment facilities, employment opportunities, and public transport services.
- O.13 Ensure that public transport services available to boarding house residents are frequent and provide access to a suitable range of services, facilities, and employment opportunities.
- O.14 Ensure that the intensity and size of a boarding house development within low density residential zones is compatible with the scale and character of predominant development in the zone.

### Controls

- C.01 When considering an application for a boarding house development, Council must be satisfied that residents of the proposed development will have reasonable access to the following:
  - a) retail and commercial services that residents may reasonably require to meet their daily needs;
  - b) community services and facilities;
  - c) recreation and entertainment facilities;
  - d) opportunities for employment; and
  - e) public transport services.

#### Access is deemed to satisfy if:

- a) there is a railway station or a wharf from which a ferry service operates, within a walking distances of 800m from the site; or
- b) the facilities and services likely to meet the daily needs of residents are located within a walking distance of 400 metres from the site; and
- c) there is a regular public transport service available to additional retail and commercial services, community services and facilities, recreation and entertainment facilities and employment opportunities, within a walking distance of 400 metres from the site, that:





- i. is available both to and from the site at least once every hour between 8.00am and 6.00pm Monday to Friday; and
- ii. will take those residents to a place that is located no more than 400 metres to those services and facilities, and
- iii. the likely path of travel is reasonable with regard to topography and pedestrian connectivity.

Where a proposed development cannot meet the above criteria, the applicant will be required to demonstrate to Council's satisfaction how boarding house residents will achieve alternative access to retail and commercial services; community services and facilities; recreation and entertainment facilities; opportunities for employment; and public transport services.

#### Annual Certification/Registration

- C.22 Boarding houses are to be registered with Council prior to the issue of an occupation certificate and annually thereafter.
- C.23 Boarding houses providing accommodation for 2 or more people with a disability (as defined by the *Youth and Community Services Act 1973*) must be registered in accordance with the *Youth and Community Services Act 1973* and licensed by the NSW Department of Ageing, Disability and Home Care.

#### Minimum Size and Design for Bedrooms

- C.35 The minimum size for a bedroom within a boarding house must be in accordance with Table 3.7.3.

**Table 3.7.3 – Minimum Room sizes for Boarding Houses**

Bedroom Type	Minimum Room Size
Adaptable room	Applicant to demonstrate minimum circulation requirements within sleeping room in accordance with AS 1428.1.
Adaptable room plus accessible ensuite bathroom	Applicant to demonstrate minimum circulation requirements within sleeping room and ensuite bathroom in accordance with AS 1428.1.

#### Minimum Size and Design for Bathrooms

- C.40 Provision of individual ensuite bathrooms for each room is highly encouraged, particularly for wheelchair accessible rooms.
- C.41 Where ensuite bathrooms are not provided, communal bathroom facilities shall be provided in accordance with Table 3.7.5 below:

**Table 3.7.5 – Minimum size and design for bathrooms**

Description	Minimum Requirement
Class 1 (b) and 3 Buildings	Bathroom facilities must comply with the minimum requirements of the BCA and be in an accessible location for all residents. The minimum requirement is 1 bath or shower for each 10 residents or part thereof and 1 toilet and washbasin with hot and cold running water for each 10 residents or part thereof.
Minimum Size	The minimum size of any bathroom will be determined by ensuring that minimum circulation spaces for disabled persons can be accommodated in accordance with AS 1428.1



### Access for People living with a disability

- C.55 All new boarding houses (including building conversions or additions to existing premises) should comply with the minimum access requirements contained within the BCA and AS 1428.1 – Design for Access and Mobility.
- C.56 Disabled access must be provided to all wheelchair accessible bedrooms, internal and external communal facilities (including waste storage area, car parking area, clothes drying area) and to the adjoining roadway.
- C.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.

## 6.2 PARKING AND VEHICULAR ACCESS

Parking facilities include underground, surface, above ground parking and car parking stations. The benefit of a reduction in above ground parking includes a reduction in visual impact from the public domain. Surface-level parking is most appropriate in residential and industrial areas. Above ground parking can be considered in areas which are prone to flooding and/or heritage and archaeological sites.

This Section of this DCP contains general parking requirements and specific parking rates for various types of development. This includes design of driveways, parking spaces and associated finishes i.e., kerbs and ramps to improve accessibility and reduce impacts on or off the site. Where there is an inconsistency between the provisions below and an area with a specified parking rate required by another section of this DCP, that Section will prevail.

### Objectives

- O.01 Ensure that the location and design of driveways, parking spaces and other areas used for the movement of motor vehicles are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact.
- O.02 Ensure that adequate off-street parking is provided to serve the needs of development to minimise adverse impacts on surrounding streets.
- O.03 Ensure that off-street parking facilities do not interfere with traffic flow and safety in adjacent streets or endanger pedestrian traffic on or off the site.
- O.04 Ensure traffic generation of proposed development is compatible with the surrounding road network.
- O.05 Minimise potential conflicts between vehicular movements and pedestrians.
- O.06 Encourage the integration of on-site parking and related structures with the landscaping of the site and the design of buildings.
- O.07 Limit traffic generation associated with private vehicle use to reduce traffic impacts on surrounding streets.
- O.08 Ensure that parking areas are readily accessible and usable and adequately provide for circulation and manoeuvring of vehicles.
- O.09 Have equitable provision of parking for motorcyclists.



## Controls

### General parking requirements

- C.01 The minimum dimensions of parking spaces for dwellings should be in accordance with Australian Standard AS2890.1 - Parking Facilities – Off-Street Car Parking:
- Unenclosed parking space (such as a hard-stand space): minimum of 2.4 metres (width) x 5.4 metres (length).
  - Single enclosed garage: minimum of 3.0 metres (width) x 5.4 metres (length).
- C.02 Disabled parking space must be in accordance with AS 2890.6 Parking Facilities Off Street Parking for People with Disabilities.
- C.03 Clearance above the general parking surface must be in accordance with AS2890 - Parking Facilities.

### Car Parking Rates

- C.48 The required number of car parking spaces are provided in and below.
- C.49 Where there is an inconsistency between the parking rates below and an area with a specified parking rate required by another Section of this DCP, that Section will prevail.
- C.50 All numbers are to be rounded up separately (e.g. residential, visitor, commercial, etc.) when calculating the parking requirements in and .
- C.51 If a particular land use is not addressed in , where appropriate one of the following shall be conducted:
- car parking rates calculated based on the Transport for NSW Guide to Traffic Generating Development, or
  - a traffic and transport impact assessment considering a similar land use in a similar location.
- C.52 If a particular land use is not addressed in , the provisions in apply.
- C.53 Unless otherwise specified, provision for motorcycle parking should be provided at a rate of 1 space per 50 car parking spaces, or part thereof.
- C.54 Any variations to parking rates would need to be justified and informed by a traffic and transport impact assessment.

**Table 6.2.1 – Minimum car parking rates**

Development type	Minimum number of parking spaces required
Boarding houses	Parking rates must be provided as per the <i>State Environmental Planning Policy (Housing) 2021</i> .

**Note:** The controls in Table 6.2.2 apply to the Granville Town Centre as mapped in Part 8 of this DCP. The controls in Table 6.2.2 apply to the Harris Park Town Centre where zoned E1 Local Centre on Kendall, Ada, Wigram, Marion and Crown Streets and Station Street East, Harris Park.



### 13. BUILDING CODE OF AUSTRALIA 2022 (NCC)

The Building Code of Australia, in conjunction with the DDA, applies to new buildings and buildings undergoing significant refurbishment or alteration. Sections of the BCA require compliance with a range of access provisions. The BCA outlines a variety of building classifications and the requirements for access to buildings within each classification.

Amendments were made to the BCA in 2011 to ensure that it was consistent with the Access Code of the Premises Standards. While legally the two sets of requirements must remain separate documents, the intention is that compliance with the amended BCA and state and territory building laws and regulations will also ensure compliance with the Premises Standards.

The BCA provides Performance Based and Deemed-to-Satisfy provisions and criteria. The BCA performance requirements are based on the provision, of a reasonable level of, Safe, Equitable and Dignified access to services and facilities.

The BCA details minimum construction requirements, however any construction in excess of these requirements is encouraged and considered good practice.

The Deemed-to-Satisfy provisions of BCA that are accessibility related are primarily located in:

- Part D4 Access for People with Disabilities
- Part E3 Lift Installations
- Part F4 Sanitary and Other Facilities

The Performance Requirements of the BCA that are accessibility related are primarily located in:

- Performance Requirement D1P1, D1P2 and D1P8
- Performance Requirement E3P4
- Performance Requirement F2P1

Australian Standard AS1428.1 is called up into the BCA. These access provisions require compliance with the relevant parts of AS1428.2, in addition to the listed Australian Standards.



## 14. BUILDING CODE OF AUSTRALIA 2022 (NCC) VOLUME ONE

### PART D4 ACCESS FOR PEOPLE WITH A DISABILITY

#### 14.1 D4D2 General building access requirements

- (1) Buildings and parts of buildings must be *accessible* as required by this clause, unless exempted by D4D5.
- (5) For a Class 3 building, access requirements are as follows:
- (a) Common areas:
- (i) From a pedestrian entrance *required* to be *accessible* to at least 1 floor containing *sole-occupancy units* and to the entrance doorway of each *sole-occupancy unit* located on that level.
- (ii) To and within not less than 1 of each type of room or space for use in common by the residents, including a cooking facility, sauna, gymnasium, *swimming pool*, common laundry, games room, TV room, individual shop, dining room, public viewing area, ticket purchasing service, lunch room, lounge room, or the like.
- (iii) Where a ramp complying with AS 1428.1 or a passenger lift is installed—
- (A) to the entrance doorway of each *sole-occupancy unit*; and
- (B) to and within rooms or spaces for use in common by the residents.
- (iv) The requirements of (iii) only apply where the space referred to in (A) and (B) are located on the levels served by the lift or ramp.
- (b) To and within *sole-occupancy units* — in accordance with Table D4D2b.

**Table D4D2b: Requirements for access for people with a disability – sole-occupancy units in a Class 3 building**

Total number of <i>sole-occupancy units</i>	Number required to be <i>accessible</i>
11 to 40	2

#### SUMMARY

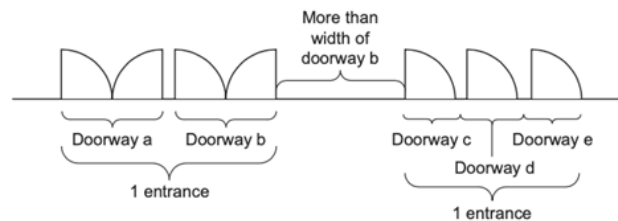
The proposed twelve (12) room boarding house will provide two (2) accessible *sole-occupancy rooms*.



## 14.2 D4D3 Access to buildings (IN PART)

- 1) An accessway must be provided to a building *required* to be accessible—
  - (a) from the main points of a pedestrian entry at the allotment boundary; and
  - (c) from any *required accessible* carparking space on the allotment.
- (2) In a building *required* to be accessible, an accessway must be provided through the principal pedestrian entrance, and—
  - (a) through not less than 50% of all pedestrian entrances including the principal pedestrian entrance; and
  - (b) in a building with a total *floor area* more than 500m<sup>2</sup>, a pedestrian entrance which is not *accessible* must not be located more than 50m from an *accessible* pedestrian entrance, except for pedestrian entrances serving only areas exempted by **D4D5**.
- (3) Where a pedestrian entrance *required* to be accessible has multiple doorways—
  - (a) if the pedestrian entrance consists of not more than 3 doorways — not less than 1 of those doorways must be *accessible*; and
- (5) Where a doorway on an accessway has multiple leaves (except an automatic opening door), one of those leaves must have a clear opening width of not less than 850 mm in accordance with AS1428.1.

**Figure D4D3: Doorways and pedestrian entrances for access purposes**



### SUMMARY

The principal accessible pedestrian entrance of the proposed Boarding House is from the footpath along Crowgey Street, via a level path and 1:10 step ramp to comply with AS1428.1:2009. An accessible path from the designated access parking bay has also been provided to the rear of the Boarding House

The entry door to the Boarding House will provide a min. 850mm clear opening through a single active door with lever handles and a min. 110mm hinge side and min. 530mm latch side clearance to comply with AS1428.1, the floor levels between the internal and external part of the entry into the building will be level.

Details at Construction Certificate stage will need to show the correct levels, gradient and widths to allow for the appropriate passing and turning areas and have the required access to provide the appropriate doorway circulation space in accordance with AS1428.1 and comply with Table D3.1 as well as satisfy Part D3.3 of the Building Code of Australia.



### 14.3 D4D4 Parts of buildings to be accessible (IN PART)

In a building *required* to be accessible—

- (a) every ramp and stairway, except for ramps and stairways in areas exempted by D4D5, must comply with—
  - (i) for a ramp, except a *fire-isolated ramp*, clause 10 of AS1428.1; and
  - (ii) for a stairway, except a *fire-isolated stairway*, clause 11 of AS1428.1; and
  - (iii) for a *fire-isolated stairway*, clause 11.1(f) and (g) of AS1428.1; and
- (c) accessways must have—
  - (i) passing spaces complying with AS1428.1 at maximum 20m intervals on those parts of an accessway where a direct line of sight is not available; and
  - (ii) turning spaces complying with AS 1428.1—
    - (A) within 2m of the end of accessways where it is not possible to continue travelling along the accessway; and
    - (B) at maximum 20m intervals along the accessway; and
- (d) an intersection of accessways satisfies the spatial requirements for a passing and turning space; and
- (e) a passing space may serve as a turning space; and
- (g) clause 7.4.1(a) of AS1428.1 does not apply and is replaced with 'the pile height or pile thickness shall not exceed 11 mm and the carpet backing thickness shall not exceed 4mm'; and
- (h) the carpet pile height or pile thickness dimension, carpet backing thickness dimension and their combined dimension shown in Figure 8 of AS 1428.1 do not apply and are replaced with 11 mm, 4mm and 15mm respectively.

#### SUMMARY

*Details of the door dimensions, circulation and door approach dimensions in accordance with Clause 13 of AS1428.1 are to comply with AS1428.1:2009. Details of floor surface materials will also be required in accordance with Clause 7 of AS1428.1.*

### 14.4 D4D5 Exemptions

The following areas are not *required* to be accessible:

- (a) An area where access would be inappropriate because of the particular purpose for which the area is used.
- (b) An area that would pose a health or safety risk for people with a disability.
- (c) Any path of travel providing access only to an area exempted by (a) or (b).

#### SUMMARY

*Manager room is exempt under D4D5 (a).*



## 14.5 D4D6 Accessible carparking

- (1) Accessible carparking spaces—
  - (a) subject to (b), must be provided in accordance with (2) in—
    - (i) a Class 7a building *required to be accessible*; and
    - (ii) a carparking area on the same allotment as a building *required to be accessible*; and
  - (b) need not be provided in a Class 7a building or a carparking area where a parking service is provided and direct access to any of the carparking spaces is not available to the public; and
  - (c) subject to (d), must comply with AS/NZS 2890.6; and
  - (d) need not be identified with signage where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with a disability.
- (2) For each class of building to which the *carpark* or carparking area is associated, the number of accessible carparking spaces *required* is as follows:
  - (a) Class 1b and 3 buildings:
    - (i) For a boarding house, guest house, hostel, lodging house, backpackers' accommodation or the residential part of a hotel or motel, the number of accessible carparking spaces *required* is to be calculated by multiplying the total number of carparking spaces by the percentage of —
      - (A) accessible sole-occupancy units to the total number of sole-occupancy units; or
      - (B) accessible bedrooms to the total number of bedrooms.
    - (ii) For the purposes of (i), the calculated number is taken to the next whole figure.
    - (iii) For a residential part of a *school*, accommodation for the aged, disabled or children, residential part of a *health-care building* which accommodates members of staff or the residential part of a *detention centre* — 1 accessible space for every 100 carparking spaces or part thereof.

### SUMMARY

A total of three (3) parking bays have been proposed including one (1) designated accessible parking bay and will comply with AS2890.6.





#### 14.6 D4D7 Signage (IN PART)

- 1) In a building *required* to be accessible—
  - (a) braille and tactile signage complying with Specification 15 must—
    - (i) incorporate the international symbol of access or deafness, as appropriate, in accordance with AS1428.1 and identify each—
      - (A) sanitary facility, except a sanitary facility associated with a bedroom in a Class 1b building or a *sole- occupancy unit* in a Class 3 or Class 9c building; and
      - (B) space with a hearing augmentation system; and
    - (b) signage including the international symbol for deafness in accordance with AS1428.1 must be provided within a room containing a hearing augmentation system identifying—
      - (i) the type of hearing augmentation; and
      - (ii) the area covered within the room; and
      - (iii) if receivers are being used and where the receivers can be obtained; and
    - (c) signage in accordance with AS1428.1 must be provided for *accessible* unisex sanitary facilities to identify if the facility is suitable for left or right-handed use;

#### SUMMARY

*General signage, and unisex accessible toilet signage shall provide Tactile and Braille in accordance with Part D4D7 of the BCA.*

#### 14.7 D4D8 Hearing augmentation (NOT APPLICABLE)



#### 14.8 D4D9 Tactile indicators (IN PART)

- (1) For a building *required* to be accessible, tactile ground surface indicators must be provided to warn people who are blind or have a vision impairment that they are approaching—
- (a) a stairway, other than a *fire-isolated stairway*; and
  - (e) in the absence of a suitable barrier—
    - (i) an overhead obstruction less than 2m above floor level, other than a doorway; and
- except for areas exempted by **D4D5**.
- (2) Tactile ground surface indicators *required* by (1) must comply with sections 1 and 2 of AS/NZS1428.4.1.

