



**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, 15 October 2024 at 3.30pm.

Gail Connolly
CHIEF EXECUTIVE OFFICER



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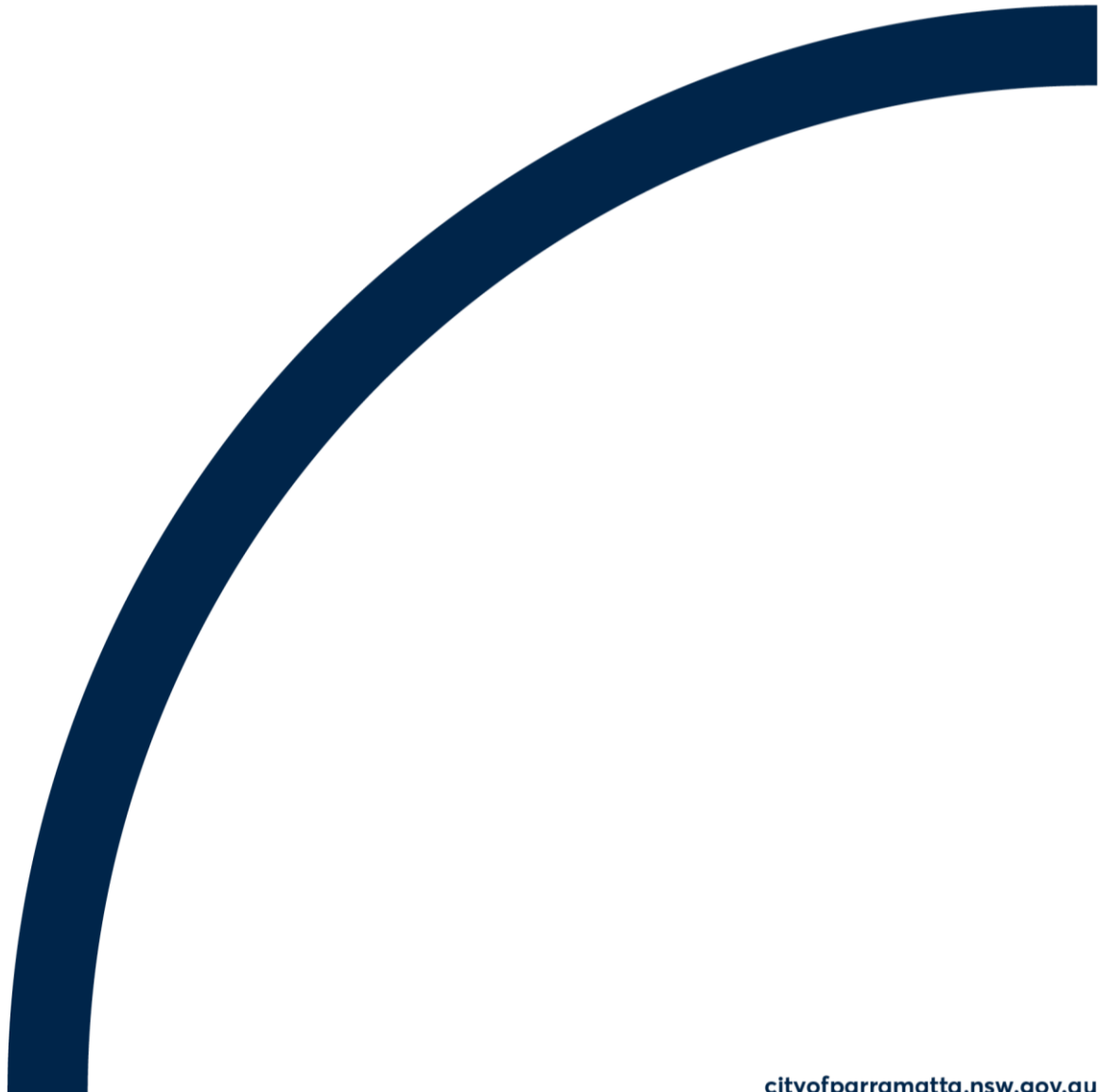


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2	WEBCASTING ANNOUNCEMENT <i>This public meeting will be recorded. The recording will be archived and available on Council's website.</i> <i>All care is taken to maintain your privacy; however if you are in attendance in the public gallery, you should be aware that your presence may be recorded.</i>	
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DEVELOPMENT APPLICATIONS

15 OCTOBER 2024

5.1 OUTSIDE PUBLIC MEETING: 43 Belmore Street East, OATLANDS
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DEVELOPMENT APPLICATION

ITEM NUMBER	5.1
SUBJECT	OUTSIDE PUBLIC MEETING: 43 Belmore Street East, OATLANDS NSW 2117 (Lot 1 DP 215574)
DESCRIPTION	Section 4.55 (1A) modification to DA/688/2016 for the approved alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit. The modification includes internal alterations to the building.
REFERENCE	DA/688/2016/B - D09519513
APPLICANT/S	Developable Pty Ltd
OWNERS	Ms C Haddad
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	Approval

DATE OF REPORT 24 SEPTEMBER 2024

REASON FOR REFERRAL TO LPP

In accordance with Local Planning Panels direction (dated 6 May 2024), this Section 4.55(1A) “*meets the criteria for development applications set out in the Schedules to this direction relating to departure from development standards.*” The floor space ratio exceeds the maximum under Clause 4.4 of Parramatta Local Environmental Plan 2023 by greater than 10%.

EXECUTIVE SUMMARY

The subject site is known as 43 Belmore Street East, Oatlands. The site and adjoining properties are zoned E1 Local Centre and R2 Low Density Residential. The subject site currently accommodates a two-storey building with attic above.

DA/688/2016 was approved on 22 February 2017 for alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit. Modification DA/688/2016/A followed on 23 August 2017. During the time between approval of the development application and 22 February 2022, works were commenced on the site, therefore the consent has not lapsed.

- The proposal involves the relocation of staircases and separation for private occupancy use, the enclosure and conversion of a shared internal terrace to additional internal floor area.
- The works have resulted in an increase to the gross floor area and a variation to the FSR under the LEP.
- The additional floor area is within the approved building envelope.
- Some of these works have already been carried out.
- The approved front balcony has been enclosed as part of these works; however, it is proposed to be returned to a balcony under this application.

Due to the proposal maintaining the approved building envelope, Council is satisfied the variation to the section is reasonable in this instance.

RECOMMENDATION

- (a) **That** the Parramatta Local Planning Panel exercising the functions of Council pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, as the consent authority, **modify development consent** DA/688/2016 for alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit to include modifications comprising internal alterations to the building on land at 43 Belmore Street East, Oatlands for a period of five (5) years from the date on the original Notice of Determination, subject to the following modifications:
- a. Amend Condition Nos. 1, 50 & 60 to reflect the updated plans and documents.
 - b. All other conditions of DA/688/2016 remain unchanged.
- (b) **Further, that** the Parramatta Local Planning Panel approve the modification notwithstanding the non-compliance with the floor space ratio (clause 4.4 of Parramatta Local Environmental Plan 2023) as there are sufficient environmental planning grounds to justify the variation.
- a. Compliance with the development standard for floor space ratio would be unnecessary considering the construction of the alterations and additions is within the approved building envelope.
 - b. That the proposed development will result in negligible visual impact to adjoining properties and the streetscape, and
 - c. That the proposed noncompliance will result in negligible impact to bulk and scale as the proposed additional floor area will be restricted to internal areas of the building.









REASONS FOR APPROVAL

Council is satisfied that the Applicant has justified the contravention of the floor space ratio development standard. Whilst clause 4.6 of *Parramatta Local Environmental Plan* does not apply in this circumstance, a written request to vary the FSR has been received. The Applicant has demonstrated that:

1. Compliance with the development standard is unreasonable in the circumstances, and
2. There are sufficient environmental planning grounds to justify contravening the development standard, and
3. Is consistent with the objectives of the FSR control, and
4. The objectives for development within the E1 zone in which the development is proposed to be carried out are met, and
5. The variation sought will not have any adverse impacts.

Laura Perkin
Development Assessment Officer

ATTACHMENTS:

1	 	Assessment Report and conditions	33 Pages
2	 	Locality Map	1 Page
3	 	Plans used during assessment	3 Pages
4		Internal plans used during assessment (confidential)	3 Pages
5	 	Clause 4.6 statement	9 Pages

REFERENCE MATERIAL



City of Parramatta	
File No:	DA/688/2016/B

SECTION 4.15 ASSESSMENT REPORT
Environmental Planning & Assessment Act 1979

DA No:	DA/688/2016/B
Subject Property:	Lot 1 DP 215574, 43 Belmore Street East, OATLANDS NSW 2117
Proposal:	Section 4.55 (1A) modification to DA/688/2016 for the approved alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit. The modification includes internal alterations to the building.
Date of receipt:	5 March 2024
Applicant:	Developable Pty Ltd
Owner:	Ms C Haddad
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil
Recommendation:	Approval
Assessment Officer:	Laura Perkin

Legislative Requirements

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • State Environmental Planning Policy (Sustainable Buildings) 2022; • Parramatta Local Environmental Plan 2023 (PLEP 2023); • Parramatta Development Control Plan 2023 (PDCP 2023)
Zoning	E1 Local Centre
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Designated Development	No
Integrated Development	No
Clause 4.6 variation	Yes – Floor Space Ratio (Section 4.4 PLEP2023)
Delegation	Parramatta Local Planning Panel (PLPP)

1. Site Description and Conditions

The subject site is legally described as Lot 1 DP 215574 and commonly known as 43 Belmore Street East, Oatlands and has an approximate area of 170.1m².

The lot previously accommodated a single storey building comprising a commercial tenancy (liquor store). DA/688/2016 was approved for alterations and additions to the building to accommodate one (1) office unit, and one (1) residential unit. A modification to the application (DA/688/2016/A) was approved on 23/08/2017 for an increase in floor area of the existing shop and a decrease in the area of the office on the first floor. During the time between the approval of the original application and the lodgment of DA/688/2016/B, works were undertaken on the site which were inconsistent

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with the approved plans. Accordingly, the as built building contains unauthorised elements. Vehicular access to the site is provided from the rear lane.



Figure 1: Aerial Nearmaps image of the subject site.

2. Relevant Site History

Table 1 below provides details of existing approvals relating to the site.

Development Application	Description
DA/688/2016	Alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit approved by City of Parramatta Council on 22 February 2017.
DA/688/2016/B	Modifications to DA/688/2016 including an increase in floor area of the existing shop and a decrease in the area of the office on the first floor approved by City of Parramatta Council on 23 August 2017.

3. The Proposal

DA/688/2016 was approved on 22 February 2017 for alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit. A modification to the application (DA/688/2016/A) was approved on 23 August 2017 for increase in floor area of the existing shop and a decrease in the area of the office on the first floor.

During the time between the approval of the original application and the lodgment of DA/688/2016/B, works were undertaken on the site which were inconsistent with the approved plans. Accordingly, the as built building contains unauthorised elements.

Consent is sought to modify the approved alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit as follows:

Existing as built unauthorised works:

1. Ground floor:
 - Partition around where the existing staircase is.
2. First floor:
 - Partition wall restricting internal staircase within centre of the building to residential use only.
 - Enclosure of the front facing office balcony.
 - Enclosure of the terrace area between the office unit and the residential unit, conversion to additional internal floor area.

Proposed works:

1. Ground floor
 - Reduction in the width of the roller door
 - Construction of a new rear entry and staircase leading into the residency.
 - Removal of the existing staircase into the residency.
 - Slight modification to the 1m high internal staircase with an easy-step platform lift.
 - Partition around where the existing staircase is.
2. First floor:
 - Amended partition between Unit 1 (office space) and Unit 2 (apartment).
 - Reconfiguration of the layout of Unit 1 and 2. Minor reconfiguration of the layout of the residency to suit the new staircase positions.
 - Reinstate the office front balcony by removing the window and installing battens along the façade so that the balcony is not enclosed.
3. Second floor:
 - Addition of an ensuite and WIR to the attic room.
 - Reconfiguration and layout of the attic room.

A site inspection of the property was undertaken on 24 April 2024. A selection of photographs is provided below documenting the non-residential areas of the building.



Figure 2: View of subject site from shopfront.



Figure 3: Office unit as built.



Figure 4: Office unit as built.



Figure 5: Parking/ loading area (allocated as parking).

Have the works been completed?	No ???
Has the consent lapsed?	No – works commenced
Lapsing date of consent:	17/02/2022
ASSESSMENT UNDER SECTION 4.55	
ASSESSMENT OF SECTION 4.55(1A)	
SECTION 4.55(1A)	Yes
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	The modification is of minimal impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The consent, as modified, would result in a development that is substantially the same as the original development.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The modification was notified in accordance with the relevant development control plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received.
In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the	An assessment against the relevant matters contained within s4.15 are addressed further in this report.

consent authority for the grant of the consent that is sought to be modified.	
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4. Relevant Application History

Date	Comment
5 March 2024	DA/688/2016/B lodged to Council.
12 – 29 April 2014	Application notified in accordance with Appendix 1 Consolidated Notification Requirements of the City of Parramatta Community Engagement Strategy.
7 May 2024	Additional information requested to applicant: <ul style="list-style-type: none"> • Clause 4.6 consideration for additional gross floor area. • Updated BASIX certificate. • Plans depicting amendments proposed. • Amended levels to AHD. • Justification for the location of the bedroom on first floor of residential unit.
19 August 2024	Additional information received: <ul style="list-style-type: none"> • Clause 4.6 consideration. • Updated BASIX certificate. • Amended plans with AHD levels.

5. Referrals

The application did not require any referrals to internal or external bodies.

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 (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 provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

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

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

6.4 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

The provisions of the SEPP were considered in the assessment of the original application. An amended BASIX certificate has been lodged with this modification. Conditions relating to the BASIX certificate have been amended accordingly.

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.

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 E1 Local Centre. The aims and objectives for the E1 Local Centre zone in Clause 2.3 – Zone Objectives are as follows:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure the scale and type of development does not adversely affect the amenity of the surrounding neighbourhood.

The proposal is consistent with these objectives.

COMPLIANCE TABLE

Development standard	Approved	Proposed	Compliance
Part 4 Principal development standards			
Section 4.1 Minimum subdivision lot size Allowable = 600m ²	Existing = 170.7m ²	No change is proposed to the existing lot size.	N/A.
Section 4.3 Height of buildings Allowable = 9m	Approved = 8.9m	Proposed = 8.9m	Yes.

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Section 4.4 Floor space ratio <i>Allowable = 1:1 (170.1m²)</i>	Approved = 1.09:1 (186.16m ²)	Proposed = 1.5:1 (260.02m ²)	No, refer to discussion.
Section 4.6 Exceptions to development standards	Refer to discussion.		
Part 5 Miscellaneous provisions			
Section 5.1A Development on land intended to be acquired for public purposes	The proposal is not identified on the map.		N/A.
Section 5.6 Architectural roof features	An architectural roof feature is not proposed.		N/A.
Section 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.		N/A.
Section 5.10 Heritage Conservation	The site is not identified as a heritage item, nor is the site located within a heritage conservation area.		N/A.
Section 5.11 Bush fire hazard reduction	The site is not identified on this map.		N/A.
Section 5.21 Flood planning	The site is not identified by council as being flood prone.		N/A.
Part 6 Additional local provisions			
Section 6.1 Acid sulphate soils	An Acid Sulphate Soils Management plan is not required to be prepared.		N/A.
Section 6.2 Earthworks	N/A.	No additional earthworks are proposed.	N/A.
Section 6.3 Biodiversity	The proposal is not identified on the map.		N/A.
Section 6.4 Riparian land and waterways	The proposal is not identified on the map.		N/A.
Section 6.6 Foreshore area	The site is not located in the foreshore area.		N/A.

NOTE: applications assessed under section 4.55 of the Environmental Planning and Assessment Act 1979 do not require a variation to be sought under clause 4.6 of the Parramatta Local Environmental Plan 2023. However, a merit assessment of the variation is required.

Floor Space Ratio

The proposal does not comply with the maximum floor space ratio standard detailed in Section 4.4 of the PLEP 2023. The proposed building FSR is **1.5:1**.

The development proposal exceeds the maximum permissible FSR by 89.92m² which is a **52.86% variation** to the development standard.

The proposal involves relocation of staircases and access, and reallocation of these staircases and access corridors to separate occupancies. The approved development on the site provided common access to the residential unit and the office unit, thus these areas were excluded from the calculation of gross floor area. The internal terrace proposed for amenity to the residential unit and the office unit is to be enclosed and therefore now included in the calculation of gross floor area.

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

- The modification only results in a minor facade change to the Belmore Street East Elevation to open the unauthorised enclosure to the terrace by removing the existing window and creating an opening with slats in a similar fashion to the approved DA. This result in no additional bulk to the building. The remainder of the modifications are internal to the building or contained within the roof void (reconfiguration of the attic bedroom) and does not result in any further bulk and scale to the building. The development is similar to the approved DA and will continue to be consistent with the desired future development for the surrounding area.
- The proposal does not seek to create any additional residential units as part of the modification to the shop top housing development.
- No change is proposed to the approved configuration or access to the on-site car parking. Concessions to car parking are already approved and no additional car parking is generated as part the modification.
- The modifications are internal to the building and does not result in any further bulk and scale to the building. The development is similar to the approved DA and will continue to be consistent with the desired future development for the surrounding area.

Comment:

The applicant’s comments are noted and concurred with. There is no adverse merit impacts associated with the proposal as the noncompliance is created by a reconfiguration of existing floor space only. There are no external implications associated with the change in floor space. There will be no precedent set by this noncompliance as the building envelope is already approved and no changes to the external configuration are proposed. The proposal remains consistent with the objectives of the zone in providing a mix of land uses that maintain appropriate levels of amenity for surrounding development and residents.

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.

Development standard	Approved	Proposed	Compliance
PART 2 – Design in Context			
<u>2.4 Building form and massing</u>	Satisfactory.	<p>The proposal maintains a similar height, setbacks and building envelope to the approved development on the site under the original application. The terrace being enclosed and converted to habitable floor area was situated in between the residential unit and the office unit, and accordingly this enclosure will not be visible from street view or rear land access.</p> <p>The works proposed result in staircases and access corridors being included in the calculation of gross floor area as common vertical circulation</p> <p>As built, the office unit has been constructed with additional floor area as the front balcony which was approved but had yet not been constructed. The subject application proposes works to construct the front balcony to maintain the building envelope and provide external space to the office unit.</p>	Yes.

		The residential unit maintain the provision of a balcony facing the rear lane, thereby maintaining the provision of outdoor private open space.	
<u>2.5 Streetscape and building address</u>	Satisfactory.	The streetscape appearance of the building is largely unchanged. Works are proposed to provide a balcony to the office tenancy as approved under the previous applications, thereby maintaining the streetscape appearance of the mixed-use building on the subject site.	Yes.
<u>2.14 Safety and security</u>	Satisfactory.	The proposed changes are unlikely to result in additional crime or antisocial behaviour.	Yes.
PART 3 – Residential Development			
3.2 General residential controls			
<u>3.2.2 Visual and acoustic privacy</u>	Satisfactory.	The proposed changes do not result in additional overlooking opportunities into adjoining properties.	N/A.
3.5 Apartment Buildings			
<u>3.5.2 Key development standards for shop top housing and mixed-use development</u> 3.3.1.2 Preliminary building envelope <u>Maximum building height</u> Control = consistent with LEP height limit (9m)	Approved = 8.9m	Proposed = 8.9m	Yes.
<u>3.3.1.3 Streetscape and building address</u> C.01 In the E1 and MU1 zones, the ground floor frontage is to provide for non-residential uses with at-grade pedestrian access. Ground floor apartments are not permitted on primary street frontages. C.04 Building entries and lobbies to residential apartments are to be separated from commercial entrances to provide secure and identifiable addresses. C.09 The principal entry to dwellings should not be	Satisfactory.	No change is proposed for access into the retail unit (liquor store). The development was approved with shared access to the commercial unit and the residential unit. The application proposes separate entries to the units, with access to the commercial unit from the building frontage, and access to the residential unit through the rear laneway. Though it is noted that the allocation of access points and internal staircases to separate units result in	Yes.

<p>provided off rear lanes except where: a) the lane is well lit, b) there is some natural surveillance of the lane from adjoining dwellings, c) the lane provides access to other dwellings, and d) the land is not regularly used by service vehicles.</p>		<p>the inclusion of these areas within the gross floor area calculation, this results in a better outcome and enables the provision of secure and identifiable addresses.</p> <p>It is also noted that the first-floor residential unit accommodated at the adjoining site 41B Belmore Street was also approved with access provided through the rear lane.</p>	
<p><u>3.5.2.5 Parking design and vehicular access</u></p>	<p>Satisfactory.</p>	<p>The application results in the provision of one parking space to be used for the office premises. In accordance with the requirements of the PDCP2023, one parking space is to be provided for 70m² of floor area. As the office unit accommodates approximately 62.44m² of floor area (with the exclusion of the staircase and access), the parking space access through the rear lane meets the minimum requirements.</p> <p>The proposal results in the deletion of a residential parking space. As other shop top housing has been approved at the adjoining site of 41B Belmore Street East without the allocation of parking spaces to the residential units, the shortfall is considered to be acceptable on this basis.</p>	<p>No, but acceptable on merit.</p>
<p><u>3.5.2.6 Internal amenity</u></p> <p>C.01 In MU1 Mixed Use zones, building layouts are to be flexible to allow variable tenancies or uses on the ground floor for mixed used developments and residential flat buildings.</p> <p>C.07 Consideration must be given to the relationship between residential and non-residential components of mixed-use development regarding noise attenuation and privacy. Refer to Section 3.2.2 of this DCP for visual and acoustic privacy requirements.</p>	<p>Satisfactory.</p>	<p>Ground floor use maintained as a retail use.</p> <p>The proposal improves noise attenuation by providing separate access to the office unit and the residential unit thereby resulting in additional separation.</p>	<p>Yes.</p>
<p>PART 4 – Non-residential development</p>			
<p>4.2 General non-residential controls</p>			
<p><u>4.1.1 Consideration of adjoining uses</u></p>	<p>Satisfactory.</p>	<p>The proposed changes do not result in the provision of a noise generating use on the site. The application continues the provision of the approved uses consistent with the original application.</p>	<p>N/A.</p>

<u>4.1.2 Noise amenity</u>	Satisfactory.	The proposed changes do not result in the provision of a noise generating use on the site.	N/A.
4.2 Business and commercial development	The proposed changes to the development do not change the development in relation to this part of the DCP.		N/A.
PART 5 - Environmental management			
5.4 Environmental Performance			
<u>5.4.1 Energy efficiency</u>	Satisfactory.	An updated BASIX certificate was received which demonstrated that the development achieves the minimum requirements.	Yes.
<u>5.4.2 Water efficiency</u>	Satisfactory.	An updated BASIX certificate was received which demonstrated that the development achieves the minimum requirements.	
PART 6 - Traffic and Transport			
<u>6.2 Parking and vehicular access</u>		<p>The application results in the provision of one parking space to be used for the office premises. In accordance with the requirements of the PDCP2023, one parking space is to be provided for 70m² of floor area. As the office unit accommodates approximately 62.44m² of floor area (with the exclusion of the staircase and access), the parking space access through the rear lane meets the minimum requirements.</p> <p>The proposal results in the deletion of a residential parking space. As other shop top housing has been approved at the adjoining site of 41B Belmore Street East without the allocation of parking spaces to the residential units, the shortfall is considered to be acceptable on this basis.</p>	Yes.