#### SUMMARY

*Tactile Ground Surface Indicators will need to be incorporated for general public and occupants use in stairways and ramps in accordance with AS1428.4 to satisfy Part D4.9 of the BCA.*

#### 14.9 D4D10 Wheelchair seating spaces in Class 9b assembly buildings (NOT APPLICABLE)

#### 14.10 D4D11 Swimming pools (NOT APPLICABLE)

#### 14.11 D4D12 Ramps (NOT APPLICABLE)

#### 14.12 D4D13 Glazing on an accessway

On an accessway, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS1428.1

#### SUMMARY

*Any contrasting strip on the glazing panel shall provide a minimum of 30% luminance contrast when viewed against the floor surface or surfaces within 2m of the glazing on the opposite side to comply with AS 1428.1 Clause 6.6.*



## 15. PART F4 SANITARY FACILITIES

### 15.1 F4D5 Accessible sanitary facilities (IN PART)

In a building *required to be accessible*—

- (a) *accessible unisex sanitary compartments* must be provided in *accessible* parts of the building in accordance with F4D6; and
- (b) *accessible unisex showers* must be provided in accordance with F4D7; and
- (c) at each bank of toilets where there is one or more toilets in addition to an *accessible unisex sanitary compartment* at that bank of toilets, not less than one *sanitary compartment* suitable for a person with an ambulant disability for use by males and not less than one *sanitary compartment* suitable for a person with an ambulant disability for use by females, each in accordance with AS1428.1, must be provided; and
- (d) an *accessible unisex sanitary compartment* must contain a closet pan, washbasin, shelf or bench top and adequate means of disposal of sanitary products; and
- (e) the circulation spaces, fixtures and fittings of all *accessible* sanitary facilities provided in accordance with F4D6 and F4D7 must comply with the requirements of AS1428.1; and
- (f) an *accessible unisex sanitary facility* must be located so that it can be entered without crossing an area reserved for one sex only; and
- (g) where two or more of each type of *accessible unisex sanitary facility* are provided, the number of left and right-handed mirror image facilities must be provided as evenly as possible; and
- (h) where male sanitary facilities are provided at a separate location to female sanitary facilities, *accessible unisex sanitary facilities* are only *required* at one of those locations; and
- (i) an *accessible unisex sanitary compartment* or an *accessible unisex shower* need not be provided on a storey or level that is not *required* by D4D4(f) to be provided with a passenger lift or ramp complying with AS1428.1.



## 15.2 F4D6 Accessible unisex sanitary compartments (IN PART)

- (1) Where required by F4D5(a), the minimum number of accessible unisex sanitary compartments for each class of building is as follows:
- (c) For Class 3 buildings—
- (i) in every accessible sole-occupancy unit provided with sanitary compartments within the accessible sole-occupancy unit, not less than 1; and
  - (ii) at each bank of sanitary compartments containing male and female sanitary compartments provided in common areas, not less than 1.

### SUMMARY

The proposed Boarding House will provide one (1) unisex accessible bathroom in each of the two (2) accessible sole-occupancy rooms, the unisex accessible bathrooms will comply with AS1428.1 in terms of circulation space for an accessible toilet, washbasin and shower.

## 15.3 F4D7 Accessible unisex showers

- (1) Where required by F4D5(b), the minimum number of accessible unisex showers for each class of building is as follows:
- (c) For Class 3 buildings—
- (i) in every accessible sole-occupancy unit provided with showers within the accessible sole-occupancy unit, not less than 1; and
  - (ii) 1 for every 10 showers or part thereof provided in common areas.

### SUMMARY

The proposed Boarding House will provide one (1) unisex accessible bathroom in each accessible sole-occupancy room in accordance with AS1428.1, the accessible bathroom will also incorporate an accessible shower.



## 16. CONCLUSION

It has been determined by this Access Assessment Report, comparative to the details provided that the Development Application documentation for the proposed Boarding House at 48 Crowgey Street Rydalmere meets the general disability access requirements outlined in the Relevant Codes, Disability Discrimination Act 1992, Premises Standards (PS), the latest edition of the Building Code of Australia (NCC) and the Australian Standards 1428 series design relating to common areas for access and mobility for people with disabilities.

*However more details are required at Construction Certificate Stage outlining the requirements under the relevant Australian Standards for general requirements for disability access as well as Part D4 and Part F4 of the Building Code of Australia 2022.*

## ACCREDITED ACCESS CONSULTANT

**George Saliba**

**DIPLOMA OF ACCESS CONSULTING**

Member of ACAA – N°363

Association of Consultants in Access, Australia

Accredited NDIS Specialist Disability Accommodation Assessor N°SDA00012

LHA NCC Livable Housing Design Assessor N°LHA10006

Livable Housing Australia - Assessor N°10006

Changing Places Assessor – Registration N°CP043

*'I cannot control the fact I have multiple sclerosis but what I can control is my attitude' George Saliba*

## DISCLAIMER

*This Access Report has been prepared at the request of Design Cubicle Pty Ltd on behalf of the Owner(s) of the proposed Boarding House at 48 Crowgey Street Rydalmere NSW 2116 and does not absolve the client(s) of the requirements pursuant of the Disability Discrimination Act 1992 Cth.*

*While care has been taken by **Access Mobility Solutions** in preparing this report, **Access Mobility Solutions** does not accept responsibility or liability for the results of specific action taken on the basis of this information nor for any errors or omissions.*

*Legal issues in the area of anti-discrimination law are in the process of change. In addition, constant change is occurring in relation to Australian Standards and Building Codes. Due reference should be given to these. All actions taken by a public authority, organisation or individual in reliance on an Access Report remain the responsibility of that public authority, organisation or individual. This Access Report is copyright © and must not be reproduced or forwarded to any other organisation other than the client for which it was prepared.*



# Statement of Environmental Effects

BOARDING HOUSE

48 CROWGEY STREET,  
RYDALMERE

28 SEPTEMBER 2023



Document Set ID: 63719  
Version: 1, Version Date: 02/08/2024



QUALITY ASSURANCE	
PROJECT:	Statement of Environmental Effects: Boarding House
ADDRESS:	48 Crowgey Street, Rydalmere
LOT/DP:	Lot 137 in DP12523
COUNCIL:	City of Parramatta Council
AUTHOR:	Think Planners Pty Ltd

Document Management		
Prepared by:	Purpose of Issue:	Date:
Sean Riddell	Draft Issue	28 September 2023
Reviewed by:	Purpose of Issue:	Date:
Brad Delapierre	Final Issue	28 September 2023

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?	
Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	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 (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 2



## CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>5</b>
<b>SITE AND LOCALITY DESCRIPTION</b>	<b>7</b>
LEGAL DESCRIPTION	7
SUBJECT SITE	7
ZONING CONTROL	8
BUILT FORM CHARACTER ANALYSIS	9
BROADER LOCALITY ANALYSIS	10
HERITAGE	14
<b>DESCRIPTION OF PROPOSAL</b>	<b>15</b>
<b>PLANNING CONTROLS</b>	<b>17</b>
STATUTORY CONTROLS	17
POLICY CONTROLS	17
<b>CONSIDERATION OF PLANNING CONTROLS</b>	<b>18</b>
STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004	18
STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021	18
STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 (BIODIVERSITY AND CONSERVATION SEPP)	19
STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021	22
STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021	23
PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023	32
PARRAMATTA DEVELOPMENT CONTROL PLAN 2011	36
<b>CONCLUSION</b>	<b>53</b>

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 3





## TABLE OF FIGURES

Photograph 1: Shows the existing subject site..... 7

Figure 1: Aerial Map Extract of Subject Site (Six Maps). ..... 8

Figure 2: Zoning Map Extract (Source: NSW Planning Portal)..... 9

Figure 3: Aerial Map Extract of the Subject Area (Source: Google Maps). ..... 10

Photograph 2: Shows the existing subject site viewed from Crowgey Street.  
..... 11

Photograph 3: Shows the recently constructed two storey attached dual  
occupancy on the opposite side of Crowgey Street. .... 11

Photograph 4: Shows Dundas local centre, which is within close proximity  
to the site. .... 12

Photograph 5: Shows a recent 6 storey mixed use development within  
Dundas local centre, within proximity of the site..... 12

Photograph 6: Shows the approved street elevation for a two-storey  
boarding house comprising of 38 rooms at 66-68 Dudley Street, Rydalmere  
(DA/430/2019)..... 13

Photograph 7: Shows the approved street elevation for a three-storey  
boarding house comprising of 17 rooms at 56 Dudley Street, Rydalmere  
(DA/460/2019)..... 13

Figure 4: Heritage Map Extract (Source: NSW Planning Portal). ..... 14

Figure 5: Zoning Map Extract (Source: NSW Planning Portal)..... 32

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 4





## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures in order to construct a 2 storey boarding house at 48 Crowgey Street, Rydalmere.

The boarding house is to accommodate a total of 12 rooms/suites, each with a bathroom, kitchenette and laundry. The boarding house will accommodate a total of 14 lodgers based on the room size and configuration and as nominated on the plans.

Car parking is to be provided within an at-grade parking area, with a total of 4 car parking spaces (including 1 accessible parking space) and 3 motorcycle parking spaces provided.

It is noted the proposal also provides a communal living room and common outdoor space on the ground floor level towards the rear of the building.

The site is located on the north eastern side of the intersection of Crowgey Street and Pryor Street, Rydalmere. The site is situated within walking distance of approximately 1.3km from the Western Sydney University – Parramatta South Campus and within walking distance of the Dundas and Rydalmere Light Rail Stops. It is noted that the Parramatta Light Rail is scheduled to open in 2024, which will bring the light rail service to the site, this provides a service every 7.5 minute during peak periods.

The development site can be best described as a corner land parcel with a frontage of 13.41m to Crowgey Street, a splay frontage of 2.37m, a frontage of 40.845m to Pryor Street and a total site area of 640.2m<sup>2</sup> (by calculation).

The site is also within proximity to educational establishments, employment opportunities, recreational activities and public transportation as demonstrated below:

- Rydalmere Industrial Precinct
- Dundas Train Station
- Local bus stops (within 400m walking distance with regular services through Parramatta, Epping, Rydalmere, Dundas and Carlingford).
- Local primary school (Dundas Public School) as well as the local University (Western Sydney University, Parramatta South Campus)

The subject site is zoned R3 Medium Density Residential under the Parramatta Local Environment Plan 2011. Despite its R3 zoning which permits medium density residential developments including multi-dwelling housing the built form within the locality comprises predominantly of older style single storey dwellings within a garden

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 5



setting interspersed by larger two storey dwellings. As a result of this character the site is considered appropriate for the proposed new boarding house.

Renewal of the locality is inevitable and potential residential redevelopment patterns and form is heavily dictated by historical subdivision patterns, which will dictate the shape and form of residential areas.

The immediate locality comprises predominantly of smaller lots which contain single dwellings.

It is noted that contemporary developments have recently been undertaken within the locality, including a 2 storey attached dual occupancy on the opposite side of Crowgey Street. Furthermore, development applications for 2 storey contemporary boarding houses have been approved within proximity of the site (Dudley Street). This is demonstrated later in this report.

The proposed new age boarding housing is designed to appear as a contemporary 2 storey building which reflects the future character that is anticipated to emerge within the precinct over the coming 10 years.

'Boarding Houses' are permissible with consent within the R3 Medium Residential zone with the application made pursuant to State Environmental Planning Policy (Housing) 2021. The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to the university.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

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.

Having regard to the benefits of the proposal and considering 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 application, subject to necessary, relevant and appropriate conditions of consent.



## SITE AND LOCALITY DESCRIPTION

### LEGAL DESCRIPTION

The site is legally described as legally known as Lot 137 in DP12523, though is more commonly known as 48 Crowgey Street, Rydalmere.

### SUBJECT SITE

The site is located on the north eastern side of the intersection of Crowgey Street and Pryor Street, Rydalmere. The site is situated within walking distance of approximately 1.3km from the Western Sydney University – Parramatta South Campus and within walking distance from Dundas and Rydalmere Train Station.

The development site can be best described as a corner land parcel with a frontage of 13.41m to Crowgey Street, a splay frontage of 2.37m, a frontage of 40.845m to Pryor Street and a total site area of 640.2m<sup>2</sup> (by calculation).

The subject site currently accommodates an older style dwelling house, vegetation and ancillary structures, as demonstrated by Photograph 1 below.

Photograph 1: Shows the existing subject site.



The site itself is bounded by single storey residential dwellings to its northern and eastern boundaries. The site is separated by Crowgey Street from single storey dwellings and a contemporary 2 storey attached dual occupancy. The site is separated

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 7



by Pryor Street from single storey dwellings to the south, including a heritage item at 46 Crowgey Street.

The immediate site context is illustrated by an aerial map extract provided below.

**Figure 1: Aerial Map Extract of Subject Site (Six Maps).**



**ZONING CONTROL**

The site is zoned R3 Medium Density Residential under the provisions of the Parramatta Local Environmental Plan 2023 and is attributed with a maximum permitted building height limit of 11m and a maximum FSR of 0.6:1. Council's zoning map extract is provided overleaf.

'Boarding Houses' are permissible with consent within the R3 Medium Residential zone with the application made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. The development seeks to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 8



Figure 2: Zoning Map Extract (Source: NSW Planning Portal).



**BUILT FORM CHARACTER ANALYSIS**

An analysis of the built form character along Crowgey Street indicates that older style single storey dwellings set within a garden setting is the predominant dwelling form interspersed by larger two-storey dwellings.

It is noted that contemporary developments have recently been undertaken within the locality, including a 2 storey attached dual occupancy on the opposite side of Crowgey Street. Furthermore, development applications for 2 storey contemporary boarding houses have been approved within proximity of the site (Dudley Street). This is demonstrated later in this report.

The proposed new age boarding housing is designed to present as a contemporary two-storey building within a landscape setting to be consistent with the existing and anticipated housing character of the immediate locality.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 9





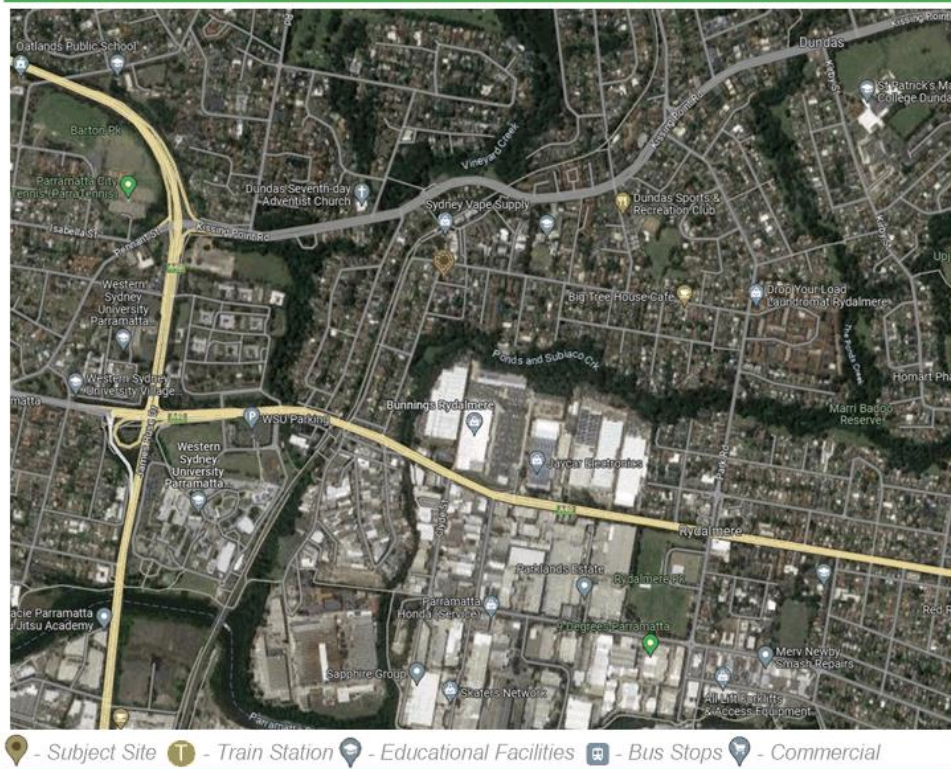
**BROADER LOCALITY ANALYSIS**

The subject area is ideal to accommodate a new age boarding house due to its proximity to educational establishments, employment opportunities, recreational actives and public transportation as demonstrated below:

- Rydalmere Industrial Precinct.
- Local bus stops (within 400m walking distance with regular services through Parramatta, Epping, Rydalmere, Dundas and Carlingford).
- Local primary school (Dundas Public School) as well as the local University (Western Sydney University, Parramatta South Campus).
- The future Dundas light rail stop (within 400m walking distance).

The development seeks to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site’s proximity to an established university. An aerial map extract of the broader locality is provided below.

**Figure 3: Aerial Map Extract of the Subject Area (Source: Google Maps).**



SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 10



Photographs are provided below and on the following pages that give context to the locality and the relationship of the development site with adjoining developments.

**Photograph 2: Shows the existing subject site viewed from Crowgey Street.**



**Photograph 3: Shows the recently constructed two storey attached dual occupancy on the opposite side of Crowgey Street.**



SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 11





Photograph 4: Shows Dundas local centre, which is within close proximity to the site.



Photograph 5: Shows a recent 6 storey mixed use development within Dundas local centre, within proximity of the site.



SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 12



Photograph 6: Shows the approved street elevation for a two-storey boarding house comprising of 38 rooms at 66-68 Dudley Street, Rydalmere (DA/430/2019).



Photograph 7: Shows the approved street elevation for a three-storey boarding house comprising of 17 rooms at 56 Dudley Street, Rydalmere (DA/460/2019).



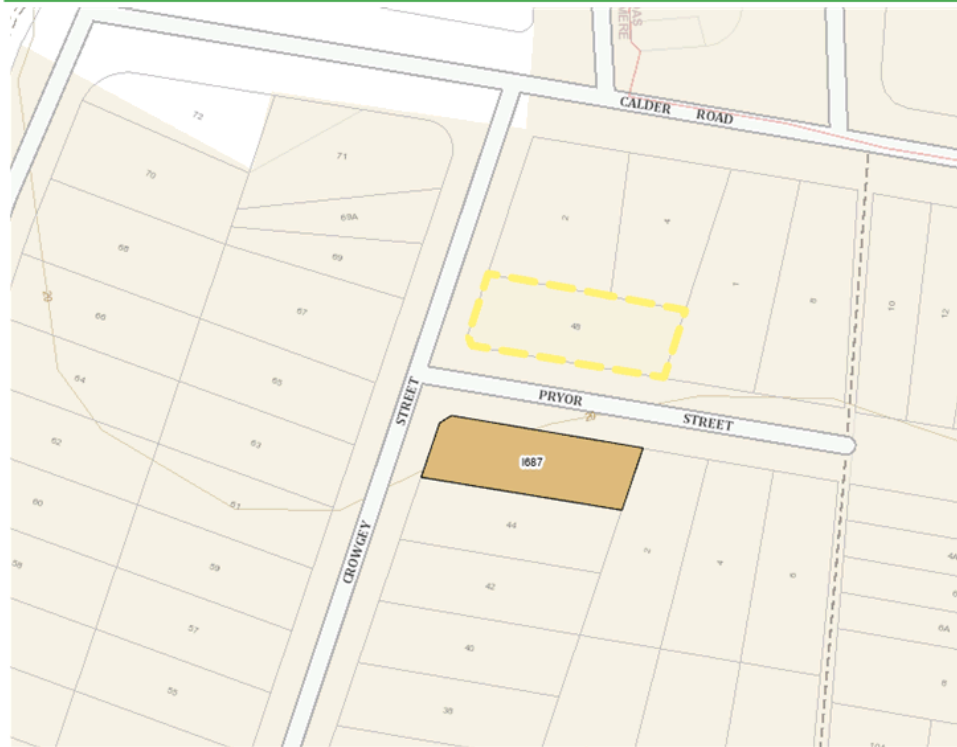
SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 13



HERITAGE

The site is not identified as containing a heritage item, and it is not located within a heritage conservation area. The site is separated by Pryor Street from a heritage listed dwelling house (Local - I687) to the south, as illustrated by Council's Heritage Map Extract below.