10. Development Contributions

The original development application was approved under the former 94A, (now Section 7.12) Contribution Plan No. 7 North Rocks – Oatlands – Carlingford in accordance with Local Government (City of Parramatta and Cumberland) Clause 18. The Section 94A Contribution of the former Council (then Hills Shire Council) apply to this property.

The then Section 94A contributions were levied as part of the original consent. The modified development does not warrant an updated contribution amount.

11. Public Consultation

The application was notified in accordance with Council's notification procedures contained within Appendix 1 Consolidated Notification Requirements of the City of Parramatta Community Engagement Strategy. In response no submissions were received.

12. Public interest

Subject to modification 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.

13. 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.

A written request to vary the FSR has been received. The variation sought will not have any adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2023 and that the proposed development will be in the public interest because it is consistent with the objectives of the FSR control and the objectives for development within the E1 zone in which the development is proposed to be carried out.

14. Recommendation

Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, it is recommended Development Application DA/688/2016/B be approved.

RECOMMENDATION

1. **That** the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, modify development consent DA/688/2016 for alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit to include modifications comprising internal alterations to the building on land at 43 Belmore Street East, Oatlands for a period of five (5) years from the date on the original Notice of Determination, subject to the following modifications:
 - a. Amend Condition Nos. 1, 50 & 60 to reflect the updated plans and documents.
 - b. All other conditions of DA/688/2016 remain unchanged.
2. **That** the Parramatta Local Planning Panel approve the modification notwithstanding the non-compliance with the floor space ratio (clause 4.4 of Parramatta Local Environmental Plan 2023) as there are sufficient environmental planning grounds to justify the variation.
 - a. Compliance with the development standard for floor space ratio would be unnecessary considering the construction of the alterations and additions is within the approved building envelope.
 - b. That the proposed development will result in negligible visual impact to adjoining properties and the streetscape, and
 - c. That the proposed noncompliance will result in negligible impact to bulk and scale as the proposed additional floor area will be restricted to internal areas of the building.

REASONS FOR APPROVAL

Council is satisfied that the Applicant has justified the contravention of the floor space ratio development standard. Whilst clause 4.6 of Parramatta Local Environmental Plan does not apply in this circumstance, a written request to vary the FSR has been received. The Applicant has demonstrated that:

- a) compliance with the development standard is unreasonable in the circumstances, and
- b) there are sufficient environmental planning grounds to justify contravening the development standard, and
- c) is consistent with the objectives of the FSR control, and
- d) the objectives for development within the E1 zone in which the development is proposed to be carried out are met, and
- e) The variation sought will not have any adverse impacts.

Modify condition no. 1 in the following way:

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing No.	Prepared By	Dated
Site / Roof Plan, Sheet No. 1.0, Issue B	Zealous Consulting	May 2024
Ground Floor Sheet No. 2.0, Issue B	Zealous Consulting	May 2024
First Floor Plan, Sheet No. 2.1, Issue B	Zealous Consulting	May 2024
Second Floor Plan, Sheet No. 2.2, Issue B	Zealous Consulting	May 2024
Elevations, Sheet No. 3.0, Issue B	Zealous Consulting	May 2024
Elevation/Section 1, Sheet No. 3.1, Issue B	Zealous Consulting	May 2024
Traffic, Emergency and Fire Safety Plan, Solar Access Diagrams, Drawing No. DA09, Issue 3	ADG Architects	11 October 2016

Document(s)	Prepared By	Dated
Statement of Environmental Effects	ADG Architects	11 October 2016
Waste Management Plan	Christine Haddad	undated
BASIX Certificate No. A1753077	Sustainability Z Pty Ltd	25/06/2024

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

(As amended by DA/688/2016/B)

50. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the **BASIX Certificate No.A1753077**, will be complied with prior to occupation

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

(as amended by DA/688/2016/B)

60. The car parking **space** located on the site is to be allocated for the use of the commercial tenancy. Any future subdivision is to reflect this allocation.

Reason: To maintain the use of the car parking spaces on the site.

(as amended under DA/688/2016/B)



APPLICATION TO MODIFY DEVELOPMENT CONSENT NOTICE OF DETERMINATION

Development Application No: DA/688/2016/B
 Property Address: Lot 1 DP 215574
 43 Belmore Street East,
 OATLANDS NSW 2117

Council has updated the original consent notice to incorporate the amendments approved under this modification. Amended conditions are in **bold**. Accordingly, the current conditions of consent that apply to this development are:

General Matters

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing No.	Prepared By	Dated
Site / Roof Plan, Sheet No. 1.0, Issue B	Zealous Consulting	May 2024
Ground Floor Sheet No. 2.0, Issue B	Zealous Consulting	May 2024
First Floor Plan, Sheet No. 2.1, Issue B	Zealous Consulting	May 2024
Second Floor Plan, Sheet No. 2.2, Issue B	Zealous Consulting	May 2024
Elevations, Sheet No. 3.0, Issue B	Zealous Consulting	May 2024
Elevation/Section 1, Sheet No. 3.1, Issue B	Zealous Consulting	May 2024
Traffic, Emergency and Fire Safety Plan, Solar Access Diagrams, Drawing No. DA09, Issue 3	ADG Architects	11 October 2016

Document(s)	Prepared By	Dated
Statement of Environmental Effects	ADG Architects	11 October 2016
Waste Management Plan	Christine Haddad	undated

BASIX A1753077	Certificate	No.	Sustainability Pty Ltd	Z	25/06/2024
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Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

(As amended by DA/688/2016/B)

2. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).
Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
3. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.
Reason: To ensure compliance with legislative requirements.
4. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.
Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.
5. Approval is granted for the demolition of part of the existing retail premises currently on the property, subject to compliance with the following:-
 - (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.
Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must

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- comply with the relevant Australian Standards and manufacturer specifications.
- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
 - (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
 - (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
 - (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is

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- obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
 - (i) Demolition is to be completed within 5 days of commencement.
 - (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
 - (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
 - (l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (i) Proposed protection of pedestrians adjacent to the site;
 - (ii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
 - (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
 - (n) Before demolition works begin, adequate toilet facilities are to be provided.
 - (o) 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.
 - (p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

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6. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover 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; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).
- 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.
7. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.
- Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.
8. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS4282: 1997 The Control of the Obtrusive Effects of Outdoor Lighting.
- Reason:** To protect the amenity of the surrounding neighbourhood from the emission of light.

Prior to the issue of a Construction Certificate

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

9. All roof water and surface water is to be connected to an operable drainage system. The final drainage related construction drawing shall be based on the "Ground Floor Plan (indicating Stormwater Drainage Disposal Concept), Drawing No. DA03, Issue 1, dated 24/07/16, prepared by ADG Architects". The proposed Rainwater Tank shall be in accordance with the Basix Certificate requirements. The overflow pipe shall be appropriately connected to discharge into the existing drainage disposal system. Any modifications (if required) to the existing discharge outlet pipe system shall be carried out without interfering

with the proposed vehicular access. The discharge outlet pipe should be kept within the property frontage at the laneway, without encroaching in to the adjacent property frontage in the laneway. Full details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

10. 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.

11. 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.

12. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount

prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

13. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

14. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.

15. A monetary contribution comprising \$2,298.21 is payable to City of Parramatta in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Hills Section 94 Contributions Plan No. 7 North Rocks – Oatlands - Carlingford. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of a construction certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

The Hills Section 94 Contributions Plan No. 7 North Rocks – Oatlands - Carlingford can be viewed on Council's website at:

http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions

Reason: To comply with legislative requirements.

16. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

17. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

18. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA 688/2016;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Pavement and Public Asset Protection Bond (applies to all forms of commercial/ industrial development and residential development (excluding low density) where physical construction work is proposed <i>(\$30.00/ m² of road pavement for full frontage of development site plus 50m either side and full road width measured from face of kerb)</i>	\$55,305.60

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

19. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements and Australian Standards.

20. 4 bicycle spaces/racks are to be provided on-site and used accordingly. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details of the spaces and bicycle parking devices are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

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21. Change and shower facilities are to be provided in accordance with Clause 2.3 and Table 3 of The Hills DCP2012 Part C Section 1 Parking
Reason: To comply with Council's parking requirements.
22. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.
Reason: To ensure appropriate vehicular manoeuvring is provided

Prior to Work Commencing

23. 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.

24. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.
Reason: To ensure soil and water management controls are in place before site works commence.

25. 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;

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- (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.

26. 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.

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27. Prior to work commencing, adequate toilet facilities are to be provided on the work site.
Reason: To ensure adequate toilet facilities are provided.
28. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
 - Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.
- The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.
Reason: To comply with legislative requirements.
29. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.
Reason: To ensure public safety.
30. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- Unauthorised entry of the work site is prohibited;
 - The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - The name, address and telephone number of the Principal Certifying Authority;
 - The development consent approved construction hours;
- The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- This condition does not apply where works are being carried.
Reason: Statutory requirement.
31. 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:
- 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.

During Work

32. 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.

33. 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.

34. 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.

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35. 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.
36. 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.
37. 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.
38. 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.
39. 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.
40. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
Reason: To ensure maintenance of Council's assets.
41. 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.

42. 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.

43. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

Reason: To protect the amenity of the area.

44. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the principal certifying authority upon request.

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

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45. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: To protect the amenity of the area.

46. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

Reason: To ensure the development is being built as per the approved plans.

Prior to the issue of an Occupation Certificate

47. 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.

48. 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 stator requirements.

-
49. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

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

50. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the **BASIX Certificate No.A1753077**, will be complied with prior to occupation

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

(as amended by DA/688/2016/B)

51. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (a) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

The Use of the Site

52. The use of the premises not giving rise to:
- (a) transmission of unacceptable vibration to any place of different occupancy,
 - (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual,

Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

53. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises

54. The air conditioner/s must not:

- (1) 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):

- (a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
(b) before 7.00am and after 10.00pm on any other day.

- (2) 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.

55. 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.

56. No goods are to be stored/displayed outside the walls of the building.

Reason: To ensure visual amenity.