Figure 4: Heritage Map Extract (Source: NSW Planning Portal).



- Development Site

An adequate buffer is provided from the item by Pryor Street, and as such, the proposed development will not have an unacceptable impact on the curtilage of the locally listed heritage listed item.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 14



## DESCRIPTION OF PROPOSAL

The Development Application seeks approval for, tree removal the demolition of existing structures in order to construct a 2 storey boarding house at 48 Crowgey Street, Rydalmere.

The boarding house is to accommodate a total of 12 rooms/suites, each with a bathroom, kitchenette and laundry. The boarding house will accommodate a total of 14 lodgers based on the room size and configuration and as nominated on the plans.

Car parking is to be provided within an at-grade parking area accessed from Pryor Street, with a total of 4 car parking spaces (including 1 accessible parking space) and 3 motorcycle parking spaces provided.

The proposal also provides a communal living room and common outdoor space on the ground floor level towards the rear of the building.

The proposal is purpose built to provide low cost flexible rental accommodation to a wide range of tenants. Most tenants are likely to be students from Western Sydney University, but may also include single retirees, working singles and young couples.

A summary of the relevant aspects of the proposal is provided below:

Level	Inclusion
Ground Floor	<p><u>Pedestrian Access</u></p> <p>Pedestrian access is proposed via a centrally located pathway via Crowgey Street.</p> <p><u>Vehicular Access</u></p> <p>Vehicle access is to be provided via a vehicle crossover from Pryor Street.</p> <p><u>Parking</u></p> <p>Car parking is to be provided within an at-grade parking area, with a total of 4 car parking spaces (including 1 accessible parking space) and 3 motorcycle parking spaces provided.</p> <p><b>Boarding House – Rooms/Suites</b></p> <p>This level proposes:</p> <ul style="list-style-type: none"> <li>- 5 boarding rooms comprised of 3 single lodger rooms and 2 double lodger rooms. The 2 double lodger rooms are designed as accessible rooms in accordance with the Australian standards.</li> </ul>

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 15



	<ul style="list-style-type: none"> <li>- 1 manager’s room is proposed on this level, which is provided with a private open space area, accessed directly from the room.</li> <li>- Each suite is provided with a bathroom, kitchenette and laundry.</li> <li>- Internal stairwell to upper floor</li> <li>- A waste storage area is provided beneath the stairwell.</li> <li>- Communal open space is located on this level – 27m<sup>2</sup></li> <li>- A common living room is provided on this level - 23m<sup>2</sup>.</li> </ul>
<b>First Floor</b>	<p><b>Boarding House – Rooms/Suites</b></p> <p>This level proposes:</p> <ul style="list-style-type: none"> <li>- 7 single occupancy suites.</li> <li>- Each suite is provided with a bathroom, kitchenette and laundry.</li> <li>- Units 9 &amp; 12 are each provided with a private open space area, accessed directly from the rooms.</li> <li>- Internal foyer stairwell to ground floor.</li> </ul>

The proposal is purpose-built to provide low cost flexible rental accommodation to suit a range of potential tenants, with an aim of targeting students that might be attending the local university.

The boarding house has been designed as a contemporary two storey building to be consistent with the future emerging character of the precinct. The development also incorporates contemporary architectural aesthetics that relate to existing development in proximity to the site and are sympathetic to the nature and character of the area.

Design consideration has been given to the scale, size and form of the proposal in relation to the unique characteristics of the site, adjoining residences and existing and anticipated character of the area. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

The proposal also incorporates several ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans.

The relevant architectural plans for the proposal have been prepared by Design Cubicle. The design of the proposal development incorporates contemporary architectural aesthetics that aims to be consistent with the local character.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 16





## PLANNING CONTROLS

### STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy (BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- Parramatta Local Environmental Plan 2023.

### POLICY CONTROLS

The applicable policy control documents is:

- Parramatta Development Control Plan 2011.





## CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

### STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

A BASIX report has been prepared to confirm adequate energy efficiency measures.

### STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP came into effect on 1 March 2022 and incorporates the provisions of three now repealed SEPP's being:

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

Chapter 2 of the SEPP contains controls for coastal management and is not applicable to this development.

Chapter 3 of the SEPP contains controls for Hazardous and Offensive Development. This development is not for Hazardous and Offensive development and accordingly this chapter is not applicable to this development.

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The following table considers the risk of the site being contaminated:

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal,		

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 18



chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	
Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	NA.

There is no information that would indicate that the site is contaminated. Based on the available information there is nothing to warrant further investigation in relation to contamination at this stage.

**STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 (BIODIVERSITY AND CONSERVATION SEPP)**

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 19







- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter 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 proposal provides landscaping embellishment works which will improve and enhance the subject site than what currently exists and will positively contribute to the cohesiveness and visual appreciation of the area whilst provides relief from the built form and softening the impact of the development.

Chapter 3 – Koala habitat protection contains provisions from the Koala SEPP 2020 and, as an interim measure, applies in the NSW core rural zones of RU1, RU2 and RU3, except within the Greater Sydney and Central Coast areas. Given the sites location and zoning this chapter is not applicable to the development.

Chapter 4 – contains the land-use planning and assessment framework from the former Koala SEPP 2021 for koala habitat within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3 in the short term. The site is not identified as containing koala habitat and accordingly this chapter is not applicable to this development.

Chapter 5 – contains the provisions from the former Murray REP, which establishes a consistent and co-ordinated approach to environmental planning and assessment along the River Murray. Given the sites location, this chapter is not applicable to this development.

Chapter 6 – Bushland in urban areas' contains the provisions from the former SEPP 19, which seeks to protect and preserve bushland within public open space zones and



reservations. The site is not zoned Public Open Space and is not identified as being within a reservation and accordingly this chapter is not applicable to this development.

Chapter 7 – contains the provisions from the former SEPP 50, which aims to prohibit canal estate development. The development does not propose a canal development and accordingly this chapter is not applicable to this development.

Chapter 8 – contains the provisions from the former Sydney Drinking Water Catchment SEPP to support the water quality objectives for this catchment. The site is not identified as being within the Sydney Drinking Water catchment and accordingly this chapter is not applicable to this development.

Chapter 9– contains the provisions from the former Hawkesbury– Nepean River REP to protect the environment of this river system. The site is not identified as being within the Hawkesbury Nepean River catchment and accordingly this chapter is not applicable to this development.

Chapter 10 – contains the provisions from the former Sydney Harbour Catchment SREP to manage and improve environmental outcomes for Sydney Harbour and its tributaries. The subject site is subject to the broad planning principles contained within the chapter. 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 runoff; and*

*Protect and rehabilitate riparian corridors and remnant vegetation.*

The proposed development does 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.

Chapter 11 – contains the provisions from the former Georges River REP to manage and promote integrated catchment management policies along the Georges River and its tributaries. The site is not identified as being within the Georges River catchment and accordingly this chapter is not applicable to this development.

Chapter 12 – contains the provisions from the former Willandra Lakes REP, which seeks to protect, conserve and manage this World Heritage property. The site is not



identified as being within the Willandra Lakes Precinct and accordingly this chapter is not applicable to this development.

#### STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP's being:

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and
- State Environmental Planning Policy (Three Ports) 2013.

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery. The development remains consistent with chapter 2.

Chapter 3 – contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities. Given the proposed use of the development, this chapter is not applicable.

Chapter 4 – contains provisions from the former Corridor SEPP, including planning controls and reserves land for the protection of 3 corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line). The site is not identified as being within any of these corridors and accordingly this chapter is not applicable to this development.

Chapter 5 – Contains the land-use planning and assessment framework from the former Three Ports SEPP for appropriate development at Port Kembla, Port Botany and Port of Newcastle. The site is not identified as being within any of these port precincts and accordingly this chapter is not applicable to this development.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 22



STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

State Environmental Planning Policy (Affordable Rental Housing) 2009 was introduced in July 2009 as a response to the ongoing issue of housing affordability within NSW. This was subsequently repealed by the Housing SEPP which provides an amended planning framework for certain types of housing such as co-living, boarding houses, etc. The Housing SEPP came into effect in December 2021.

The table below provides discussion against the provisions of the SEPP that relate to “boarding houses”,

SEPP Housing Requirement	
<p>3 Principles of Policy</p> <p>The principles of this Policy are as follows:</p> <ul style="list-style-type: none"> <li>(a) enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>(c) ensuring new housing development provides residents with a reasonable level of amenity,</li> <li>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</li> <li>(e) minimising adverse climate and environmental impacts of new housing development,</li> <li>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</li> <li>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</li> <li>(h) mitigating the loss of existing affordable rental housing</li> </ul>	<p>The proposal is for a form of affordable housing directly sought in the SEPP.</p> <p>The proposal will result in the addition of affordable short-term rental housing in the form of a small-scale new age boarding house in the area that is close to public transport and as such is consistent with the aims of the policy.</p> <p>The boarding house including each individual rooms are consistent with the SEPP to ensure future lodgers are provided with a reasonable level of amenity with each room being self-contained containing a kitchen and bathroom and the provision of communal areas and communal open spaces.</p> <p>The proposal will result in the addition of affordable short-term rental housing in the area that is close to public transport and as such is consistent with the aims of the policy.</p> <p>At the completion of the project, the development will deliver 12 new boarding housing rooms within Rydalmere.</p>
<p>23 Boarding house permitted with consent</p> <ul style="list-style-type: none"> <li>(1) Development for the purpose of boarding house may be carried out with consent on land on which development for the purpose of boarding houses is permitted with consent under another environmental planning instrument</li> <li>(2) Development for the purpose of a boarding house must not be carried out on land in Zone R2</li> </ul>	<p>Boarding houses are permissible with consent within the R3 Medium Density Residential Zone under Parramatta LEP 2023.</p> <p>Not applicable, the development is within land zoned R3 Medium Density Residential.</p>

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 23



<p>Low Density Residential or an equivalent land use zone unless –</p> <p>(a) for land in the Greater Sydney region – the land is within an accessible area, or</p> <p>(b) otherwise – all or part of the boarding house is within 400m walking distance of land in Zone B2 Local Centre or Zone B4 Mixed Use, or an equivalent land use zone.</p>	
<p><b>24 Non-discretionary development standards—the Act, s 4.15</b></p>	
<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of boarding houses that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p>	
<p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—</p>	
<p>(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—</p> <p>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</p> <p>(ii) an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house,</p>	
<p>(b) if paragraph (a) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land,</p>	<p>The development complies with the maximum FSR control under the Parramatta LEP 2023.</p>
<p>(c) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument</p>	<p>The landscaping requirement is 256.08m<sup>2</sup> or 40% of the site area under the Parramatta DCP 2011.</p> <p>The development provides 257.17m<sup>2</sup> or 40.17% of landscaping. Complies.</p>
<p>(d) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument,</p>	<p>N/A</p>
<p>(e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,</p>	<p>The communal living room is designed with north facing windows and will receive at least 3 hours of direct sunlight from 9am to 3pm in mid-winter.</p>

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 24



<p>(f) for a boarding house containing 6 boarding rooms—                  (i) a total of at least 30m<sup>2</sup> of communal living area, and                  (ii) minimum dimensions of 3m for each communal living area,</p> <p>(g) for a boarding house containing more than 6 boarding rooms—                  (i) a total of at least 30m<sup>2</sup> of communal living area plus at least a further 2m<sup>2</sup> for each boarding room in excess of 6 boarding rooms, and                  (ii) minimum dimensions of 3m for each communal living area,</p> <p>(h) communal open spaces—                  (i) with a total area of at least 20% of the site area, and                  (ii) each with minimum dimensions of 3m,</p> <p>(i) if a relevant planning instrument does not specify a requirement for a lower number of parking spaces—at least the following number of parking spaces—                  (i) for development on land within an accessible area—0.2 parking spaces for each boarding room,                  (ii) otherwise—0.5 parking spaces for each boarding room,                  (j) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument.</p>	<p>N/A</p> <p>The Parramatta DCP 2011 prescribes a lower communal living area requirement than the SEPP. Refer to discussion against the Parramatta DCP 2011 further within this statement for detail.</p> <p>The Parramatta DCP 2011 prescribes a lower communal open space requirement than the SEPP. Refer to discussion against the Parramatta DCP 2011 further within this statement for detail.</p> <p>The Parramatta DCP 2011 prescribes a lower parking requirement than the SEPP. Refer to discussion against the Parramatta DCP 2011 further within this statement for detail.</p>
<p><b>25 Standards for boarding houses</b></p> <p>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that—                  (a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m<sup>2</sup>, and                  (b) no boarding room will be occupied by more than 2 adult residents, and                  (c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and</p>	<p>The rooms measure no more than 25m<sup>2</sup> in area in total.</p> <p>No more than 2 adult lodgers are intended per room.</p> <p>Each room is provided with a kitchen, bathroom and laundry.</p>

SEE: Boarding House  
 48 Crowgey Street, Rydalmere  
 PAGE 25



<p>(d) for a boarding house on land in Zone R2 Low Density Residential or an equivalent land use zone—the boarding house will not have more than 12 boarding rooms, and</p>	<p>N/A</p>
<p>(e) for a boarding house on land in a business zone—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 the use, and</p>	<p>N/A</p>
<p>(f) for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living area, and</p>	<p>Provided. The development provides a communal living area.</p>
<p>(g) the minimum lot size for the boarding house is not less than—                  (i) for land in Zone R2 Low Density Residential—the minimum lot size requirements for manor houses under a relevant planning instrument, or 600m<sup>2</sup>, or</p>	<p></p>
<p>(ii) for land in Zone R3 Medium Density Residential—the minimum lot size requirements for multi dwelling housing under a relevant planning instrument, or</p>	<p>Not applicable as Parramatta LEP / DCP does not prescribe any minimum lot size for multi dwelling housing or residential flat buildings.</p>
<p>(iii) otherwise—the minimum lot size requirements for residential flat buildings under a relevant planning instrument, and</p>	<p></p>
<p>(h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following—</p>	<p></p>
<p>(i) for a boarding room intended to be used by a single resident—12m<sup>2</sup>,                  (ii) otherwise—16m<sup>2</sup>.</p>	<p>All single lodger rooms are &gt;12m<sup>2</sup> and all double lodger rooms are &gt;16m<sup>2</sup> when excluding the kitchen and bathroom areas.</p>
<p>(2) Development consent must not be granted under this Division unless the consent authority considers whether—</p>	<p></p>
<p>(a) the design of the boarding house will be compatible with—                  (i) the desirable elements of the character of the local area, or                  (ii) for precincts undergoing transition—the desired future character of the precinct, and</p>	<p>An analysis of the character of the local area and the compatibility of a boarding house is provided at the end of this table.</p>
<p>(b) the front, side and rear setbacks for the boarding house are not less than—</p>	<p></p>

SEE: Boarding House  
 48 Crowgey Street, Rydalmere  
 PAGE 26



(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument,

The Parramatta DCP 2011 prescribes the following setback controls for multi dwelling housing:

**Front:** 5m-7m for primary frontage and 3-5m for the secondary frontage

**Side:** 3m

**Rear:** 15% of site length

The development provides a primary front setback of 5m to Crowgey Street and a secondary front setback of 3m to Pryor Street. Complies.

On corner allotments, to measure the side boundary setback, the side boundaries are taken to be those without street frontage.

The development proposes a side setback of 1m to the northern side boundary and a setback of approximately 15m to the eastern side boundary.

**The development varies the 3m requirement to the northern side boundary, however, the development is considered appropriate on merit:**

- The 1m wide setback is provided as a deep soil zone area, allowing for stormwater absorption and will reduce runoff and the impact of stormwater on site and in the area, as per the stormwater management plans prepared for the proposal.
- The 1m deep soil setback will allow for the provision of landscaped screening between the development and the adjoining property.
- The provision of landscaping and fencing will mitigate visual impacts from arising from the ground floor level of the proposed development.
- The provision of high sill windows facing the northern boundary for the upper level will mitigate privacy impacts.
- The development is located to the south of the adjoining property and will not overshadow the adjoining property.

Furthermore, it is also noted that the development complies with the front setback requirements (primary and secondary) for both dual occupancies and multi-dwelling housing developments under the Parramatta DCP 2011 and the side setback to the eastern side boundary.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 27





<p>(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument,</p> <p>(c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and</p> <p>(d) at least 1 motorcycle parking space will be provided for every 5 boarding rooms, and</p> <p>(e) at least 1 bicycle parking space will be provided for each boarding room.</p>	<p>Considering that the proposal will provide an appropriate built form that best represents the emerging character within the locality, whilst maintaining the amenity of neighbouring properties, the non-compliance to the side setback for multi-dwelling housing is considered satisfactory and worthy of Council support.</p> <p>N/A</p> <p>N/A</p> <p>The development proposes a 12 room boarding house and as such is required to provide 2.4 (3) motorcycle parking spaces.</p> <p>The development provides a total of 3 motorcycle parking spaces at-grade.</p> <p>The development proposes a 12 places boarding house and as such is required to provide 12 bicycle parking spaces.</p> <p>The development is capable of providing 12 bicycle parking spaces on-site.</p>
<p><b>26 Must be used for affordable housing in perpetuity</b></p>	
<p>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity –</p> <p>(a) the boarding houses will be used for affordable housing, and</p> <p>(b) the boarding house will be managed by a registered community housing provider.</p> <p>(2) Subsection (1) does not apply to the development on land owned by the Land and Housing Corporation or to a development application made by a public authority.</p>	<p>The boarding house will be used for affordable housing.</p> <p>Noted.</p>
<p><b>27 Subdivision of boarding houses not permitted</b></p>	
<p>Development consent must not be granted for the subdivision of a boarding houses.</p>	<p>No subdivision is proposed as part of this application.</p>

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 28



### Character of the Local Area

The SEPP requires consideration as to whether the design of the development is compatible with the character of the local area. The question of compatibility is set out in the planning principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191*. A decision in *Moscaritolo v Ryde City Council [2012] NSWLEC 1024* reinforced that the planning principle is relevant to development to which the Affordable Rental Housing SEPP applies. A discussion of the character of the locality is provided as well as assessment of the compatibility of the proposal that aligns with the planning principle.

### Existing Character

The site is zoned R3 Medium Density Residential under the Parramatta LEP 2023 with an eclectic existing character in proximity to the site. Within the visual catchment of the site exists –

- Older established low density housing;
- Two storey dual occupancies (69 Crowgey Street);
- The subject block is separated by Calder Road to the north from a local centre and R4 zoned residential area, containing residential flat buildings of varying ages.

Furthermore, as illustrated by the photographs included earlier in this report, two boarding houses have recently been approved within proximity of the subject site, including:

- A three-storey boarding house comprising of 17 rooms at 56 Dudley Street, Rydalmere (DA/460/2019).
- A two-storey boarding house comprising of 38 rooms at 66-68 Dudley Street, Rydalmere (DA/430/2019).

The development proposes an attractive 2 storey built form which addresses its dual frontages, is to be appropriately landscaped, and is of a form, architectural quality, and style that will positively contribute to the cohesiveness and visual appreciation of the streetscape.

As per clause 25(2)(b)(i) of this SEPP, the development has been designed consistent with the setback requirements for a multi dwelling housing development under the Parramatta DCP.

This will ensure that the proposed boarding house will be compatible with the existing and anticipated future built form character within the R3 zoned precinct.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 29



As such the development will not be out of context with the existing established character.

#### **Compatibility of the Proposal with the Character of the Area**

In accordance with the Planning Principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* the following tests apply in determining whether development is compatible with surrounding development:

24 *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. To test whether a proposal is compatible with its context, two questions should be asked.*

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

These questions will be dealt with in turn however it is important to note that as set out in the planning principle '*Compatibility is... different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve*'. Therefore, it is not necessary that the development adopt the same built form as surrounding, and in this case anticipated, development. In terms of the physical impacts of development the following points are made:

- The design of the proposal and the orientation of the lot means that there is minimal overshadowing to adjoining properties, with adjoining properties retaining adequate solar access at mid-winter.
- Privacy impacts are mitigated using building separation, windows design to side boundaries and the use of screens.
- Noise impacts are reduced through siting the communal areas towards the rear of the development site away from adjoining dwellings and road traffic areas.
- The development proposal does not result in the constrained development potential of the adjoining properties.

Therefore, the physical impacts of the proposal are acceptable.

In response to the second question set out in the planning principle, the following comments are made:

- The scale of the proposed building is consistent with the anticipated character of residential buildings in the area, as discussed above.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 30



- The boarding house provides compatible building setbacks allowing for substantial areas of open space and landscape plantings, noting compliance with setbacks and the building envelope control applying to such development. The height is consistent with the planning controls and is a 2-storey building comparable to development within the locality. The extent of landscaping is comparable to the adjoining developments and is reasonable on that basis noting screen plantings are proposed along the front boundary to soften the development.
- The architectural style seeks to downplay overall bulk and scale and the contemporary design is anticipated to be reflective of future developing character in the locality (larger two storey-built form). This is illustrated by the architectural plans prepared for this application.

Based on the foregoing discussion the development proposal is considered compatible with the character of the local area, with reference to the anticipated future character of the locality that will adopt a comparable form and scale to the current proposal.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 31

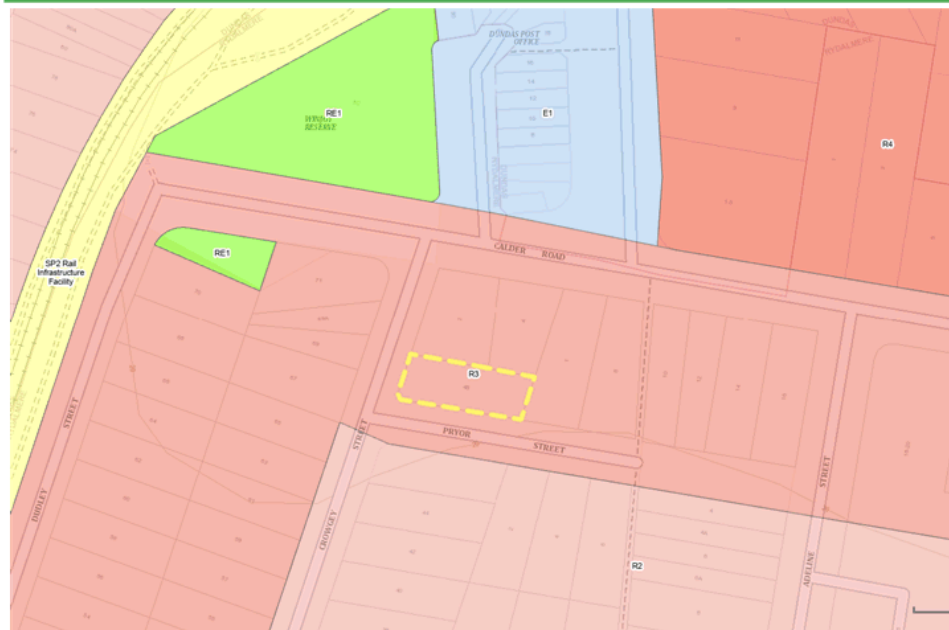




### PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

As evident in the extract below, the subject site is zoned R3 Medium Density Residential with a maximum permitted FSR of 0.6:1 and a maximum building height limit of 11m under the provisions of the Parramatta Local Environmental Plan 2023.

Figure 5: Zoning Map Extract (Source: NSW Planning Portal).



- Development Site

Boarding Houses are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

**boarding house** means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

The development proposal is also consistent with the prescribed zone objectives, which are stipulated as:

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 32



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

The proposal development provides a new generation boarding house that is not only within a suitable location but will make available a variety of housing types within the and contribute towards providing low cost flexible rental accommodation for tenants such as single retirees, working singles and students.

The site is well located and is located within proximity essential services, public transportation and recreation opportunities.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Parramatta Local Environmental Plan 2023			
Clause	Control	Comment	Complies
Zoning	R3 Medium Density Residential	Boarding Houses are permissible with Council consent in the R3 Medium Residential Density 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 R3 zone.  The proposal will appropriately fulfil the subject site's zoning potential while providing low-rent short term accommodation in the form of boarding housing rooms within the catchment of public transport and services.	Yes
2.6	Subdivision	The proposal does not seek approval for the subdivision of the site.	N/A

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 33



2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	Yes
<b>Part 4 Principal Development Standards</b>			
4.3	Height of Buildings- 11m	A maximum building height of 11m is identified for the site under the Parramatta Local Environmental Plan 2023.  The development comprises of a 2 storey building with no part of the proposal exceeding 11m in height and as such is compliant with Council maximum building height requirements.	Yes
4.4	Floor Space Ratio	A maximum floor space ratio of 0.6:1 is identified for the site under Parramatta Local Environmental Plan 2023.  This development has been designed to comply with FSR provision required, providing a Floor Space Ratio of 0.6:1.	Yes
<b>Part 5 Miscellaneous Provisions</b>			
5.10	Heritage Conservation	The site is not identified as containing a heritage item, and it is not located within a heritage conservation area. The site is separated by Pryor Street from a local heritage listed dwelling house (Local - I687) to the south.  An adequate buffer is provided from the item by Pryor Street, and as such, the proposed development will not have an undue impact on the curtilage of the heritage listed item.	N/A
5.21	Flood planning	The subject site is not identified as being flood prone.	N/A
<b>Part 6 Additional Local Provisions</b>			
6.1	Acid sulfate soils	The subject site is identified as being affected by Class 5 Acid Sulfate Soils under Parramatta Local Environmental Plan 2023.  Notwithstanding the proposal is not located within 500m of adjacent Class 1,	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 34



		2, 3 or 4 Acid Sulphate Soils and the proposal will not have any adverse impact on site or on its surrounds. Not applicable.	
6.2	Earthworks	<p>This application seeks Council consent for the 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 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 as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes
6.3	Biodiversity	The site is not identified on the Natural Resources Biodiversity Map. Not applicable.	N/A
6.4	Riparian land and waterways	The site is not identified on the Natural Resources Riparian Land and Waterways Map. Not applicable.	N/A
6.5	Stormwater management	The development has been designed to is designed to comply with the requirements of this section. Refer to the stormwater management plan for details.	Yes
6.6	Foreshore building line	The proposal is not within proximity of the foreshore and is not located within the foreshore building line. Not applicable.	N/A

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 35







PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

All relevant Council controls have been considered in the following compliance table.

Parramatta Development Control Plan 2011 – Compliance Table			
Clause	Controls	Comment	Complies
<b>2. Site Planning</b>			
2.1	Design in Context in the Parramatta City	<p>It is noted that development for the purposes of a boarding house is permissible within the R3 Medium Density Residential zone under Parramatta Local Environmental Plan 2023 and the proposal is compliant with the objectives and specific controls of this document.</p> <p>The proposed development aims to utilise the subject site to its full zoning potential while providing low rent short term accommodation in the form of boarding housing rooms within the catchment of public transport and services.</p> <p>The new age boarding house has also been designed as a contemporary two storey building in-order to achieve compatibility and consistency with the existing character along Crowgey Street.</p> <p>The proposal will have minimal adverse environmental or amenity impacts and provides an appropriate outcome on site in an appropriate location.</p> <p>The proposal will contribute towards providing affordable short-term accommodation within the Parramatta LGA.</p>	Yes
2.3	Site Analysis	<p>A detailed Site Analysis has been prepared and is attached as part of this application.</p> <p>The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.</p>	Yes
2.4.1	Views and Vistas	<p>The proposed development will not impact on significant views due to the location of the proposal is not located within a nominated view corridor.</p> <p>It is noted that the proposal is to be of a size and scale that is consistent with Council</p>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 36



			<p>controls and existing development within close proximity of the site.</p> <p>The proposed development is to be appropriately landscaped and is of a form and style that will positively contribute to the cohesiveness and visual appreciation of the streetscape.</p> <p>The proposal fulfils the subject site's zoning potential and will not impact on views to and from significant sites or on existing significant view corridors.</p> <p>Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan. See Landscape Plan for detail.</p>	
2.4.2.1	Water Management- Flooding		The site is not identified as being flood prone.	N/A
2.4.2.2	Protection of Waterways		The subject site is not located within proximity of a waterway.	N/A
2.4.2.3	Protection of Groundwater		The proposed development is for the continued use of the site for residential purposes. It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low.	Yes
2.4.3.1	Site Considerations – Soil Management – Sedimentation		<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <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 will be formulated at CC stage.</p>	Yes
2.4.3.2	Soil Management- Acid Sulfate Soils		The subject site is identified as being affected by Class 5 Acid Sulfate Soils under Parramatta Local Environmental Plan 2023. The proposal will not result in the lowering of the water table or disturb acid sulfate soils.	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 37



2.4.3.3	Soil Management- Salinity	Due to the nature and location of the site, it is not likely to be affected by Saline Soils.	N/A
2.4.4	Land Contamination	<p>The site was previously used for residential purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination.</p> <p>Nothing on site indicates a previous contaminating use however if anything is encountered during construction appropriate steps will be taken.</p>	Yes
2.4.5	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	Development on Sloping Land	<p>The proposal has been designed to minimise the amount of cut and fill required.</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	Biodiversity	<p>The proposed development will not impact on any significant flora and fauna. It is noted that the proposal is for the erection of the new age boarding house within an established residential area with identified trees to be removed.</p> <p>Refer to the attached Landscape Report for detail.</p>	Yes
2.4.8	Public Domain	<p>The proposal will positively contribute to the public domain and proposes a development that will be compatible and consistent with the existing built form character along the Crowgey Street.</p> <p>The proposal will incorporate appropriate finishes; fencing and landscaping that will positively contribute to public domain areas and visual appreciation of the development.</p> <p>See attached architectural and Landscape Plans for detail.</p>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 38



The proposal provides an active frontage and enhances the visual interest of the streetscape.

Furthermore, it is considered that the proposal will not adversely impact on views to or from the public domain, rather the proposal presents an active façade that will contribute to casual surveillance, increasing safety in the area.

**3. Development Principles**

As per the SEPP (Housing) 2021, Clause 25 Standards for boarding houses:  
 (2) *Development consent must not be granted under this Division unless the consent authority considers whether—*  
**(b) the front, side and rear setbacks for the boarding house are not less than—**  
 (i) *for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument,*

Therefore, the development has been designed to comply with the setback requirements for multi dwelling housing developments.

3.1.3	Preliminary Building Envelope Table – Multi Dwelling Housing: Street Setback: Primary frontage: 5m- 9m	Under Parramatta Development Control Plan, the primary front setback for multi dwelling houses is between 5-9m.  The proposal provides a setback of 5m to Crowgey Street, which is within the 5m-9m requirement and is consistent with the existing setbacks present on Crowgey Street.	Yes
-------	--	---	-----

3.1.3	Preliminary Building Envelope Table – Multi Dwelling Housing: Side Setback: 3m	Under the Parramatta Development Control Plan, the side setback for multi dwelling houses is a minimum of 3m.  On corner allotments, to measure the side boundary setback, the side boundaries are taken to be those without street frontage.  The development proposes a side setback of 1m to the northern side boundary and a setback of approximately 15m to the eastern side boundary.  The development varies the 3m requirement to the northern side boundary, however, the development is considered appropriate on merit:  <ul style="list-style-type: none"> <li>The 1m wide setback is provided as a deep soil zone area, allowing for</li> </ul>	Yes
-------	--	--	-----

SEE: Boarding House  
 48 Crowgey Street, Rydalmere  
 PAGE 39



		<p>stormwater absorption and will reduce runoff and the impact of stormwater on site and in the area, as per the stormwater management plans prepared for the proposal.</p> <ul style="list-style-type: none"> <li>• The 1m deep soil setback will allow for the provision of landscaped screening between the development and the adjoining property.</li> <li>• The provision of landscaping and fencing will mitigate visual impacts from arising from the ground floor level of the proposed development.</li> <li>• The provision of high sill windows facing the northern boundary for the upper level will mitigate privacy impacts.</li> <li>• The development is located to the south of the adjoining property and will not overshadow the adjoining property.</li> </ul>	
3.1.3	<p>Preliminary Building Envelope Table – Multi Dwelling Housing: Rear Setback</p> <p>minimum 15% of length of site</p>	The subject site is a corner land parcel.	N/A
3.2.1	Building Form and Massing	<p>The subject proposal is compliant with FSR and height controls.</p> <p>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 proposed new age boarding house has also been designed to appear as a multi dwelling housing development in-order to achieve consistency and compatibility with the anticipated future character along Crowgey Street.</p> <p>The proposal does not result in any unreasonable environmental or amenity impacts on site or on adjoining properties.</p> <p>It is considered that the proposal responds well to the individual context of its site and surrounds and positively contributes to the visual appreciation and cohesiveness of the streetscape, providing a built form that is both compliant with Council controls and is visually pleasing.</p>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 40



		<p>Appropriate landscaping and setbacks will minimise the visual dominance of the built form on the streetscape.</p> <p>Moreover, amenity impacts to adjoining properties are mitigated.</p>	
3.2.2	Building Facades and Articulation	<p>The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes.</p> <p>The front façade is appropriately broken up by the provision of vertical elements that signify the entry point to the building.</p> <p>Materials used are consistent with that existing within the Parramatta Local Government Area while being contemporary in character.</p> <p>The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>Clear entry points are proposed, that are easily read by resident, visitor and passer by alike.</p>	Yes
3.2.3	Roof Design	<p>The proposal incorporates a contemporary roof form which is compatible with the character along Crowgey Street. See architectural plans for further detail.</p>	Yes
3.2.4	Energy Efficient Design	<p>The proposal is accompanied by a complying BASIX certificate demonstrating a commitment to energy efficiency and water conservation.</p> <p>The proposed boarding house sited to maximise passive solar access.</p>	Yes
3.2.5	Streetscape	<p>The proposed development has been designed to appear as a contemporary two storey building designed to be compatible with the emerging medium residential density-built form character along Crowgey Street.</p> <p>The proposal will have minimal adverse environmental or amenity impacts and provides an appropriate outcome on site in an appropriate location.</p> <p>Further the proposed development is to be appropriately landscaped and is of a form and</p>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 41





		<p>style that will positively contribute to the cohesiveness and visual appreciation of the streetscape along Crowgey Street.</p> <p>All ancillary features including mailboxes and waste facilities are to be appropriately located and integrated into the development.</p> <p>The proposal is of an appropriate height, bulk and scale and maintains appropriate setbacks in accordance with Council controls. It is considered that the proposal positively contributes to the streetscape within the subject residential area.</p> <p>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 Local Government Area.</p>	
3.2.6	Fences	Fencing is consistent with the character and style of other developments in the area will be adopted and erected, providing a 1.2m high palisade fence to the front boundary and 1.8m high fencing towards the rear of the site.	Yes
3.3.1	Landscaping	<p>The subject site is mostly cleared and is within a well-established residential area, having historically been used for urban purposes.</p> <p>Appropriate landscape works is proposed that will improve and enhance the subject site and help provide a garden setting that will help to reduce the visual bulk of the boarding house and integrate the proposal within the context of the site and its surrounds.</p> <p>All landscaping works are to be undertaken in accordance with the attached Landscape Plan.</p>	Yes
3.3.2	Private and Communal Open Space	It is noted the proposal is boarding house development and as such this control does not apply to the site.	N/A – Complies with SEPP
3.3.3	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>The 1m deep soil setback will allow for the provision of landscaped screening between the</p>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 42



		<p>development and the adjoining property. The provision of landscaping and fencing will mitigate visual impacts from arising from the ground floor level of the proposed development. The provision of high sill windows facing the northern boundary for the upper level will mitigate privacy impacts.</p> <p>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.</p>	
3.3.4	Acoustic Amenity	The proposal will have limited acoustic impacts to adjoining properties given the design and layout of the proposed development as it relates to surrounding properties.	Yes
3.3.5	Solar Access and Cross Ventilation	<p>It is noted that the proposal is a boarding house development meaning this control is not applicable.</p> <p>However, appropriate solar access is to be provided on site. Neighbouring properties will also receive appropriate solar access at mid-winter as per the attached shadow diagrams.</p> <p>See attached Shadow Diagrams for detail.</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>	Yes
3.3.6	Water Sensitive Urban Design	<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>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 43