57. Roller shutters are not to be placed over any external door or window of the premises. Any security grill is to be located on the inside of the glass front of the premises and must be an open grille able to be seen through.

Reason: To provide an appropriate streetscape appearance.

58. 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.

59. The use of the first floor commercial tenancy is to be subject to further development approval.

Reason: To ensure that development approval is granted for the future use of the commercial tenancy.

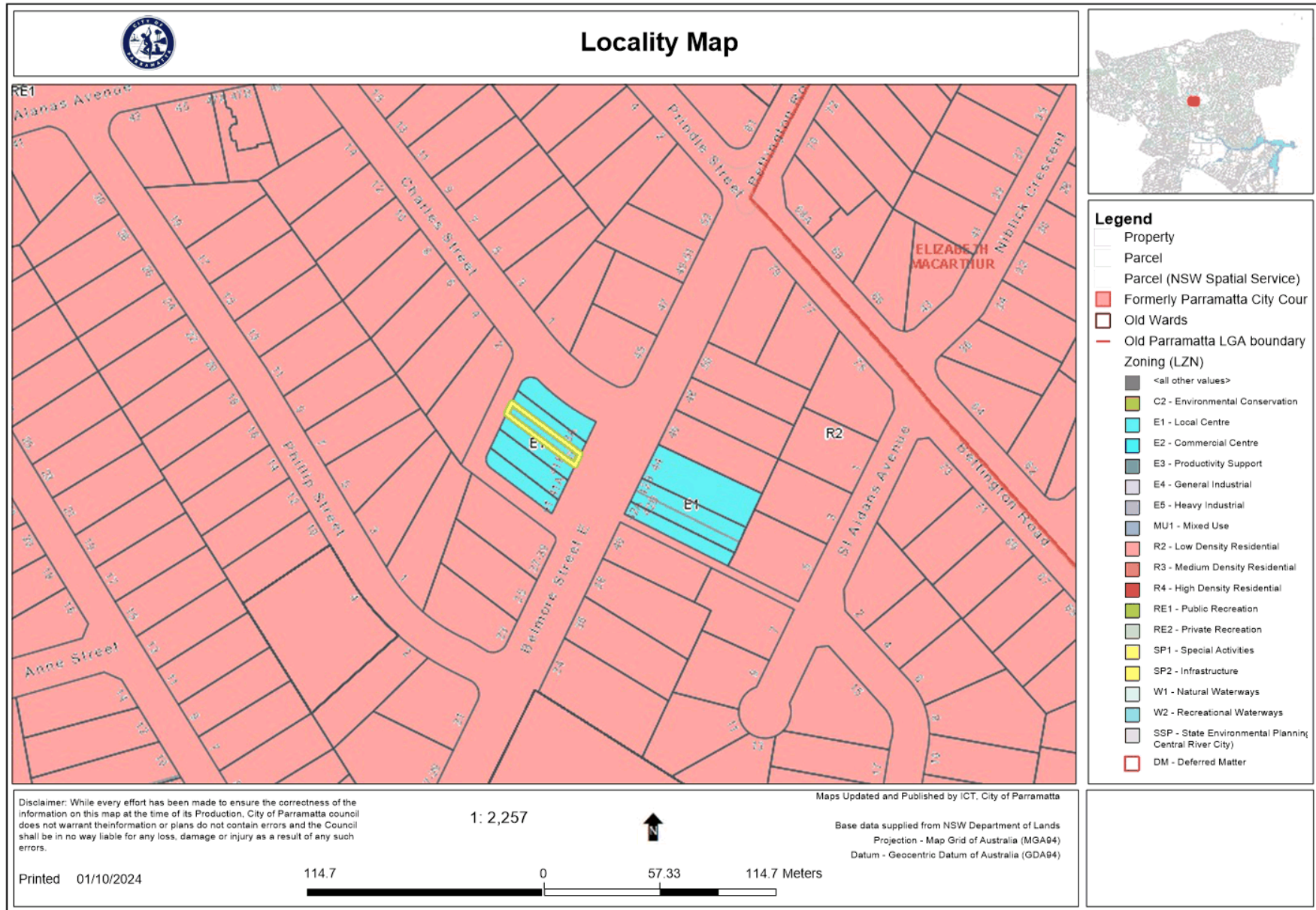
60. The car parking **space** located on the site is to be allocated for the use of the commercial tenancy. Any future subdivision is to reflect this allocation.

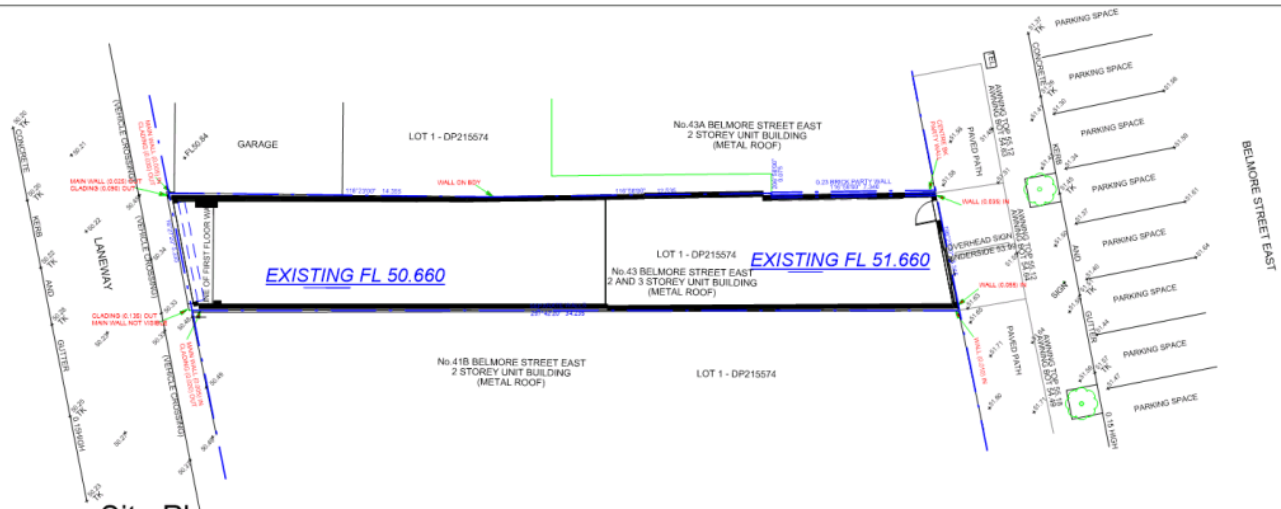
Reason: To maintain the use of the car parking spaces on the site.

(as amended under DA/688/2016/B)

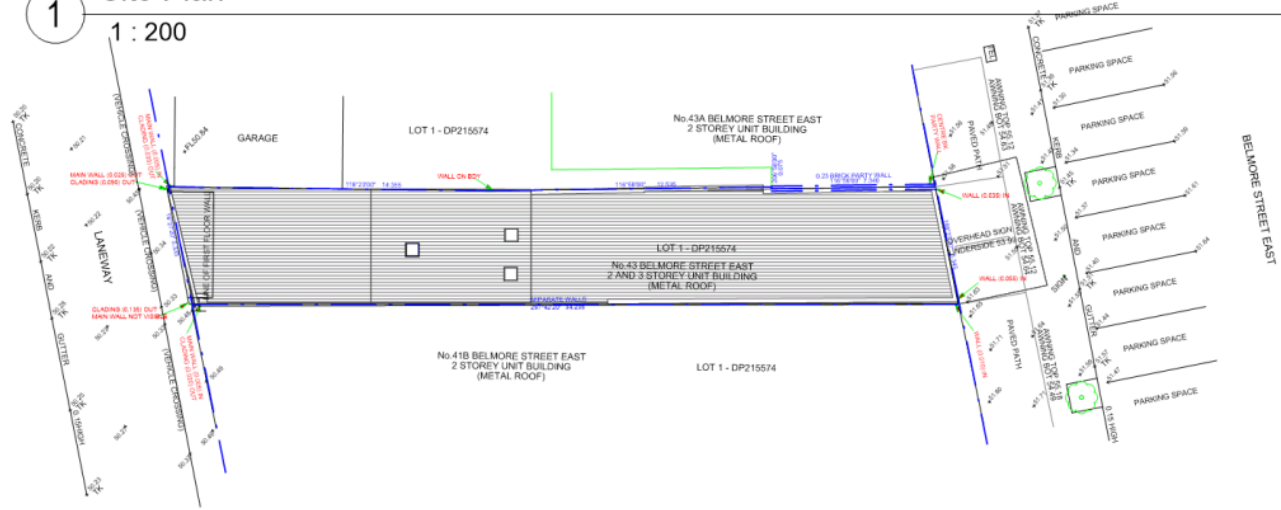
61. The roller shutter door to be provided for the garage at the driveway entry and exit from the laneway is to be operated via remote control.

Reason: To comply with Australian Standards.





1 Site Plan
1 : 200



2 Roof Plan
1 : 200

Site / Roof Plan



Zealous Consulting
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Project: Alterations and Additions for a Mixed-Use Development
Address: Lot: DP: 43 Belmore Street East, Oatlands
Client: Sky Group

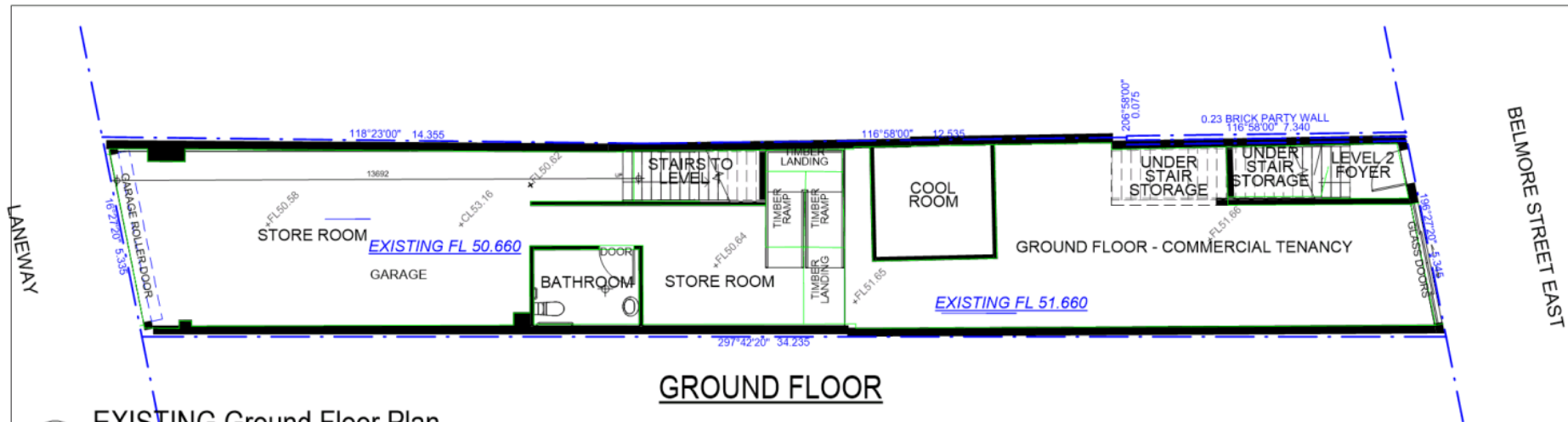


SHEET 1.0
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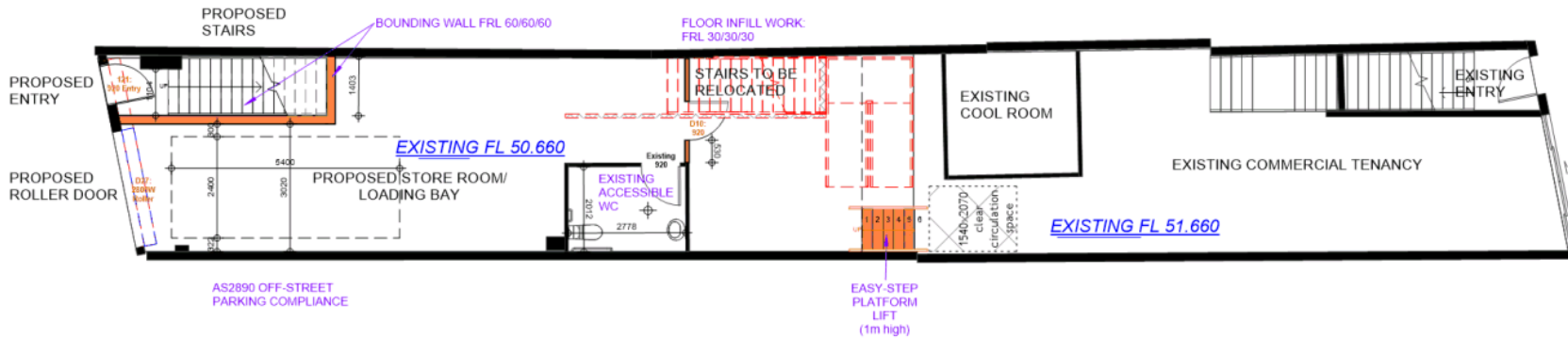
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REF: ZD23034
DATE: December 2023
DRAWN BY: M/S/M

ISSUE A: ISSUED FOR S.455 VARIATION 4 March 2024
ISSUE B: COUNCIL RFI May 2024

Document Set ID: 1428695
 Version: 1, Version Date: 05/09/2024



1 EXISTING Ground Floor Plan
1 : 100



2 PROPOSED Ground Floor Plan
1 : 100

Ground Floor Plan



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Project:
Alterations and Additions for a Mixed-Use Development
Address: **Lot:** **DP:**
43 Belmore Street East, Oatlands
Client:
Sky Group

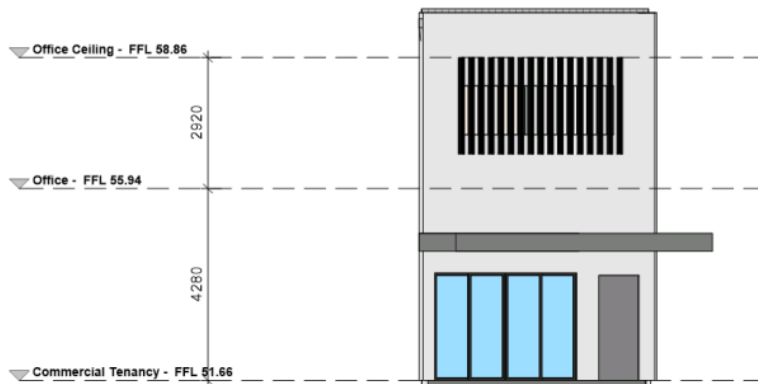


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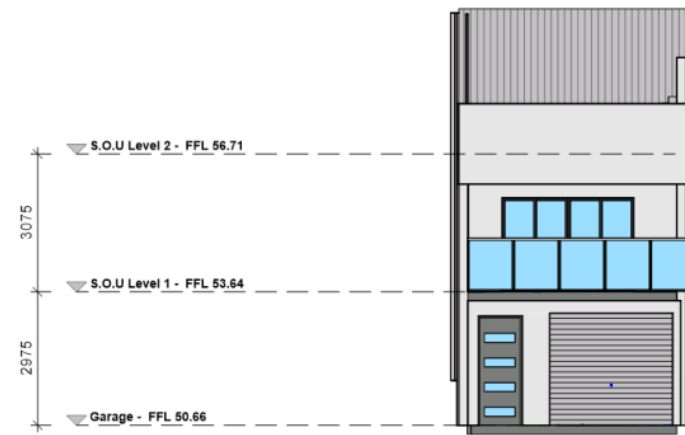
LGA: Parramatta Council
SCALE: A3 1:100/1:200
REF: ZD23034
DATE: December 2023
DRAWN BY: M/S/M

ISSUE A: ISSUED FOR S.455 VARIATION 4 March 2024
ISSUE B: COUNCIL RFI May 2024

Document Set ID: 1426695
Version: 1, Version Date: 05/09/2024



1 East Elevation (Belmore Street East)
1 : 100



2 West Elevation (accessway)
1 : 100

Elevations



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Project:
Alterations and Additions for a Mixed-Use Development
Address: Lot: DP:
43 Belmore Street East, Oatlands
Client:
Sky Group



SHEET 3.0

SKETCH

LGA: Parramatta Council
SCALE: A3 1:100/1:200
REF: ZD23034
DATE: December 2023
DRAWN BY: M/S.M

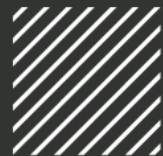
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43 BELMORE STREET EAST, OATLANDS

1 . 8 . 2 0 2 4



CLAUSE 4.6 VARIATION REQUEST
CLAUSE 4.4 - FLOOR SPACE RATIO
SECTION 4.55(1A) MODIFICATION TO MIXED USE SHOP-TOP HOUSING
DEVELOPMENT

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ABN : 51 628 117 751



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1. Introduction

This variation request is prepared pursuant to Clause 4.6 of Parramatta Local Environmental Plan 2023 (P LEP 2023) and considers several New South Wales Land and Environment Court (NSW LEC) planning principles and judgements that have refined the manner in which variations to development standards are to be approached. The development in question relates to the Section 4.55(1A) modifications to Mixed Use Shop-Top Housing Development at 43 Belmore Street East, Outlands.

2. Proposed Variation

Clause 4.4(2) of the P LEP 2023 refers to the Floor Space Ratio Map with the subject site located within Area 'I' illustrated below of which prescribes a maximum Floor Space Ratio of 1:1.



The dictionary of the P LEP 2023 defines Floor Space Ratio as follows:

Definition of "floor space ratio" The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—*
- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement—*



- (i) storage, and
- (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

The proposed gross floor area is 247sqm, noting that the site area is 170.7sqm, which represents a 76.3sqm non-compliance or 44.7% variation to the control.

	Gross Floor Area	FSR Proposed/Approved
DA/688/2016 & DA688/2016/A	186.16sqm	1.09:1 (Figure from Council Assessment Report - Calculation may be incorrect)
Existing Area (existing as built)	224sqm	1.31:1
DA/688/2016/B (this application)	247sqm	1.447:1

3. Clause 4.6 Assessment

3.1 Clause 4.6(1) - Objectives

Clause 4.6(1) outlines objectives that underly the clause as follows:

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

Reference is made to Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 in which Preston CJ ruled that there is no provision that requires compliance with the objectives of the clause and that cl 4.6 does not give substantive effect to the objectives of the clause in cl 4.6(1)(a) or (b). It was also noted that 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”.

Given the above the remaining considerations of clause 4.6 form the basis for which the consent authority is to be satisfied that the request for variation of the development standard is acceptable.

3.2 Clause 4.6(2) - Development Consent May be Granted

Clause 4.6(2) states that ...'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'.

Floor Space Ratio is a development standard as defined in Section 1.4 of the Environmental Planning & Assessment Act 1979 to which variations can be granted under cl 4.6.



3.3 3.1.3 Clause 4.6(3) - Consent Authority to Consider Written Submission

Clause 4.6(3) provides that ... *'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'.*

This submission and information contained within, constitutes a written request for the purposes of Clause 4.6(3) and the following subsections address the justifications required under that subclause.

3.4 Clause 4.6(4) - Consent Authority is to be Satisfied

Clause 4.6(4) provides 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'.*

Each of the above mentioned matters has been addressed individually under the following subheadings.

3.4.1 Clause 4.6(4)(a)(i) Written Request to Address Matters Required by 4.6(3)

Clause 4.6(3) requires the applicant to justify contravention of 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'.*

With respect to clause 4.6(3)(a) the common ways in which an Applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary are listed in the 'five-part test' outlined by Preston CJ in *Wehbe v Pittwater* [2007] NSWLEC 827. In this respect an Applicant does not need to establish all of the tests or 'ways', rather it may be sufficient to establish only one, although if more are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

The five possible ways are as set out below:

First	<i>The objectives of the standard are achieved notwithstanding non-compliance;</i>
Second	<i>The underlying objective or purpose of the standard not relevant to the development and therefore compliance is unnecessary;</i>
Third	<i>The underlying object of purpose be defeated or thwarted if compliance was required and therefore compliance is unreasonable;</i>
Fourth	<i>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;</i>
Fifth	<i>The zoning of the particular land unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.</i>



With respect to the subject application, the first way is utilised with the sole objective underlying the Floor Space Ratio development standard contained within clause 4.4(1) of P LEP 2023 addressed as follows:

Objective	Comment
(a) to ensure buildings are compatible with the bulk, scale and character of existing and desired future development in the surrounding area,	<p>The modification only results in a minor facade change to the Belmore Street East Elevation to open the unauthorised enclosure to the terrace by removing the existing window and creating an opening with slats in a similar fashion to the approved DA. This result in no additional bulk to the building.</p> <p>The remainder of the modifications are internal to the building or contained within the roof void (reconfiguration of the attic bedroom) and does not result in any further bulk and scale to the building. The development is similar to the approved DA and will continue to be consistent with the desired future development for the surrounding area.</p>
(b) to regulate density of development and generation of vehicular and pedestrian traffic,	The proposal does not seek to create any additional residential units as part of the modification to the shop top housing development. No change is proposed to the approved configuration or access to the on-site car parking. Concessions to car parking are already approved and no additional car parking is generated as part the modification.
(c) to provide a transition in built form and land use intensity,	The the modifications are internal to the building and does not result in any further bulk and scale to the building. The development is similar to the approved DA and will continue to be consistent with the desired future development for the surrounding area.
(d) to require the bulk and scale of future buildings to be appropriate in relation to heritage sites and their settings,	The site is not adjacent to a heritage building.
(e) to reinforce and respect the existing character and scale of low density residential areas.	The proposed modifications does not result in additional bulk and scale. The additional GFA is a result of a reconfiguration of the internal layout of the building as well as correcting the plans so that they accurately reflect the Survey Plan.

With respect to clause 4.6(3)(b) the above demonstrates that the environmental impacts of the proposed development are acceptable notwithstanding non-compliance with the Floor Space Ratio standard.



3.4.2 Clause 4.6(4)(a)(ii) Written Request to Address Matters Required by 4.6(3)

As discussed by Preston CJ in Initial Action, if the development is consistent with the objectives of the development standard and the objectives of the zone, the consent authority can be satisfied that the development will be in the public interest. Objectives of the Floor Space Ratio development standard have been previously addressed with those of E1 Local Centre Zone outlined and addressed below.