		<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.</p> <p>See attached Stormwater Management Plan for detail.</p>	
3.3.6.2	Environmental Amenity – Water Sensitive Urban Design – Water Efficiency	<p>The proposal is accompanied by a complying BASIX certificate demonstrating a commitment to energy efficiency and water conservation.</p> <p>The proposed boarding house has been oriented and sited to maximize passive solar access.</p>	Yes
3.3.6.3	Environmental Amenity – Water Sensitive Urban Design – Grey Water	Noted.	Yes
3.3.7	Waste Management	<p>A Waste Management Plan is attached as part of this application. It is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>Further, appropriate waste facilities will be provided for future lodgers of the proposal. See the attached Waste Management Plan for details.</p>	Yes
3.4.2	Access for People with Disabilities	<p>Appropriate access is provided to, from and within the site for those with disability, noting that ramps are provided from both the pedestrian pathway via Crowgey Street and via the at-grade parking area.</p> <p>The proposal provides 2 x adaptable room-suites.</p>	Yes
3.4.4	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance of Crowgey Street as well as common open space areas of the proposal.</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 are appropriate when considering CPTED</p>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 44





		<p>principles and will not permit easy concealment of intruders.</p> <p>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.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.</p> <p>Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. 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.</p> <p>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.</p>	
3.4.5	Housing Diversity and Choice	Not applicable, as the development proposes to undertake the construction of a new age boarding house which will contribute towards providing appropriate low-cost temporary housing opportunity within the locality.	N/A
3.5	Heritage	<p>The subject site is not identified as containing a heritage item, nor it is not located within a heritage conservation.</p> <p>As a result, the subject site will not have any associated heritage restrictions.</p>	N/A
3.6.2	Parking and Vehicular Access 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	<p>The development proposes: 12 boarding rooms (1.2 spaces); and 1 resident manager (1 space).</p> <p>This equates to a total of 2.2 spaces required. The development proposes 4 car parking spaces and complies.</p> <p>The development proposes 3 motorcycle spaces and complies.</p>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 45



3.6.3	Accessibility and Connectivity	The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site.  Vehicle and pedestrian routes are clearly indicated and accessible. See attached traffic report. Public and private areas of the proposal are clearly defined and provide a clear distinction between the public and private domain elements of the proposal.	Yes
3.7.2	Site Consolidation and Development on Isolated Sites	The subject site does not result in an isolated allotment.	Yes
<b>4.1.3 Dundas Precinct</b>			
<b>Desired future character</b>	The desired future character for Dundas is stated as providing for a mix of housing including residential flat buildings, multi dwelling housing and detached housing.	The proposal has been designed to appear as a contemporary 2 storey building, which fits within the description of the desired future character of Dundas as per the DCP.	Yes
<b>Pedestrian Connections and Laneways</b>			
P1.	New pedestrian connections and laneways to be in accordance with Figure 4.1.3.1.	The DCP refers to Figure 4.1.3.2, and the map shown in this figure does not show there are any proposed new pedestrian connections that will impact upon the subject site.	N/A
P2.	A new shared vehicular and pedestrian laneway adjoining Winjoy Reserve should be provided over the B1 Neighbourhood Centre.	This is not relevant to land at 48 Crowgey Street.	NA
P3.	The shared vehicular and pedestrian lane fronting Winjoy Reserve is to have a minimum width of 4 metres to allow for one-way vehicular movements and shared pedestrian access	This is not relevant to land at 48 Crowgey Street.	NA
P4.	New pedestrian links are to improve through block connections and permeability and are to have a minimum width of 3 metres, being consistent in width for its full length.	This is not relevant to land at 48 Crowgey Street.	NA

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 46



P5.	Existing pedestrian connections are to be retained and enhanced	Existing pedestrian connections are retained and enhanced by the proposed boarding house development.	Yes
<b>Setbacks</b>			
C1.	Building setbacks are to be in accordance with Figure 4.1.3.2. These setbacks relate to land at and surrounding the B1 Neighbourhood Centre.	This is not relevant to land at 48 Crowgey Street.	NA
C2.	Where a nil front setback is shown in figure 4.1.3.2 in the B1 Neighbourhood Centre zone, development should have a nil side setback where it will not have a detrimental impact upon adjoining development to achieve a continuous street edge.	This is not relevant to land at 48 Crowgey Street.	NA
<b>5. Other Provisions – Boarding Houses</b>			
5.1	Objectives O.1 – O.11	<p>The development proposes a new generation boarding house designed to provide good amenity to residents more aligned with a studio apartment as opposed to a traditional boarding house and has been designed to appear as a contemporary 2 storey building in-order to be compatible and consistency with the existing residential built form character along the Crowgey Street.</p> <p>The subject land is within an established residential area and is within proximity to employment opportunities and public transportation as it is located near the future Dundas light rail stop.</p> <p>The development will play a positive role in increasing affordable short-term accommodation within the Rydalmere housing market.</p> <p>The boarding house has been designed to comply with key planning controls including height and FSR to ensure that the proposal provides an appropriate development consistent with the bulk and scale Council envisioned for the locality.</p> <p>Furthermore, the development has also been designed to minimise the impact on the amenity</p>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 47



		<p>of neighbouring properties in terms of privacy, noise and overshadowing.</p> <p>A Plan of Management accompanies this report clearly identifying the operational management regime for the site.</p> <p>The size and intensity of the proposal is consistent with the anticipated density forms to be contained in the locality.</p> <p>The boarding house provides for the needs of persons with a disability with the incorporation of 2 adaptable rooms and an accessible car parking space within the at-grade parking area.</p> <p>Appropriate access is provided to, from and within the site for those with disability, noting that ramps are provided from both the pedestrian pathway via Crowgey Street and via the at-grade parking area</p>	
5.1.4	Location Criteria Objectives O.1 – O.3 Design Principle P.1	The subject site is within proximity of commercial and industrial services, and is within walking distance to Western Sydney University Parramatta Campus. The subject site is within proximity to bus stops with regular services to Epping, Carlingford, Oatlands and Parramatta. The site is also within proximity of the future Dundas light rail stop.	Yes
	Site Planning P.3	A Site Analysis accompanies the application.	Yes
	Building Form and Appearance P.4 – P.8	<p>This matter is discussed as part of the individual built form controls in Part 3 of the DCP as well as the character assessment provided at Appendix 1.</p> <p>The proposal meets the built form and appearance controls by –</p> <ul style="list-style-type: none"> <li>- being consistent with the predominant built form and design elements of the area (particularly that of anticipated housing)</li> <li>- the built form addresses the street through the provision of boarding rooms on the ground floor that fronts and overlooks Crowgey Street</li> <li>- The proposal will not result in unacceptable solar impacts on neighbouring properties</li> </ul>	Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 48



<p>Building Envelope Controls P.9 – P.10</p>	<p>The proposal is in within R3 Medium Density Residential zone and the proposal complies with the height and FSR controls. Compliance with the remaining building envelope controls has been discussed previously in this statement.</p>	<p>Yes</p>
<p>Occupation Requirements P.11 – P.13</p>	<p>The impacts of the proposal are to be assessed and managed through good design, and the Plan of Management.</p> <p>In terms of amenity impacts the proposal has been designed to minimise overshadowing, and vehicle parking areas are provided within an at-grade parking area and the development complies with the parking numbers in the SEPP (Housing) to mitigate impacts to the public domain.</p> <p>The leasing arrangements are discussed in the attached Plan of Management.</p> <p>The development proposes a 12 room boarding house with a maximum residency of 14 boarders, noting the development has been designed to comply with key requirements under the SEPP (Housing), Parramatta LEP 2023 &amp; Parramatta DCP, and therefore demonstrates that the proposed rooms is appropriate within the subject land parcel, noting the proposal will not have an adverse impact upon the amenity of the surrounding neighborhood in regard to noise, privacy, overshadowing and traffic generation. This has been addressed in detail within this statement.</p>	<p>Yes</p>
<p>Operational Management P.14 – P.21</p>	<p>An on-site resident manager is proposed as part of the application.</p> <p>A Plan of Management accompanies this report clearly identifying the operational management regime for the site.</p>	<p>Yes</p>
<p>Annual Certification P.22 – P.23</p>	<p>Certification advice and process noted.</p>	<p>Yes</p>
<p>Design of Boarding Houses P.24 – P.34</p>	<p>The New Generation Boarding House is designed to provide good amenity to residents more aligned with a studio apartment as opposed to a traditional boarding house. The proposal provides a greater level of inclusions in each suite than would be achieved through an insistence upon a communal laundry or</p>	<p>Yes</p>

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 49



		<p>communal kitchen or dining area. The proposal provides a greater level of fit out than the DCP requirements through the provision of individual kitchen, dining and living spaces.</p> <p>The management of furniture and fittings is to be at the discretion of the owners of the Boarding House.</p> <p>The insistence upon fitted furniture such as beds, dining tables, bedside tables etc. is draconian and institutional in nature and will detract from the high-quality feel of the development.</p> <p>The occupants of the Boarding House will comprise persons of a lower income (but greater than welfare payment income) such as students, nurses, ambulance drivers and school teachers who will be given the discretion to furnish their boarding suite.</p> <p>A number of the requirements in this part of the DCP appear better suited to application in an institutional setting such as a prison or hospital or public toilet.</p> <p>Soap dispenser and individual telephone requirements are not appropriate to the proposal, fail to understand the management regime for the proposal and introduce a degree of inflexibility that is not envisaged for New Generation Boarding Houses. Notwithstanding the above comments, if Council does not agree with this position there is scope to provide conditions of consent relating to furnishings, however it is stressed that it is not appropriate to the current proposal.</p>
	<p>Minimum Size and Design for Bedrooms, Bathrooms, Communal Living Areas and External Recreation Areas P.35 – P.46</p>	<p>The proposed rooms do not exceed the maximum floor area of 25m<sup>2</sup> (excluding bathrooms and kitchens). Storage areas are provided within the rooms themselves. Hot and cold water will be provided to the showers and hand basins.</p> <p>Kitchens are provided within the rooms themselves which negates the need for a communal kitchen and dining area.</p> <p>The bedrooms are designed to comply with the BCA in terms of access to natural light and</p>

Yes-  
SEPP  
Prevails

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 50





	<p>All boarding houses are to provide a common living area of a minimum 20m<sup>2</sup> in area, with a further 1.5m<sup>2</sup> provided per resident where resident numbers exceed 12 persons.</p> <p>The communal outdoor area shall have a minimum area of 20m<sup>2</sup>, with a minimum dimension of 3 metres</p>	<p>ventilation, ceiling heights and fire safety. The individual suites will be key lockable.</p> <p>The development proposes a capacity of 14 lodgers, and therefore, is required to provide a common living area with an area of 23m<sup>2</sup>. The development proposes a common living area with an area of 23m<sup>2</sup> and complies with this control.</p> <p>A communal outdoor area is provided within the ground floor with an area of 20m<sup>2</sup>, with a minimum dimension of 3 metres. The area is partly covered to provide weather protection.</p> <p>The communal outdoor area is directly accessible from the communal internal living area.</p> <p>Both hard and soft landscaped areas are provided within the outdoor communal area.</p>	
<p>Private Open Space P.47 – P.48</p>		<p>Private open space is provided for units 9 &amp; 12, which is adequately separated from adjoining properties, and will not result in privacy impacts.</p> <p>The manager’s room is provided with a private open space area adjacent to the room, with an area of 8m<sup>2</sup> with a minimum dimension of 2.5m.</p>	<p>Yes</p>
<p>Acoustic Amenity P.49 – P.52</p>		<p>Care in the location of the building on site, incorporating appropriate setbacks from neighbouring properties has been provided.</p> <p>Having regard to the residential nature of the facility in a residential setting, the proposal provides appropriate acoustic treatment and outcomes.</p>	<p>Yes</p>
<p>Visual Privacy P.53 – P.54</p>		<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>The 1m deep soil setback will allow for the provision of landscaped screening between the development and the adjoining property. The provision of landscaping and fencing will mitigate visual impacts from arising from the ground floor level of the proposed development.</p>	<p>Yes</p>

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 51







		The provision of high sill windows facing the northern boundary for the upper level will mitigate privacy impacts.	
Access for People with Disabilities P.55– P.57	2 x adaptable rooms have been provided as part of the boarding house development.		Yes
Sustainability, Energy Efficiency and Solar Access P.58-P.61	<p>The development is accompanied by a BASIX certificate.</p> <p>Solar access to at least 50% of the communal open space areas and to communal living area windows is achieved for at least 3 hours between 9am and 3pm during the winter solstice (21 June).</p> <p>Given the orientation of the site, the development will not overshadow adjoining properties.</p>		Yes
Car and Bicycle Parking P.62 – P.63	Car and bicycle parking is provided in accordance with part 3.6.2 of the DCP.		Yes
Waste Management P.64 – P.68	Waste management requirements are complied with.		Yes
Fire Safety P.69 – P.77	Noted.		Yes
Signage P.78 – P.80	Noted.		Yes

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 52





## CONCLUSION

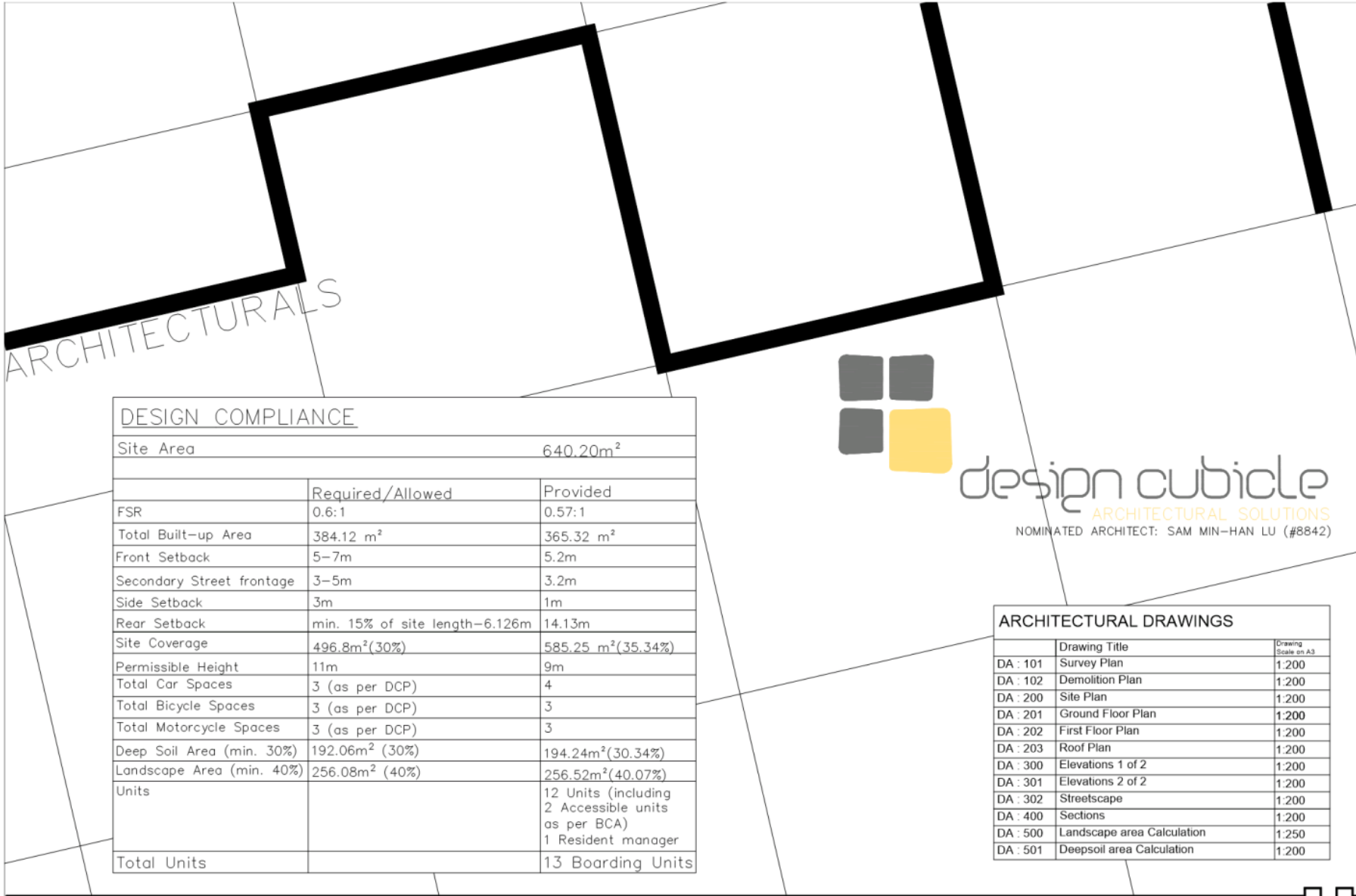
Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

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 considering 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 application, subject to necessary, relevant and appropriate conditions of consent.