Zone Objective	Comment
<i>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</i>	The additional floor area proposed is partially allocated to commercial GFA located on the ground floor, a portion of Level 1 which provides additional space for retail and business activity who live and work in the area without additional bulk and scale being added to the building. The reconfiguration of the attic bedroom is contained within the roof void shown in the original application, but does not increase the bulk and scale of the development.
<i>To encourage investment in local commercial development that generates employment opportunities and economic growth.</i>	
<i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</i>	The residential accommodation component of the shop-top housing development contributes to the vibrancy of the local centre.
<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>	The ground floor and a portion of Level 1 is proposed for commercial activity to encourage business and retail uses.
<i>To ensure the scale and type of development does not adversely affect the amenity of the surrounding neighbourhood.</i>	The proposed modification does not seek to increase the external built form or bulk and scale of the development to ensure that the development does not impact the amenity of the surrounding neighbourhood.

As detailed the proposed Floor Space Ratio variation does not contravene any of the zone objectives.

3.4.3 Clause 4.6(b) Concurrence of the Secretary.

Planning Circular (PS 18-003) dated 21 February 2018 provides that concurrence can be assumed when a Local Planning Panel (LPP) is the consent authority where a variation exceeds 10% or is to a non-numerical standard, because of the greater scrutiny that the LPP process and determinations are subject to.

Accordingly, concurrence of the LPP can therefore be assumed in this case.

3.5 Clause 4.6(5) - Concurrence Considerations

Clause 4.6(5) provides that ...'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 Secretary before granting concurrence'.*

N/A - As detailed above, concurrence of the secretary can be assumed in this instance.



3.6 Clause 4.6(6) - Subdivision of Certain Land

Clause 4.6(6) provides that ... *'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 E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 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.*

Development does not seek subdivision.

3.7 Clause 4.6(7) - Keeping of Records

Clause 4.6(7) provides that ... *'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)'*.

Northern Beaches Council are required to keep a register of Clause 4.6 variations publicly available. Should this application be supported it would be added to the register along with specific factors as required.

3.8 Clause 4.6(8) - Exclusions from use of Clause 4.6

Clause 4.6(8) provides that ... *'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 listed in the table to this clause,*
- (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.*

The development seeks variation to Clause 4.4 of the Parramatta LEP 2023 and does not contravene any of the listed clauses, standards related to the BASIX SEPP or a development standard under complying development.



4. Conclusion

The proposed development seeks variation to the 1:1 Floor Space Ratio control prescribed by Clause 4.4(2) of the P LEP 2023 and thus the subject clause 4.6 submission has been provided.

The application to vary the Floor Space Ratio development standard is well founded and as addressed meets the objectives of the Floor Space Ratio development standard. The proposal achieves an acceptable design outcome and one that does not result in unreasonable amenity impacts towards surrounding properties.

Consequently, strict compliance with the development standard is unreasonable and unnecessary in this instance and that the use of Clause 4.6 of the P LEP 2023 to vary the control is appropriate.

PLANNING PROPOSALS

15 OCTOBER 2024

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Ermington..... 153

PLANNING PROPOSAL

ITEM NUMBER	6.1
SUBJECT	Planning Proposal at 38-50 South Street, Rydalmere
REFERENCE	RZ/2/2024 -
APPLICANT/S	Urbis
OWNERS	Dexus
REPORT OF	Project Officer

PURPOSE

To seek the Parramatta Local Planning Panel advice on a Planning Proposal for land at 38-50 South Street, Rydalmere, for the purpose of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI).

RECOMMENDATION

That the Parramatta Local Planning Panel consider the following Council Officer recommendation in its advice to Council:

- a) **That** Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 38-50 South Street, Rydalmere (**Attachment 1**) which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) by:
 - i. reducing the heritage curtilage that applies to the site;
 - ii. changing the heritage item name from ‘Truganini House and grounds’ to ‘Truganini House and riverfront setting’; and
 - iii. changing the property description from ‘Lot 10, DP 774181’ to ‘Part of Lot 10, DP 774181’.
- b) **That** Council requests the DPHI that it be authorised to exercise its plan-making delegations for this Planning Proposal.
- c) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

PLANNING PROPOSAL TIMELINE



SUMMARY

1. This report seeks the advice of the LPP on a Planning Proposal (**Attachment 1**) for land at 38-50 South Street, Rydalmere (the site), to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) to reduce the heritage curtilage associated with a heritage item identified as 'Truganini House and grounds', amend the item name to 'Truganini House and riverfront setting' and amend the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'. The applicant is seeking to reduce the heritage curtilage so that exempt or complying development can occur across most of the site pursuant to the *Exempt and Complying Development Codes SEPP 2008* (Codes SEPP).
2. Council Officers support a reduction to the heritage curtilage given the site has been developed with industrial buildings since the introduction of the industrial zoning in 1946. A reduced heritage curtilage is supported that encapsulates the heritage item, its immediate surrounds and setting down to the river frontage to the south (signifying the past relationship of Truganini House to the Parramatta River).

SITE DESCRIPTION

3. The subject site is known as 38-50 South Street, Rydalmere (Lot 10 DP 774181) and is bound by South Street to the north, Park Road to the east, and the Parramatta River to the south. It has a total site area of approximately 4.5 hectares (**Figure 1**).



Figure 1: Subject site showing location of Truganini House and Parramatta Valley Cycleway (in yellow)

4. Council's updated [Employment Lands Strategy \(2020\)](#) identifies Rydalmere as "employment-generating land", with a strategic objective that employment uses in Rydalmere shall be retained and intensified. The site is zoned E4 General Industrial pursuant to PLEP 2023 and comprises offices and industrial

warehouses. The site is completely developed, with the last warehouse constructed between 1991 and 1994.

5. The entire site is listed as a locally significant heritage item (#591) pursuant to Schedule 5 of PLEP 2023, which describes the item as 'Truganini House and grounds'. Truganini House (**Figure 2**) is a mid-19th Century dwelling located towards the centre of the site, currently used as a child care centre. Currently, the only unobstructed view to Truganini House that is publicly accessible is from the Parramatta Valley Cycleway, located outside of the site to the south (**Figure 3**).



Figure 2: Truganini House (western frontage)



Figure 3: Truganini House viewed from the Parramatta Valley Cycleway

6. Truganini House and grounds were first listed as a local heritage item in December 2003 under Schedule 6 of the Sydney Regional Environmental Plan No 28—Parramatta (1999 EPI 444), almost a decade after the site was fully developed with industrial land uses. Refer to **Attachment 2** (Site History) for a detailed history of the heritage item and the site.

PLANNING PROPOSAL

7. In July 2023, the applicant submitted a pre-lodgement application seeking Council Officers' advice on a proposed reduction of the heritage curtilage to encapsulate Truganini House and its immediate garden setting. A pre-lodgement meeting was held on 27 September 2023 and formal advice was issued to the applicant on 27 October 2023, recommending that the heritage curtilage be revised to include land to the south down to the river and the adjoining café building to the east.
8. On 25 June 2024, the applicant lodged the Planning Proposal for the site, which was partially consistent with Council Officers' pre-lodgement advice. While the Planning Proposal did seek to include the curtilage down to the river as requested, it did not include the immediately adjoining café building to the east of Truganini House. Council Officers subsequently requested that the applicant include the café building based upon additional justification (refer to Planning Proposal assessment section below), to which the applicant agreed.
9. On 18 September 2024, the applicant submitted an amended Planning Proposal (**Attachment 1**) and amended Heritage Impact Statement (HIS) (**Attachment 3**) to retain inclusion of the café building in the heritage curtilage, consistent with Council Officers' pre-lodgement advice (refer to **Figure 4**).
10. The Planning Proposal will enable exempt and complying development under the Codes SEPP to occur outside of the heritage curtilage (and on parts of the site not identified as 'waterfront land' under the Water Management Act 2000) without affecting the heritage significance of the item. This will enable minor types of development to take place without a requirement for a Development Application pursuant to Part 5.10 Heritage Conservation of PLEP 2023.
11. A Development Control Plan and/or a Planning Agreement is not required to support the Planning Proposal given the Planning Proposal will not generate additional infrastructure demands.



Figure 4: Proposed heritage curtilage outlined in blue (source: Urbis)

ASSESSMENT OF KEY ISSUES

12. An intended outcome of the Planning Proposal is to allow the landowner and tenants “to undertake minor works to non-significant elements on the site under practical planning pathways such as Complying Development Certificate (CDC)...where those works will not impact anything of heritage significance”. The Planning Proposal will have the effect of enabling consideration of the application of the provisions permitted under the Codes SEPP for works on parts of the site outside of the heritage curtilage.
13. The applicant’s amended Planning Proposal (**Attachment 1**) is supported by an amended HIS (**Attachment 3**). The HIS included a detailed curtilage assessment and heritage impact assessment of the proposed works and concludes that the Planning Proposal “appropriately assesses, acknowledges and legislates the significance of Truganini House” (HIS, p. 2). Council Officers support the applicant’s Planning Proposal for the reasons provided below.
14. PLEP 2023 provides the following definition for ‘curtilage’: *in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.* The area of land that is proposed to remain as part of the heritage curtilage has the potential to contribute to, or detract from, the heritage significance of Truganini House.
15. Council’s Senior Heritage Specialist has supported the amended curtilage that will help preserve the historical connection of Truganini House to the river noting the significance of the previously operating jetty to the south-east of the site dating to the late 19th Century. This is consistent with Part 7, Objective 12 of the *Parramatta Development Control Plan 2023* (PDCP 2023), which states (paraphrased): *In some cases, there is a reduced curtilage where the significance of the item and its interpretation is not dependent on having a large curtilage extending to the lot boundary. In such cases it is necessary to identify a curtilage that enables the heritage significance of the item to be retained. An*

expanded curtilage may be required to protect the landscape setting or visual catchment of an item. For example, the significance of some properties includes a visual link between the property itself and a river or topographical feature.

16. The amended curtilage will help maintain existing sightlines from the Parramatta Valley Cycleway and will assist in potentially re-establishing past sightlines should the existing warehouse building to the south be redeveloped (which will require a Development Application assessment due to its proposed retention as part of the heritage curtilage). Changing the item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting' will better describe the important relationship of the heritage item to the river.
17. The amended curtilage will retain the immediately adjoining café building to the east of Truganini House, resulting in a continuous curtilage along the east, down to the river. The café building should remain as part of the heritage curtilage given that it immediately adjoins, and is visually connected to, the heritage item (separated by a small outdoor seating area), thereby supporting the interpretation of the heritage significance of the item. In addition, the design of the café building has been highly influenced by Truganini House, almost presenting itself as an outbuilding, as noted by Council's Senior Heritage Specialist. It is therefore important to retain the ability to properly assess any future changes to this building via future Development Applications.
18. Retaining the café building as part of the existing curtilage is consistent with the NSW Heritage Office advice, noting that "the significance of heritage items often involves their wider setting. This may provide evidence of historical, social and cultural associations and uses which is integral to the heritage significance of the items. It is often the interaction of a heritage item with its surroundings through activities, functions and visual links that enables its heritage significance to be fully appreciated" (*Heritage Curtilages*, p. 12, NSW Heritage Office 1996).
19. On 25 July 2024, Council Officers briefed Parramatta's Heritage Advisory Committee (HAC). The HAC were supportive of the amended curtilage including land to the south of the heritage item, down to the river, and the adjoining café building.

LOCAL AND STRATEGIC CONTEXT

State Planning Policies

20. The Planning Proposal is generally consistent with the relevant state policies and planning strategies, including the Greater Sydney Region Plan, Central City District Plan, and Ministerial Directions under Clause 9.1 of the Environmental Planning and Assessment Act 1979.
21. The Greater Sydney Region Plan: A Metropolis of Three Cities aims to create and renew great places and local centres, with respect to each District's heritage. Under Direction 4 - Liveability: A City of Great Places, Objective 13 states "*Environmental heritage is identified, conserved and enhanced*". This objective acknowledges that respectfully combining history and heritage with modern design achieves an urban environment that demonstrates shared values and contributes to a sense of place and identity. It highlights that this is particularly important for transitional areas, places experiencing significant urban renewal,

and where it is necessary to take account of the cumulative impacts of development on heritage values.

22. The Central City District Plan (CCDP) identifies Direction 3 - Liveability, Objective 13, Action 2c as the need to manage and monitor the cumulative impact of development on the heritage values and character of places.
23. The Planning Proposal is in keeping with the above objectives in that the proposed amended curtilage identifies the relationship between the heritage item and the river and protects existing sightlines towards the river, while allowing for past sightlines to be reestablished in the future should opportunities arise. The Planning Proposal also provides a balance between protecting the heritage significance of the item and allowing reasonable development opportunities within the surrounding industrial area.

Local Strategies

24. Council's Local Strategic Planning Statement (LSPS) (published 31 March 2020) provides the local strategic planning framework for the City of Parramatta. Any Planning Proposal must be consistent with the LSPS and the supporting Local Housing Strategy (LHS) and Employment Lands Strategy (ELS).
25. The Planning Proposal is consistent with the LSPS and associated strategies as it aligns with Planning Priority 9: *Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs*. No development is being proposed as part of this Planning Proposal. The reduced heritage curtilage will continue to protect the local heritage item and its relationship to the river, despite its original setting being altered by the existing surrounding industrial uses.

PLAN MAKING DELEGATIONS

26. Revised delegations were announced in October 2012 by the then Minister for Planning and Infrastructure, allowing councils to make LEPs of local significance. On 26 November 2012, Council resolved to accept the delegation for plan-making functions. Council has resolved that these functions be delegated to the CEO.
27. Should Council resolve to endorse the Planning Proposal to proceed, it is recommended that Council request to DPHI that it exercise its plan-making delegations. This means that once the Planning Proposal has been granted Gateway, undergone public exhibition and been adopted by Council, Council Officers will liaise directly with the NSW Parliamentary Counsel's Office regarding the legal drafting and mapping of the amendment. The LEP amendment is then signed by the CEO before being gazetted by DPHI and notified on the NSW Legislation website.

FINANCIAL IMPLICATIONS FOR COUNCIL

28. Should Council resolve to proceed with the Planning Proposal, the costs incurred in conducting the public exhibition will be covered by the Planning Proposal fees.

CONCLUSION AND NEXT STEPS







29. It is recommended the Parramatta Local Planning Panel support the Council Officer recommendation for the Planning Proposal (**Attachment 1**) to be approved for the purposes of seeking a Gateway Determination from the DPHI.
30. Following the Panel's consideration of the recommendations of this report, the matter will be reported to an upcoming Council meeting along with the Panel's advice.

Chloe Ho
Project Officer

Belinda Borg
Team Leader Land Use Planning

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

- 1   Planning Proposal, prepared by Urbis
- 2   Site History, prepared by Council Officers
- 3   Heritage Impact Statement, prepared by Urbis

EXTERNAL REFERENCE MATERIAL

1. *Heritage Curtilages* (1996), NSW Heritage Office

The logo for Urbis, featuring the word "URBIS" in a bold, white, sans-serif font. The text is contained within a white square frame that is partially open on the right side. The logo is positioned on the left side of the page, overlapping a white vertical line that extends from the top header area down to the main content area.

URBIS

**38-50 SOUTH
STREET,
RYDALMERE**

Planning Proposal

Prepared for
DEXUS
September 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P0039547
Report Number	FINAL

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We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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EXECUTIVE SUMMARY

This Planning Proposal request has been prepared by Urbis Pty Ltd on behalf of Dexus Wholesale Property Limited as Responsible Entity for Dexus Wholesale Property Trust 3 (**Dexus**) in support of a proposed amendment to *Parramatta Local Environment Plan 2023 (Parramatta LEP 2023)* as it relates to the land at 38-50 South Street, Rydalmere (**the site**). The site is also known as the Metro Centre Rydalmere.

The Metro Centre Rydalmere is a modern, mixed-use complex within the Rydalmere industrial precinct that provides high quality office and industrial warehouses for a range of businesses. The Metro Centre offers choice and flexibility for tenants who value the potential for growth and expansion. The site also comprises a mid-19th century dwelling known as Truganini House, which is currently used as a child-care centre.

The site is currently listed as a locally significant heritage item 591 under the Parramatta LEP 2023 described as 'Truganini House and grounds'. The heritage mapping and description of the listing encompasses the entire site. As outlined in the Heritage Impact Statement prepared by Urbis Heritage and accompanying this Planning Proposal, only Truganini House and its immediate front garden are considered to warrant heritage listing.

The current listing is therefore not considered to appropriately recognise and represent the site's heritage significance. The listing also results in time and cost inefficiencies due to the preparation of heritage assessments for minor works on the industrial portion of the site, with no impact on the heritage fabric.

Consultation with Parramatta City Council (**Council**) on the proposed amendment commenced in October 2020 when a submission was made by the applicant on the draft Parramatta Harmonisation Local Environmental Plan (**LEP**). During a subsequent meeting with Council and the previous landholder to discuss the submission, the strategic merits of the proposal was acknowledged but the proposal was considered beyond the scope of the Harmonisation LEP. Council stated they would be willing to accept a spot-rezoning or consider the proposal as part of a future housekeeping amendment. A Scoping Report was subsequently submitted to Council in April 2023.

The draft Parramatta Harmonisation LEP has now been gazetted and as such this Planning Proposal request is for a spot-rezoning consistent with the intent of the previous consultation with Council.

The objective of this Planning Proposal is to amend the Parramatta LEP 2023 to amend the item name and property description of the heritage item 'Truganini House and grounds' to accurately reflect and define the heritage curtilage. This will be achieved through:

1. Amend the item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting' within Schedule 5 of the Parramatta LEP 2023 to define the heritage curtilage.
2. Amend the property description within Schedule 5 of the Parramatta LEP 2023 to reflect the location of Truganini House as 'Part Lot 10 Deposited Plan 774181'.

The intended outcomes are:

- Foster a better understanding of the heritage significance of Truganini House and those elements which provide a meaningful contribution to the heritage significance. We believe that this will enable these specific elements to be better protected and appreciated in the future and provides a clearer understanding of what is important and what is not from a heritage perspective.
- Enable DEXUS and its tenants to undertake minor works to non-significant elements on the site under practical planning pathways such as Complying Development Certificate (CDC – subject to advice from a qualified Certifier), where those works will not impact anything of heritage significance.
- Improve opportunities for industrial land within Parramatta Local Government Area (LGA) to remain productive and competitive.
- Retain employment lands in the Central City District and the Greater Parramatta to Olympic Peninsula Economic Corridor.

The Planning Proposal request has prepared in accordance with the '*Local Environmental Plan Making Guideline*' prepared by the Department of Planning and Environment (**DPE**) in August 2023. The request is considered appropriate given the strategic and site-specific merit of the proposal. Accordingly, it is recommended the Planning Proposal is endorsed by Council to enable a gateway determination by DPE.

1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal request has been prepared by Urbis Pty Ltd on behalf of Dexu Wholesale Property Limited as Responsible Entity for Dexu Wholesale Property Trust 3 (**Dexu**) in support of a proposed amendment to Parramatta LEP 2023 as it relates to the land at 38-50 South Street, Rydalmere (refer to **Picture 1**). The site is also known as the Metro Centre Rydalmere and is listed as a local heritage item in Schedule 5 of the Parramatta LEP 2023.

The Planning Proposal seeks to support an amendment to the item name and description of the heritage item to provide a more accurate recognition of the items of heritage significance within the site boundary.

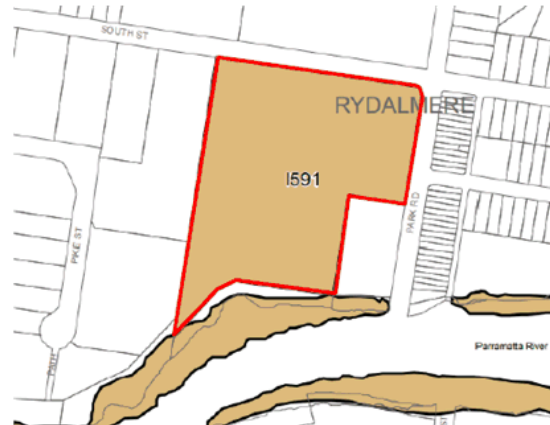
Currently, the Schedule 5 listing and mapping identifies the entire site as a heritage item (refer to **Picture 2**). This does not correctly reflect that the heritage significance of the site relates only to a portion of the site on the eastern boundary being Truganini House and its riverfront setting, and not the surrounding industrial buildings. This inaccuracy results in time and cost implications due to the inability to utilise alternative planning pathways such as CDC for appropriate works within the industrial site.

Figure 1 Site identification



Picture 1 Aerial image of site

Source: Urbis



Picture 2 Parramatta LEP 2023 heritage mapping

Source: Urbis, Parramatta LEP 2023

The intent of this report is to provide Council with sufficient information to understand and support the merit of the Planning Proposal and to refer the matter to the NSW DPE LEP Gateway Review Panel. The report has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, and the DPE 'Local Environmental Plan Making Guideline' (August 2023).

Section 6 of this report sets out the strategic and site-specific merit of the proposal, supported by an assessment of the environmental, social and economic impacts of the proposed amendment and consideration of relevant strategic plans, environmental planning instruments and ministerial directions. This assessment finds a high level of compliance with relevant policies and a strong justification for the proposed amendment.

As such, we request that Council forward the Planning Proposal to DPE for a 'Gateway determination' in accordance with Section 3.34 of the EP&A Act.

1.2. PROJECT HISTORY

1.2.1. Pre-Lodgement Consultation

Council began preparation of a Planning Proposal for a new LEP for the LGA in 2020. The new LEP, referred to as the 'Harmonisation LEP' proposed to replace existing LEPs that currently applied to land in the LGA.

The Planning Proposal and supporting documents was publicly exhibited from Monday 31 August 2020 until Monday 12 October 2020. A submission was prepared on behalf of the previous landowner for the site which identified the need to update the heritage mapping as part of the Harmonisation LEP. A meeting was held between Council and the previous landowner in October 2020 to discuss the submission and the opportunity to incorporate an updated heritage curtilage as part of the Harmonisation LEP. During this meeting, the strategic merits of the proposal was acknowledged but the proposal was considered beyond the scope of the Harmonisation LEP. Council stated they would be willing to accept a spot-rezoning or consider the proposal as part of a future housekeeping amendment.