SEE: Boarding House  
48 Crowgey Street, Rydalmere  
PAGE 53





DESIGN COMPLIANCE		
Site Area	640.20m <sup>2</sup>	
	Required/Allowed	Provided
FSR	0.6:1	0.57:1
Total Built-up Area	384.12 m <sup>2</sup>	365.32 m <sup>2</sup>
Front Setback	5-7m	5.2m
Secondary Street frontage	3-5m	3.2m
Side Setback	3m	1m
Rear Setback	min. 15% of site length-6.126m	14.13m
Site Coverage	496.8m <sup>2</sup> (30%)	585.25 m <sup>2</sup> (35.34%)
Permissible Height	11m	9m
Total Car Spaces	3 (as per DCP)	4
Total Bicycle Spaces	3 (as per DCP)	3
Total Motorcycle Spaces	3 (as per DCP)	3
Deep Soil Area (min. 30%)	192.06m <sup>2</sup> (30%)	194.24m <sup>2</sup> (30.34%)
Landscape Area (min. 40%)	256.08m <sup>2</sup> (40%)	256.52m <sup>2</sup> (40.07%)
Units		12 Units (including 2 Accessible units as per BCA) 1 Resident manager
Total Units		13 Boarding Units



design cubicle  
ARCHITECTURAL SOLUTIONS  
NOMINATED ARCHITECT: SAM MIN-HAN LU (#8842)

ARCHITECTURAL DRAWINGS		
	Drawing Title	Drawing Scale on A3
DA : 101	Survey Plan	1:200
DA : 102	Demolition Plan	1:200
DA : 200	Site Plan	1:200
DA : 201	Ground Floor Plan	1:200
DA : 202	First Floor Plan	1:200
DA : 203	Roof Plan	1:200
DA : 300	Elevations 1 of 2	1:200
DA : 301	Elevations 2 of 2	1:200
DA : 302	Streetscape	1:200
DA : 400	Sections	1:200
DA : 500	Landscape area Calculation	1:250
DA : 501	Deepsoil area Calculation	1:200

231124 - 48 Crowgey Street, Rydalmere - Proposed Boarding House Development

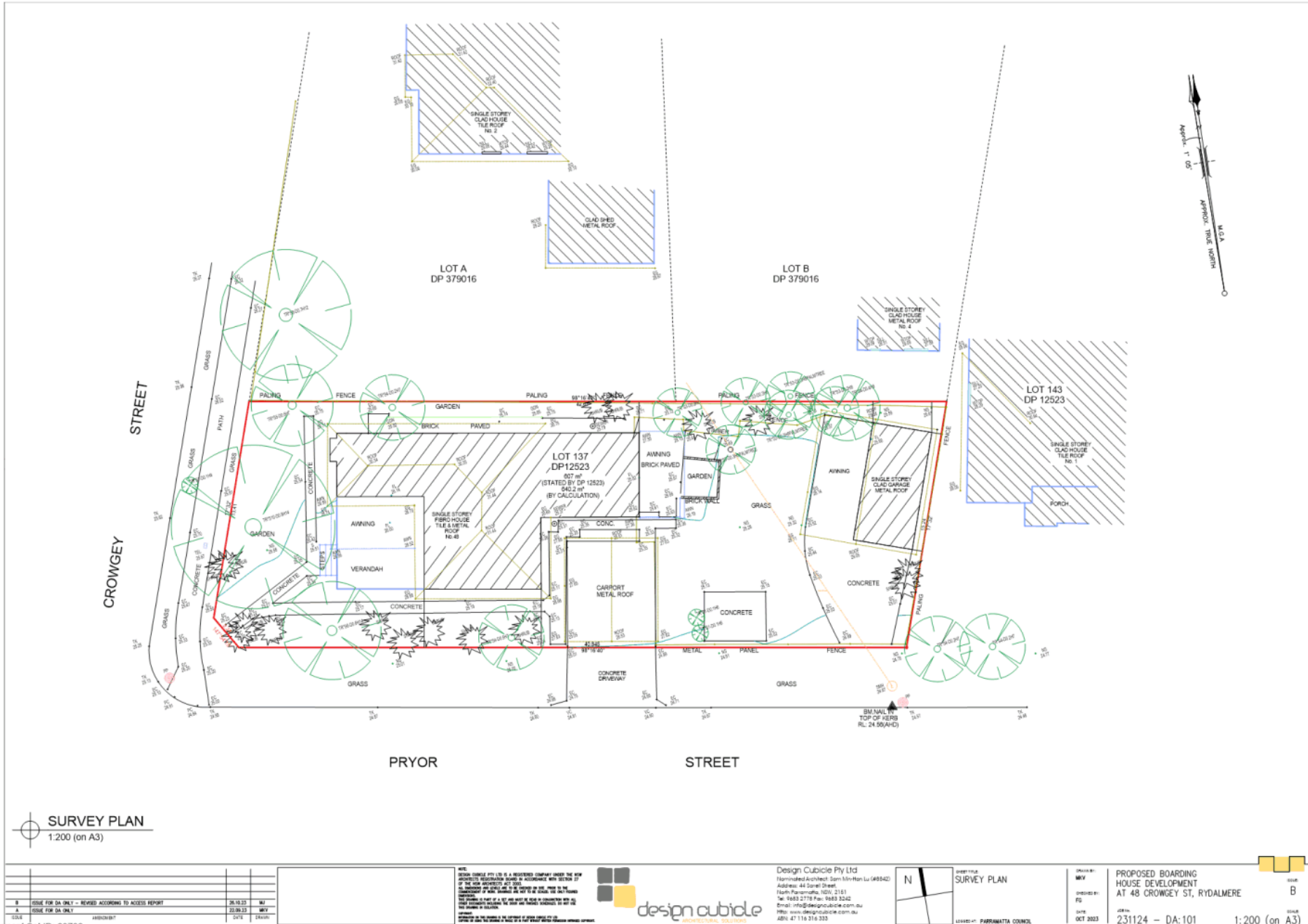
ISSUE B FOR DA ONLY

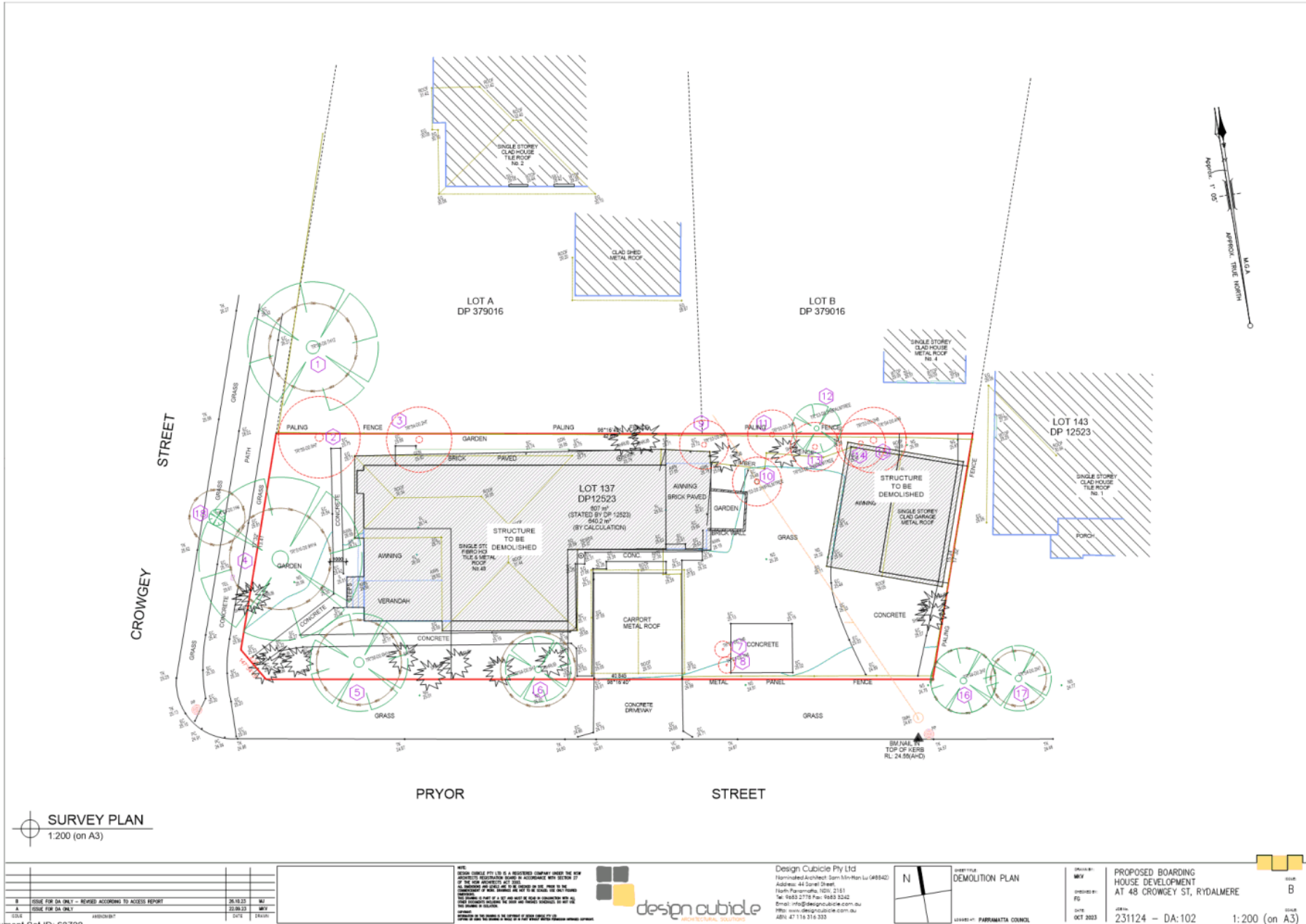
Document Set ID-63722  
Version: 1, Version Date: 02/08/2024



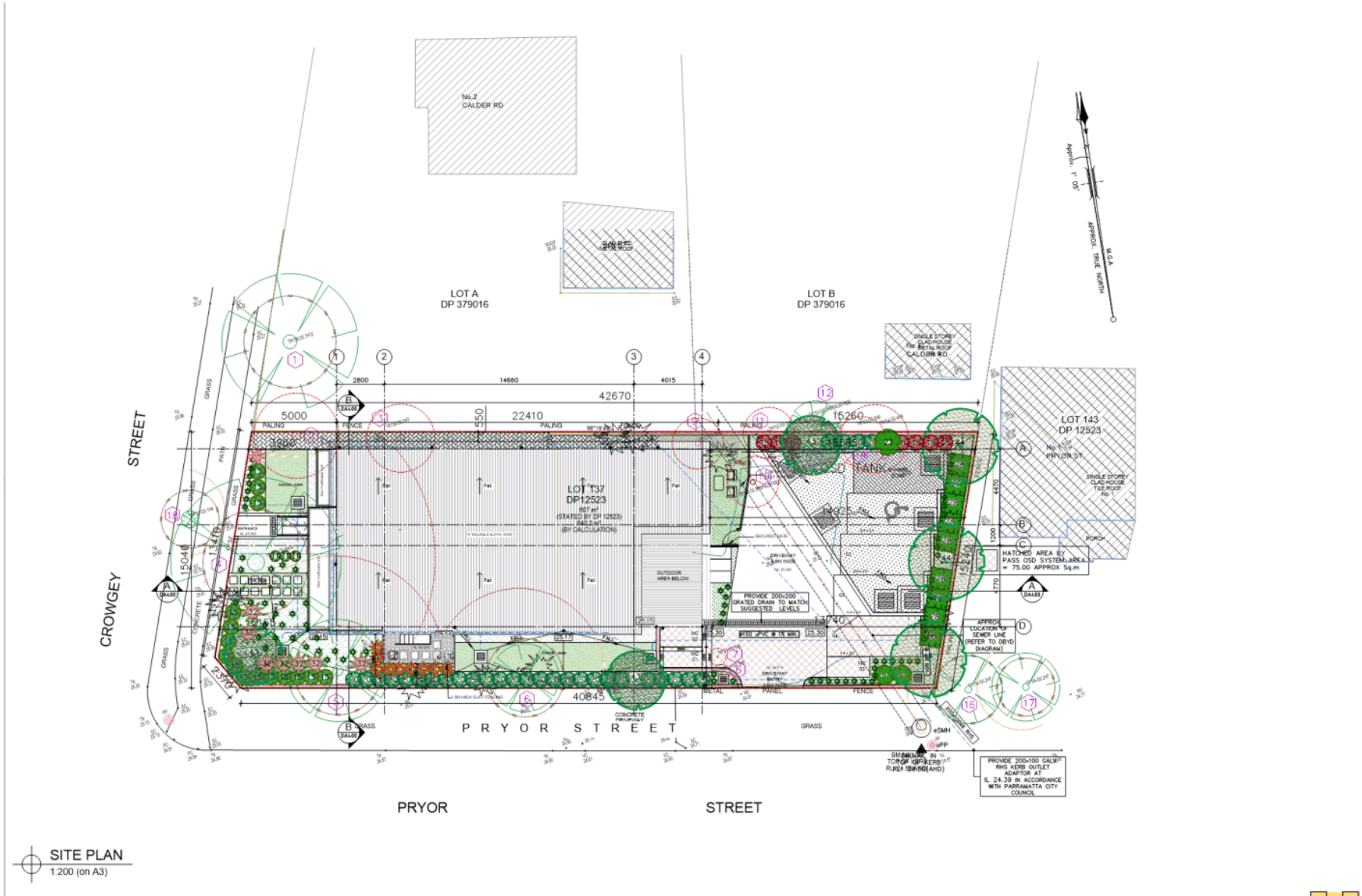
3D View  
231124 - 48 Crowgey Street, Rydalmere

design cubicle  
ARCHITECTURAL SOLUTIONS  
ph: 02 9683 2778 / f: 02 9683 3242  
Nominated Architect - Sam Min-Han Lu (#8842)





Document Set ID: 63722  
Version: 1, Version Date: 02/08/2024



**SITE PLAN**  
1:200 (on A3)

NO.	REVISION	DATE	BY
1	ISSUE FOR DA ONLY - REVISED ACCORDING TO ACCESS REPORT	28.08.22	MF
2	ISSUE FOR DA ONLY	22.08.22	MF
3	ISSUE FOR DA ONLY	24.08.22	MF

DATE	28/08/2022
BY	MF
CHECKED	MF
APPROVED	MF

**NOTE:**  
DESIGN CUBICLE PTY LTD IS A REGISTERED COMPANY UNDER THE NEW SOUTH WALES COMPANIES ACT 1999 AND IS A REGISTERED PROVIDER OF THE NEW SOUTH WALES ACT 2016.  
ALL DIMENSIONS OF THIS PLAN ARE GIVEN IN METRES UNLESS OTHERWISE SPECIFIED.  
THE INFORMATION ON THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.  
THE INFORMATION ON THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.  
THE INFORMATION ON THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.



Design Cubicle Pty Ltd  
 Registered Architect: Sam Min-Hen Lu (98842)  
 Address: 44 Sargent Street  
 North Parramatta, NSW, 2151  
 Tel: 8483 2778 Fax: 8483 5242  
 Email: info@designcubicle.com.au  
 Web: www.designcubicle.com.au  
 ABN: 47 116 316 333



PROJECT NO: 231124 - DA: 200  
 DRAWN BY: MFV  
 CHECKED BY: MF  
 DATE: OCT 2023  
 SHEET NO: 1  
 SCALE: 1:200 (on A3)

Document Set ID: 63722  
 Version: 1, Version Date: 02/08/2024





**Schedule of BASIX Commitments**

**Water Commitments:**

- \***Planting** – Must plant indigenous or low water use species of vegetation throughout the area of land specified.
- \***Fixtures**
  - Must install 4 Star rating showerheads in all showers (>4.5 but <=6L/min).
  - Must install 4 Star rating toilet flushing system in each toilet.
  - Must install 4 Star rating taps in each kitchen.
  - Must install 5 Star rating taps in each bathroom.

**Energy Commitments:**

- \***Hotwater**
  - Must install central hot water system 1 for each dwelling.
- \***Bathroom ventilation system**
  - Must install individual fan, ducted to facade or roof operated with manual switch on/off.
- \***Kitchen ventilation system**
  - Must install individual fan, ducted to facade or roof operated with manual switch on/off.
- \***Laundry ventilation system**
  - Must comply natural ventilation only, or no laundry.
- \***Other**
  - Must install gas cook top, electric oven, and 3 star refrigerator in the kitchen of all dwellings.

**Thermal comfort Commitments:**

- \***In-Slab heating or cooling system**
  - Must install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or
  - Must install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.

**Common areas and central systems/facilities Commitments:**

- \***Water**
  - Must install water supply system; central water tank-rainwater or storm water (size 2200.0) to collect run-off from at least 218 m<sup>2</sup> of roof area of buildings in the development and irrigation of 230 m<sup>2</sup> of common landscaped area on the site.
- \***Energy**
  - Must install gas instantaneous central hot water system with piping insulation (ringmain & supply risers).
  - piping external to building: R0.75 (-32mm); piping internal to building: R0.75 (-32mm)

**Section J Requirements**

- Section – J1 Building fabric, J0 Application – Applies to air conditioned spaces on first and second floor levels – Deemed to satisfy – Work must comply with AS/NZS4859.1 insulation must overlap or abut at joints insulation must form a continuous barrier. Insulation must not affect operation of services or fittings seal to edges of openings and penetrations.
- J1.1 Building fabric – General – Building fabric has been designed to comply, Part J1 Building fabric – construction evidence is required. EITHER signed and dated statement by builder or principal contractor that work has been done in accordance with these documents. OR delivery receipts and photographs showing the installed parts including insulation R values clearly, Part J3 Building sealing, Part J5 Air Condition and Vent, Part 6 Artificial light and power – similar evidence required.
- J1.2 General thermal construction – Builder to ensure construction compliance with design documents – Certifier to check on site during construction.
- J1.3 Roof and ceiling – framed – Applies to all upper area – see appendix H. Ceiling penetrations require insulation thickness/integrity to be maintained consistent with NCC clause J1.3(c) and table J1.3b. – Metal roof Solar absorbance should be less than 0.45 – see appendix E Construction: Steel/timber framed Suspended ceiling Minimum overall insulation requirement R3.7. **Added insulation BLANKET R2.5** Achieved total insulation R3.8. Allowance made for thermal bridging reduction 5% See appendix A for calculations

NO.	REVISION	DATE	BY
1	ISSUE FOR DA ONLY – REVISED ACCORDING TO ACCESS REPORT	28.10.23	MF
2	ISSUE FOR DA ONLY	23.09.23	MF
3	ISSUE	24/9	MF

Document Set ID: 63722  
Version: 1, Version Date: 02/08/2024

Design Cubicle Pty Ltd  
44 Spigel Street  
North Parramatta, NSW, 2113  
Tel: 0433 2778 Fax: 0433 3242  
Email: info@designcubicle.com.au  
Web: www.designcubicle.com.au  
ABN: 47 116 316 333

PROPOSED BOARDING HOUSE DEVELOPMENT AT 48 CROWLEY ST, RYDALMERE  
JOB#: 231124 – DA: 300  
DATE: OCT 2023  
SCALE: 1:200 (on A3)

**SOUTH ELEVATION**  
1:200 (on A3)

**EAST ELEVATION**  
1:200 (on A3)

**Schedule of BASIX Commitments**

**Water Commitments:**

- \*Planting – Must plant indigenous or low water use species of vegetation throughout the area of land specified.
- \*Must not install a private swimming pool or spa.
- \*Fixtures
  - Must install 4 Star rating showerheads in all showers (>4.5 but <=6L/min).
  - Must install 4 Star rating toilet flushing system in each toilet.
  - Must install 4 Star rating taps in each kitchen.
  - Must install 5 Star rating taps in each bathroom.

**Energy Commitments:**

- \*Heating
  - Must install central hot water system 1 for each dwelling.
- \*Bathroom ventilation system
  - Must install individual fan, ducted to facade or roof operated with manual switch on/off.
- \*Kitchen ventilation system
  - Must install individual fan, ducted to facade or roof operated with manual switch on/off.
- \*Laundry ventilation system
  - Must comply natural ventilation only, or no laundry.
- \*Other
  - Must install gas cook top, electric oven, and 3 star refrigerator in the kitchen of all dwellings.

**Thermal comfort Commitments:**

- \*In-Slab heating or cooling system
  - Must install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or
  - Must install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.

**Common areas and central systems/facilities Commitments:**

- \*Water
  - Must install water supply system; central water tank-rainwater or storm water (size 2200.0) to collect run-off from at least 218 m<sup>2</sup> of roof area of buildings in the development and irrigation of 230 m<sup>2</sup> of common landscaped area on the site.
- \*Energy
  - Must install gas instantaneous central hot water system with piping insulation (ringmain & supply risers).
  - piping external to building: R0.75 (-32mm); piping internal to building: R0.75 (-32mm).

**Section J Requirements**

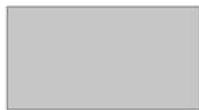
- Section – J1 Building fabric, J0 Application – Applies to air conditioned spaces on first and second floor levels – Deemed to satisfy – Work must comply with AS/NZS4859.1 Insulation must overlap or abut at joints Insulation must form a continuous barrier. Insulation must not affect operation of services or fittings seal to edges of openings and penetrations.
- J1.1 Building fabric – General – Building fabric has been designed to comply, Part J1 Building fabric – construction evidence is required. EITHER signed and dated statement by builder or principal contractor that work has been done in accordance with these documents. OR delivery receipts and photographs showing the installed parts including insulation R values clearly. Part J3 Building sealing, Part J5 Air Condition and Vent, Part 6 Artificial light and power – similar evidence required.
- J1.2 General thermal construction – Builder to ensure construction compliance with design documents – Certifier to check on site during construction.
- J1.3 Roof and ceiling – framed – Applies to all upper area – see appendix H. Ceiling penetrations require insulation thickness/integrity to be maintained consistent with NCC clause J1.3(c) and table J1.3b. – Metal roof Solar absorbance should be less than 0.45 – see appendix E Construction: Steel/timber framed Suspended ceiling Minimum overall insulation requirement R3.7. Added insulation BLANKET R2.5. Achieved total insulation R3.5. Allowance made for thermal bridging reduction 5% See appendix A for calculations.

NO.	DATE	DESCRIPTION	BY	CHECKED
1	20.10.23	ISSUE FOR DA ONLY - REVISED ACCORDING TO ACCESS REPORT	MB	
2	23.09.23	ISSUE FOR DA ONLY	MB	
3	24.08.23	ISSUE FOR DA ONLY	MB	

Document Set ID: 63722  
Version: 1, Version Date: 02/08/2024

Design Cubicle Pty Ltd  
44 Spigel Street  
North Parramatta, NSW, 2151  
Tel: 0433 2778 Fax: 0433 3242  
Email: info@designcubicle.com.au  
Web: www.designcubicle.com.au  
ABN: 47 116 316 333

PROJECT TITLE: ELEVATIONS 2 of 2  
SUBJECT: PARRAMATTA COUNCIL  
DRAWN BY: MB  
CHECKED BY: MB  
DATE: OCT 2023  
JOB NO: 231124 - DA: 301  
SCALE: 1:200 (on A3)



1. Render & Paint Finish - Dulux Tranquil Retreat colour (or equivalent)



2. Powder coated Aluminium Window and Door Frames & Screen louvers Colorbond Monument colour (or equivalent)



3. Render & Paint Finish - Dulux Whakarewarewa colour (or equivalent)



4. Corrugated Metal Sheet & Paint Finish - Colorbond Monument colour (or equivalent)



5. Brick - PGH Tourmaline Bricks (or equivalent)



6. Render & Paint Finish - Dulux Vivid white colour (or equivalent)

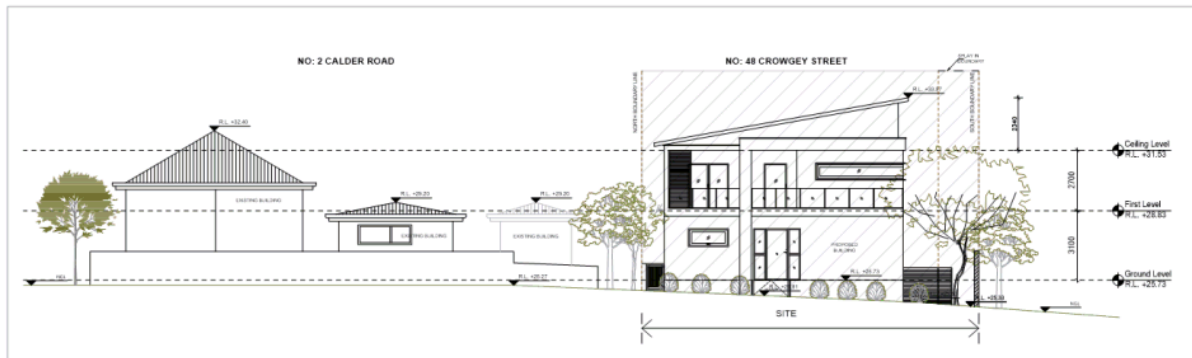


Materials And Finishes

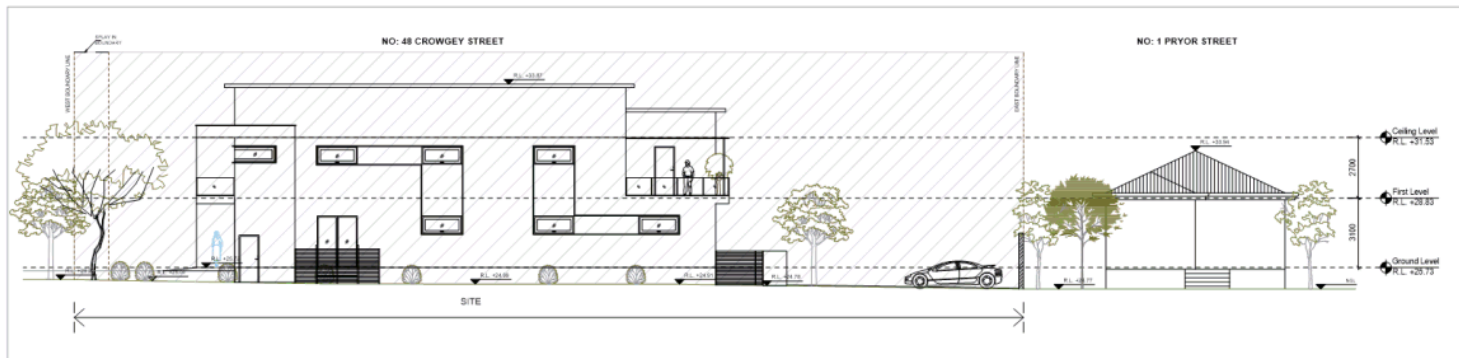
Document Set ID: 63722  
 Version: 1, Version Date: 02/06/2024  
 23113 - 48 Crawney Street, Rydalmere

design cubicle  
 ARCHITECTURAL SOLUTIONS

ph: 02 9683 2778 / f: 02 9683 3242  
 Nominated Architect - Sam Min-Han Lu (#8842)



CROWGEY STREET ELEVATION



PRYOR STREET ELEVATION



Crowgey St - Google image

Pryor St - Google image 01

Pryor St - Google image 02

Crowgey St - Google image 03 (opposite site)

**STREETSCAPE**  
1:200 (on A3)

NO.	REVISION	DATE	BY
1	ISSUE FOR DA ONLY - REVISED ACCORDING TO ACCESS REPORT	28.10.23	MF
2	ISSUE FOR DA ONLY	23.09.23	MF
3	ASSIGNED	24/9	ER/SH

NOTE:  
DESIGN CUBICLE PTY LTD IS A REGISTERED COMPANY UNDER THE NEW  
CORPORATIONS (ACTING) ACT 2001.  
ALL DOCUMENTS PREPARED UNDER THE PROVISIONS OF THE ACT ARE TO BE  
TREATED AS LEGAL DOCUMENTS AND NOT TO BE USED FOR ANY OTHER  
PURPOSE.  
THE COMPANY IS NOT A PART OF ANY GROUP OF COMPANIES AND IS NOT  
A MEMBER OF ANY GROUP OF COMPANIES.  
DESIGN CUBICLE PTY LTD IS A REGISTERED COMPANY UNDER THE NEW  
CORPORATIONS (ACTING) ACT 2001.



Design Cubicle Pty Ltd  
 (Incorporated in Australia) 3pm Ahn-Han Lu (089442)  
 Address: 44 Sismet Street  
 North Parramatta, NSW, 2151  
 Tel: 0453 2719 Fax: 0453 3242  
 Email: info@designcubicle.com.au  
 Web: www.designcubicle.com.au  
 ABN: 47 114 314 333

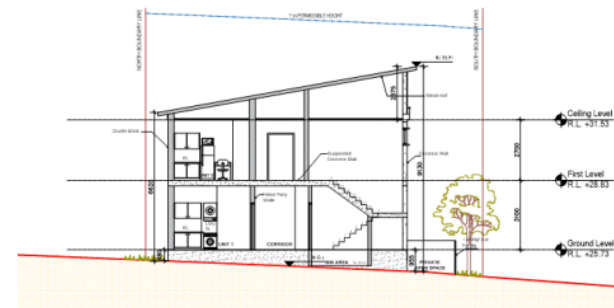
PROJECT TITLE  
**STREETSCAPE**  
 L1000047 PARRAMATTA COUNCIL

DRAWN BY  
 MFV  
 CHECKED BY  
 FG  
 DATE  
 OCT 2023  
 PROPOSED BOARDING  
 HOUSE DEVELOPMENT  
 AT 48 CROWGEY ST, RYDALMERE  
 JOB NO.  
 231124 - DA: 302

SCALE  
 B  
 1:200 (on A3)



SECTION A-A  
1:200 (on A3)



SECTION B-B  
1:200 (on A3)

**Schedule of BASIX Commitments**

**Water Commitments:**

\***Planting** – Must plant indigenous or low water use species of vegetation throughout the area of land specified.  
 \*Must not install a private swimming pool or spa.

\***Fitures**

- Must install 4 Star rating showerheads in all showers.(>4.5 but <=6L/min).
- Must install 4 Star rating toilet flushing system in each toilet.
- Must install 4 Star rating taps in each kitchen.
- Must install 5 Star rating taps in each bathroom.

**Energy Commitments:**

\***Hotwater**

– Must install central hot water system 1 for each dwelling.

\***Bathroom ventilation system**

– Must install individual fan, ducted to facade or roof operated with manual switch on/off.

\***Kitchen ventilation system**

– Must install individual fan, ducted to facade or roof operated with manual switch on/off.

\***Laundry ventilation system**

– Must comply natural ventilation only, or no laundry.

\***Other**

– Must install gas cook top, electric oven, and 3 star refrigerator in the kitchen of all dwellings.

**Thermal comfort Commitments:**

\***In-Slab heating or cooling system**

- Must install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or
- Must install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.

**Common areas and central systems/facilities Commitments:**

\***Water**

– Must install water supply system; central water tank-rainwater or storm water (size 2200.0) to collect run-off from at least 218 m<sup>2</sup> of roof area of buildings in the development and irrigation of 230 m<sup>2</sup> of common landscaped area on the site.

\***Energy**

– Must install gas instantaneous central hot water system with piping insulation (risermain & supply risers).  
 – piping external to building: R0.75 (~32mm); piping internal to building: R0.75 (~32mm)

**Section J Requirements**

- Section – J1 Building fabric, J0 Application – Applies to air conditioned spaces on first and second floor levels – Deemed to satisfy – Work must comply with AS/NZS4859.1 Insulation must overlap or abut at joints Insulation must form a continuous barrier. Insulation must not affect operation of services or fittings seal to edges of openings and penetrations.
- J1.1 Building fabric – General – Building fabric has been designed to comply, Part J1 Building fabric – construction evidence is required. EITHER signed and dated statement by builder or principal contractor that work has been done in accordance with these documents. OR delivery receipts and photographs showing the installed parts including insulation R values clearly. Part J3 Building sealing, Part J5 Air Condition and Vent, Part 6 Artificial light and power – similar evidence required
- J1.2 General thermal construction – Builder to ensure construction compliance with design documents – Certifier to check on site during construction.
- J1.3 Roof and ceiling – framed – Applies to all upper area – see appendix H. Ceiling penetrations require insulation thickness/integrity to be maintained consistent with NCC clause J1.3(c) and table J1.3b. – Metal roof Solar absorptance should be less than 0.45 – see appendix E Construction: Steel/timber framed Suspended ceiling Minimum overall insulation requirement R3.7. Added insulation BLANKET R2.5 Achieved total insulation R3.8. Allowance made for thermal bridging reduction 5% See appendix A for calculations

NO.	REVISION	DATE	BY	CHECKED
1	ISSUE FOR DA ONLY - REVISED ACCORDING TO ACCESS REPORT	28.10.23	MJ	
2	ISSUE FOR DA ONLY	22.09.23	MW	
3	ISSUE	24.08	DR	

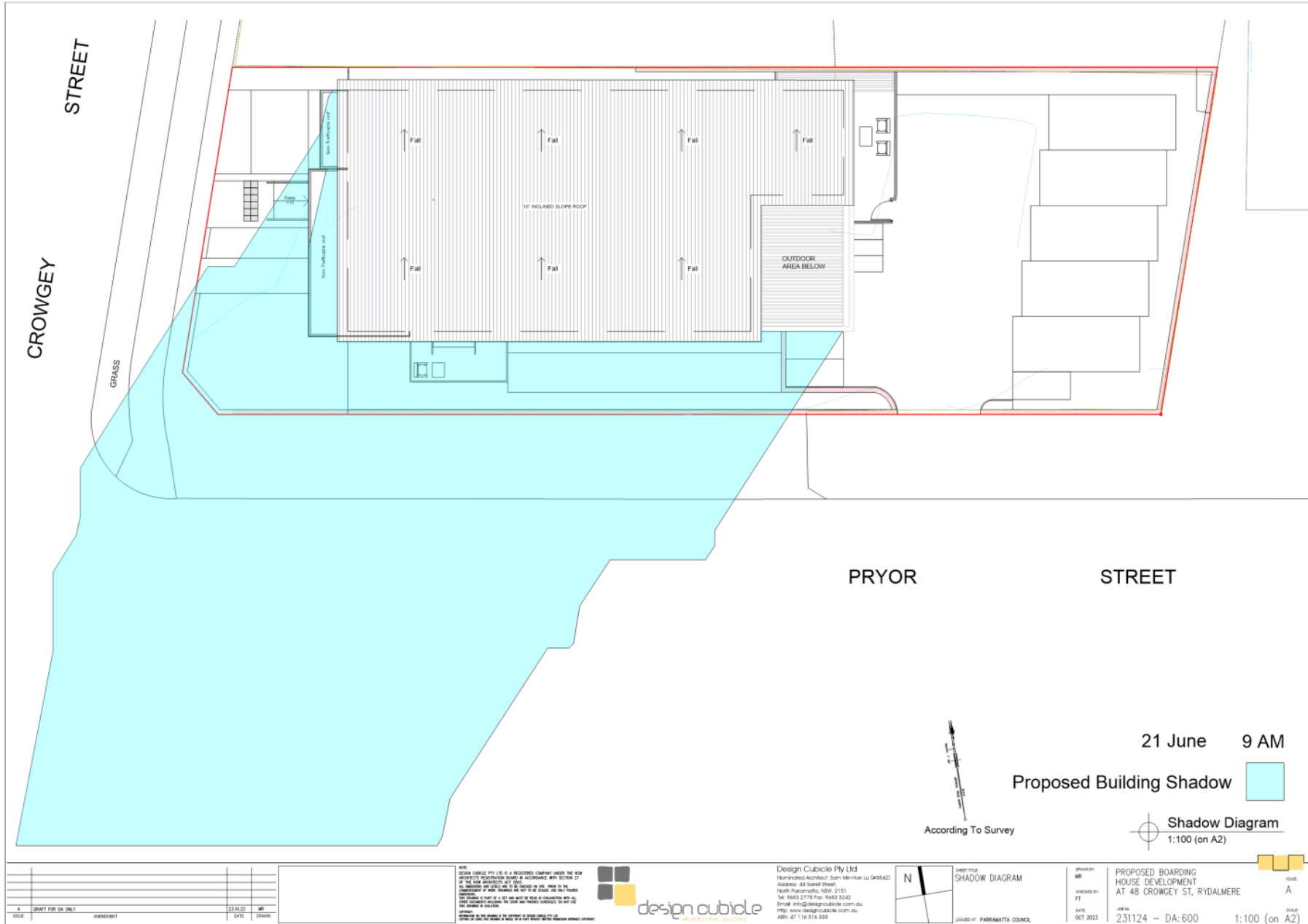
**NOTE:**  
 DESIGN CUBICLE PTY LTD IS A REGISTERED COMPANY UNDER THE NEW  
 SOUTH WALES COMPANIES ACT 2001.  
 ALL DOCUMENTS MUST BE SIGNED BY AN AUTHORIZED PERSON.  
 THE COMPANY IS NOT RESPONSIBLE FOR ANY DAMAGE TO THE ORIGINAL DOCUMENTS.  
 THE COMPANY IS NOT RESPONSIBLE FOR ANY DAMAGE TO THE ORIGINAL DOCUMENTS.  
 THE COMPANY IS NOT RESPONSIBLE FOR ANY DAMAGE TO THE ORIGINAL DOCUMENTS.



**Design Cubicle Pty Ltd**  
 Registered Architect: Sam Kim-Han Lu (98842)  
 Address: 44 Spinal Street  
 North Parramatta, NSW, 2151  
 Tel: 6453 2778 Fax: 6453 3242  
 Email: info@designcubicle.com.au  
 Web: www.designcubicle.com.au  
 ABN: 47 116 316 333

**PROJECT TITLE**  
 SECTIONS

**DATE:** 23/11/24  
**SCALE:** 1:200 (on A3)



21 June 9 AM  
 Proposed Building Shadow   
 Shadow Diagram  
 1:100 (on A2)

According To Survey

NO.	REVISION	DATE	BY	CHKD.
1	ISSUE FOR PERMIT	23/10/23	MR	
2	AMENDMENT			
3				
4				
5				

NOTE: DESIGN CUBICLE PTY LTD IS A REGISTERED COMPANY UNDER THE NEW SOUTH WALES REGISTRATIONS ACT 2014. ALL INFORMATION ON THIS PLAN IS SUBJECT TO THE ACT. DESIGN CUBICLE PTY LTD IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN IS ADVISED TO CHECK THE ACTUALLY SITUATION ON THE GROUND BEFORE COMMENCING ANY WORK. DESIGN CUBICLE PTY LTD IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF THIS PLAN.

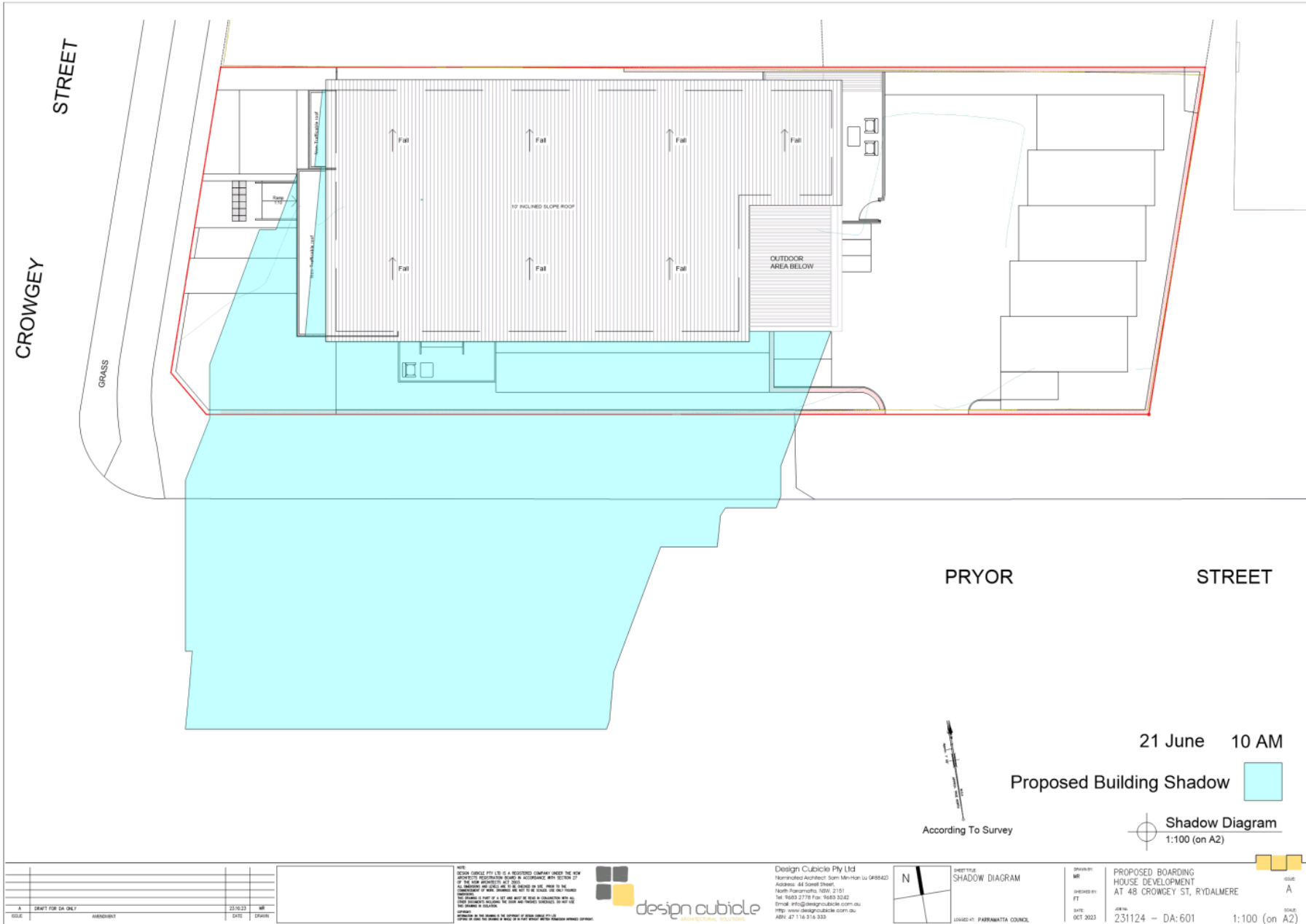


Design Cubicle Pty Ltd  
 Registered Architect: Sam Minihan (U 698842)  
 Address: 44 Somers Street,  
 North Parramatta, NSW, 2151  
 Tel: 9453 2779 Fax: 9453 3242  
 Email: info@designcubicle.com.au  
 Web: www.designcubicle.com.au  
 ABRN: 47 116 316 333

PROJECT: PARRAMATTA COUNCIL  
 SHEET TITLE: SHADOW DIAGRAM

DESIGNED BY: MR  
 DRAWN BY: JT  
 DATE: OCT 2023  
 JOB NO: 231124 - DA: 600  
 SCALE: 1:100 (on A2)

ISSUE: A



21 June 10 AM  
 Proposed Building Shadow   
 Shadow Diagram  
 1:100 (on A2)

According To Survey

NO.	DESCRIPTION	DATE	BY
A	DRAW FOR DA ONLY	23/10/23	MR
ISSUE	AMENDMENT	DATE	DESIGN

NOTE: DESIGN CUBICLE PTY LTD IS A REGISTERED COMPANY UNDER THE NEW SOUTH WALES REGISTRATIONS ACT 2014. ALL INFORMATION ON THIS PLAN IS FOR INFORMATION ONLY. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

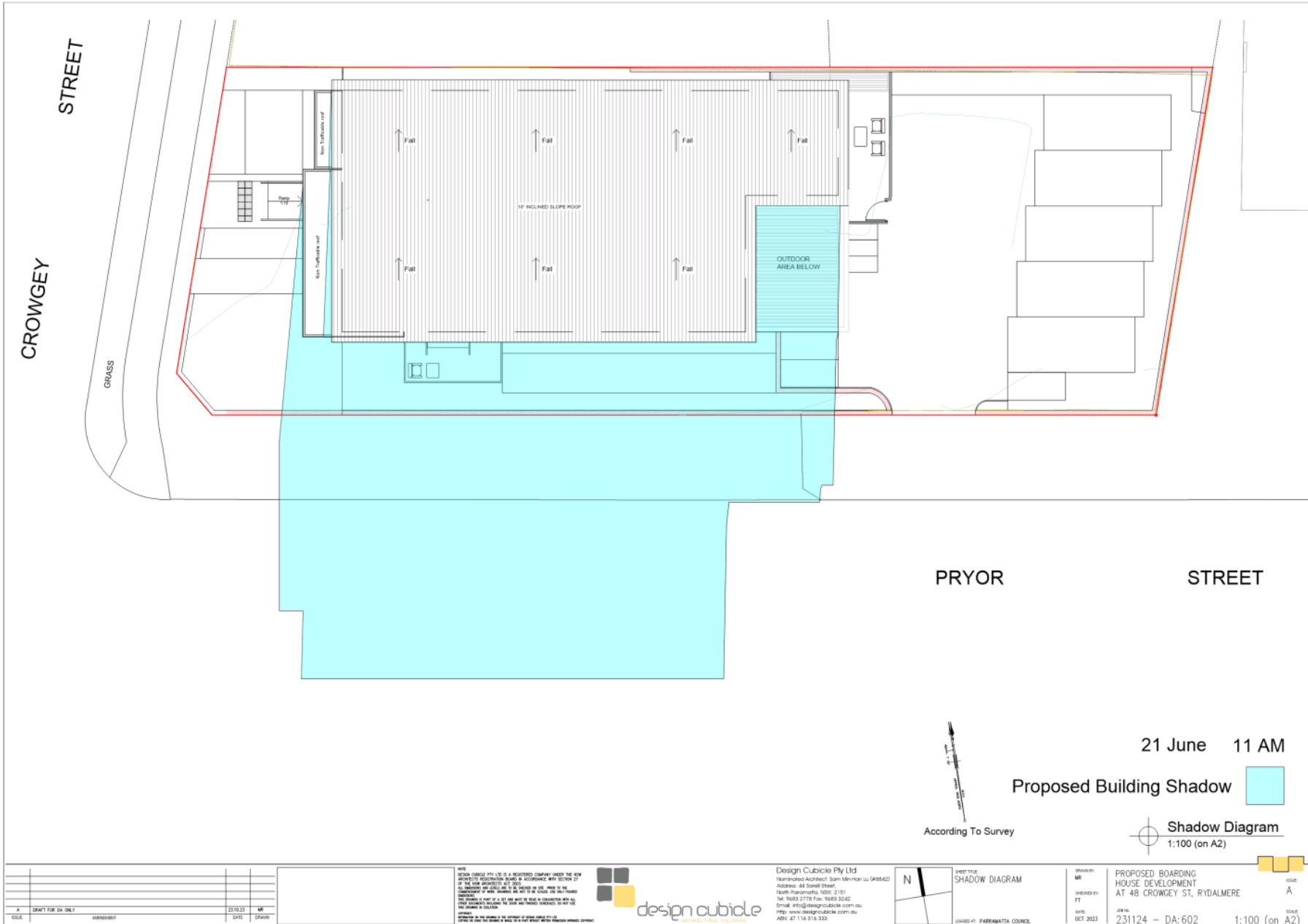


Design Cubicle Pty Ltd  
 Registered Architect: Sam Merriman (U 688842)  
 Address: 44 Somers Street,  
 North Parramatta, NSW, 2151  
 Tel: 1603 2778 Fax: 9483 3242  
 Email: info@designcubicle.com.au  
 Web: www.designcubicle.com.au  
 ABRN: 47 116 316 333

PROJECT: PARRAMATTA COUNCIL  
 SHEET TITLE: SHADOW DIAGRAM

DESIGNED BY: MR  
 DRAWN BY: FT  
 DATE: OCT 2023  
 JOB NO: 231124 - DA: 601  
 SCALE: 1:100 (on A2)

ISSUE: A



NO.	REVISION	DATE	BY	CHKD
1	ISSUE FOR PERMIT	23/10/23	MR	
2				
3				
4				
5				
6				
7				
8				
9				
10				

NOTE: DESIGN CUBICLE PTY LTD IS A REGISTERED COMPANY UNDER THE NEW SOUTH WALES REGISTRATIONS ACT 2014. ALL INFORMATION AND DOCUMENTS ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DESIGN CUBICLE PTY LTD. DESIGN CUBICLE PTY LTD IS A REGISTERED COMPANY UNDER THE NEW SOUTH WALES REGISTRATIONS ACT 2014.

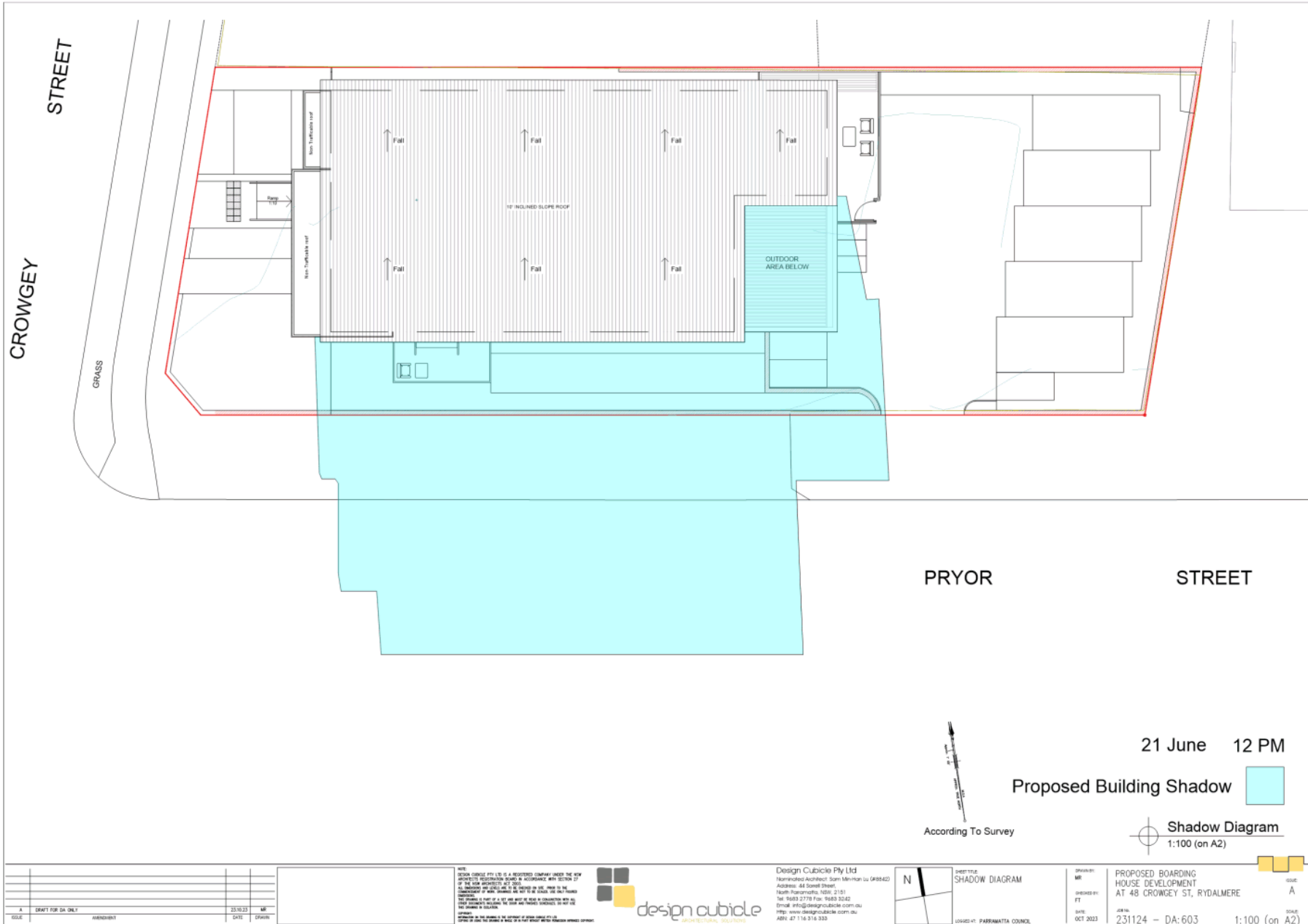


Design Cubicle Pty Ltd  
 Registered Architect: Sam Minihan (U 698842)  
 Address: 44 Somers Street,  
 North Parramatta, NSW, 2151  
 Tel: 9453 2779 Fax: 9453 3242  
 Email: info@designcubicle.com.au  
 Web: www.designcubicle.com.au  
 ABRN: 47 116 316 333

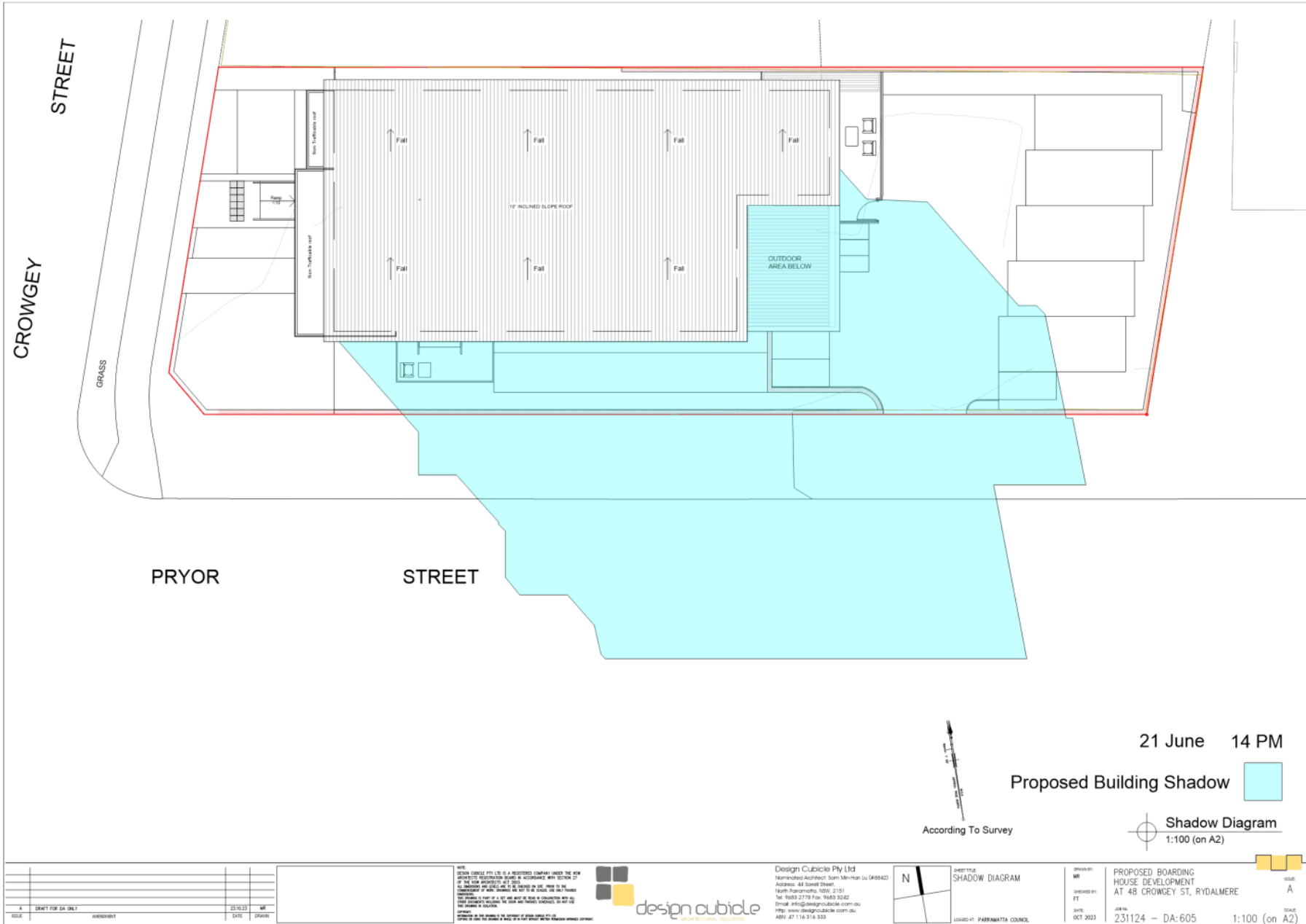


DATE: OCT 2023  
 JOB No: 231124 - DA: 602  
 SCALE: 1:100 (on A2)  
 ISSUE: A









21 June 14 PM

Proposed Building Shadow

Shadow Diagram  
1:100 (on A2)

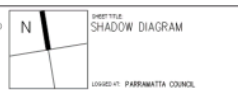


NO.	DATE	DESCRIPTION	BY	CHECKED
1	23/10/23	MR		
2				
3				
4				
5				

NOTE: DESIGN CUBICLE PTY LTD IS A REGISTERED COMPANY UNDER THE NEW SOUTH WALES REGISTRATIONS ACT 2010. ALL INFORMATION ON THIS PLAN IS FOR INFORMATION ONLY. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.



Design Cubicle Pty Ltd  
 Registered Architect: Sam Merriman Lu G68840  
 Address: 48 Somers Street  
 North Parramatta, NSW, 2151  
 Tel: 9453 2779 Fax: 9453 3242  
 Email: info@designcubicle.com.au  
 Web: www.designcubicle.com.au  
 ABRN: 47 116 316 333



SHEET TITLE: SHADOW DIAGRAM  
 DRAWN BY: MR  
 DESIGNED BY: FT  
 DATE: OCT 2023  
 JOB NO: 231124 - DA: 605  
 SCALE: 1:100 (on A2)

ISSUE: A