On 12 July 2021, Council resolved to approve the Harmonisation LEP Planning Proposal, with minor amendments prior to forwarding the proposal to DPE for finalisation. The Council report provided a response to matters raised during the public exhibition including multiple requests to amend heritage listings on large lot, with specific mention of the site.

Council acknowledged that the heritage listing impacts the ability to undertake exempt and complying development on parts of the site away from the heritage item. The report also acknowledged that there are precedents within the LGA for partial lots to be identified as the listed heritage item. While Officers are supportive of the proposal to review the heritage mapping for Metro Centre Rydalmere and acknowledge the strategic merit of the proposal, the report recommends that the process of determining the proper heritage curtilage and amending the LEP be undertaken as a separate process outside of the Harmonisation LEP.

The Harmonisation LEP, was gazetted on 2 March 2023 and did not incorporate the recommended updates to heritage mapping for the site. It is now considered appropriate to lodge a spot rezoning to amend the heritage listing of the site, in accordance with previous consultation with Council.

1.2.2. Scoping Meeting

A Scoping Report was prepared by Urbis and submitted to Council in April 2023. A meeting was subsequently held with Council, the proponent and representative from the project team held a meeting with Council officers on 27 September 2023 to discuss the proposal. The purpose of the meeting was to discuss the proposed amendments to the heritage item name and property description of Truganini House and grounds within Schedule 5 – Environmental Heritage of the Parramatta LEP 2023 to facilitate a reduction of the heritage curtilage currently applying to the site. A summary of the matters discussed during the meeting are provided in **Table 1** with a copy of the formal minutes enclosed in **Appendix C**.

Table 1 Pre-Lodgement Discussions

Matter	Officer Comments	Planning Proposal Reference
Strategic Planning Comments		
Council's Employment Lands Strategy	This strategy applies to the site, which is therefore recognised as providing a diverse range of important employment opportunities. It is agreed there is strategic merit in reducing some of the extent of the existing heritage curtilage to allow simpler approval pathways for either exempt or complying development to support these businesses. Council's question is not whether the curtilage should be reduced, but how	The strategic merit of the proposal is assessed in Section 4.3 of this report including an assessment against the relevant objectives of the <i>Parramatta Employment Lands Strategy</i> .

Matter	Officer Comments	Planning Proposal Reference
	<p>much of the heritage curtilage should remain.</p>	
<p>Key functions of the heritage curtilage</p>	<p>From a strategic planning perspective, the heritage curtilage plays an important role in protecting the heritage value of the heritage item and help protect interpretation of the original setting of the heritage item. For example, retaining some of the land around the building to the north, east and west allows opportunities for future landscaping that will help to buffer the item from established industrial uses. Whilst some of this land currently comprises car parking and access, maintaining some of this curtilage beyond the immediate heritage item / building will help to safeguard these opportunities to potentially re-establish the setting into the future. In addition, retaining the curtilage (as it currently already exists) to the south will reinforce the heritage item's original connection to the river and original jetty location and will serve to help protect existing view lines and to safeguard opportunities to potentially reestablish past view lines.</p> <p>DAs are required for any development on land to which the heritage curtilage currently applies. The heritage provisions in the LEP and controls in the DCP therefore need to be considered for development that is subject to the heritage curtilage. This provides an additional level of merit-based assessment that helps to protect the integrity of the heritage item (e.g., materiality interface, building design, articulation, and landscaping).</p> <p>A degree of risk is associated with the proposed reduction of the heritage curtilage as it could further isolate the house and decontextualise the historical use of the surrounding grounds, which were once dedicated to rural uses, such as farming activities. This connection</p>	<p>The final heritage curtilage has been informed by the Heritage Impact Assessment prepared by Urbis (enclosed in Appendix B).</p> <p>This is acknowledged and any development within the heritage curtilage will still require development consent and merit-based assessment.</p> <p>This is acknowledged and addressed in the Heritage Impact Assessment prepared by Urbis (enclosed in Appendix B).</p>

Matter	Officer Comments	Planning Proposal Reference
	between the building and its setting has been reduced due to the surrounding industrial development.	
Assessment of the site's long-term vision	Any proposed reduction of the heritage curtilage should be carefully assessed with consideration to the long-term vision and aspirations for the site as discussed in this pre lodgement advice letter. It should be treated with careful consideration as once reduced, it is unlikely to be re-established.	Reasoning for the final heritage curtilage is provided in the Heritage Impact Statement prepared by Urbis (refer to Appendix A).
Waterfront Land	Council officers advise that the site may be considered 'waterfront land' under the Water Management Act 2000, which precludes exempt or Complying Development from being carried out under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> to the south of the site regardless of a reduced heritage curtilage. 'Waterfront land' means the bed of any river, lake or estuary, and the land within 40 metres of the river banks, lake shore or estuary mean high-water mark. The south-eastern corner of the site may be within 40m from the northern side bank of the river. A survey would therefore be required, and you are encouraged to seek further advice from a Certifier in this regard.	Section 2.1.3 confirms that a portion of the site is identified as 'waterfront land'. As such, CDCs are still limited for a portion of the site which is closer to the river.
Future Planning Proposal	Any future Planning Proposal to reduce the heritage curtilage must address the points raised in this pre-lodgement letter. If it only encapsulates the existing building and some of its immediate surrounds then it must be demonstrated how: it is proposed to protect the item and interpretation of its original setting, how existing view lines (refer to photos below) are to be protected, and how future opportunities to re-establish view lines to the water will be achieved.	Reasoning for the final heritage curtilage is provided in the Heritage Impact Statement prepared by Urbis (refer to Appendix B).
Heritage listing	It is agreed that the heritage listing of the PLEP 2023 I591 (Truganini House and grounds) should be revisited and	This is acknowledged and addressed in Section 4.2 of this report and the

Matter	Officer Comments	Planning Proposal Reference
	<p>updated to reflect the current statement of significance and extent of the heritage curtilage given that since the post-war period, the industrial area redevelopment has compromised some of the historical setting. Historically, the farmhouse had important physical and visual connections with the Parramatta River. Industrial development surrounding Truganini House has reduced some of these important connections. Notwithstanding, it is important to protect this local listing whilst safeguarding the potential to re-establish its river connection into the future.</p>	<p>Heritage Impact Assessment prepared by Urbis (enclosed in Appendix B).</p>
	<p>The State Heritage Inventory sheet identifies that “Truganini House is a single storey brick and stucco Victorian residence with a hipped roof and a verandah on three sides, sited to face Parramatta River” and that “the building is of interest as little physical evidence remains from this period of rural settlement along the Parramatta River”. The site in its original context possesses potential to contribute to an understanding of early nineteenth century rural settlement and the new listing name should recognise this important connection with the context and setting.</p> <p>Accordingly, it is recommended that the heritage item description be amended to ‘Truganini House and river front setting’, which retains clues of a larger curtilage while simultaneously</p>	<p>This is acknowledged and addressed in Section 4.2 of this report.</p>
	<p>The revised statement of significance and description of Truganini House should also include the description of the jetty remains, which was an important asset in accessing the river. This access is dated to the late nineteenth century and was important for the north side of the Parramatta River, which was predominantly populated by small farms and orchards</p>	<p>As noted in the Heritage Impact Statement (Appendix B) the jetty was located on the southern alignment of the river and not located within the proponent’s landholdings. Despite historical associations with this jetty, it is noted that the jetty no longer exists and the connection is tenuous as it is located outside of the property. It is also noted that the current property boundary does not extend fully to the waterfront and</p>

Matter	Officer Comments	Planning Proposal Reference
		therefore has no physical connection with the Parramatta River.
Proposed reduced curtilage	<p>The proposed reduced curtilage is limited to Truganini House and the immediate and adjacent landscaped areas.</p> <p>Council officers do not support the proposed reduced heritage curtilage to this extent as it appears insufficient to offer protection to Truganini House and interpretation of its setting. Moreover, the small curtilage proposed will isolate the heritage item and does not adequately reflect the relationship of Truganini House to the Parramatta River. The curtilage of local heritage items should be largely retained and conserved wherever possible. The amendment of the curtilage for Truganini House should include the area of grounds that previously extended to the river. Most of the subtracted current curtilage would facilitate and allow the use of Exempt and Complying Development in the wider industrial area (subject to compliance with the Codes SEPP) without compromising future opportunities for better management of the item and its settings.</p>	A revised curtilage is identified in Section 4 based on Council's comments and further heritage investigations undertaken by Urbis.
Council's recommended indicative heritage curtilage	Council's Senior Heritage Specialist recommends the following indicative heritage curtilage that includes a buffer zone to mitigate possible impact to the heritage item and, additionally, would not preclude the re-establishment of physical and visual connections between Truganini House and the Parramatta River. The heritage curtilage outlined below is indicative and subject to further detailed analysis at the Planning Proposal assessment stage.	Minor amendments are proposed to Council's recommended curtilage. Reasoning is provided in Section 7.2 of the Heritage Impact Statement prepared by Urbis (refer to Appendix B).

Matter	Officer Comments	Planning Proposal Reference
		
Development Assessment Comments		
<p>Planning Proposal to enable the attainment of Complying Development Certificates (CDCs)</p>	<p>The site is situated along the Parramatta River, there are additional limitations to attaining CDCs for the southern portion of the site that faces north towards the river, i.e., due to flooding and proximity to coastal wetlands, which was also raised in the Scoping Report prepared by Urbis.</p> <p>Council officers advise that the site may be considered 'waterfront land' under the Water Management Act 2000, which may preclude complying development being carried out under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p>Advice should be sought from a registered Certifier to ascertain the extent to which a reduction in the heritage curtilage would enable works through the CDC pathway, prior to proceeding with any formal Planning Proposal lodgement.</p>	<p>This is acknowledged by the proponent. Advice has been sought from a certifier which confirms that CDCs can still be utilised as a relevant planning pathway for any development outside of the 40m catchment. As such, there is still benefit in reducing the heritage curtilage to allow CDCs to occur to properties not identified as 'coastal wetlands'.</p>

1.3. REPORT STRUCTURE

The relevant sections of the report are listed below:

- **Section 1:** introduction and background
- **Section 2:** detailed description of the site, the existing development and local and regional context.
- **Section 3:** the existing statutory context of the site.
- **Section 4:** comprehensive description and assessment of the requested Planning Proposal in accordance with the DPE guidelines.
- **Section 5:** conclusion and justification.

1.4. PROJECT TEAM

This Planning Proposal request should be read in conjunction with the relevant consultant reports as follows:

Table 2 Planning Proposal Project Team

Technical Input	Consultant	Appendix
Heritage Impact Statement	Urbis Heritage	Appendix A
Proposed LEP Mapping	Urbis	Appendix B
Scoping Meeting minutes	Council	Appendix C

2. SITE AND SURROUNDING CONTEXT

2.1. SITE DESCRIPTION

The land to which this Planning Proposal relates to is 38-50 South Street, Rydalmere.

The site is located within the City of Parramatta LGA and is within the Rydalmere industrial precinct, a 104ha industrial precinct characterised by industrial and business uses. It accommodates industrial format buildings in various size, industry, and operation type.

The Rydalmere industrial precinct is located 3km from the Parramatta CBD and is positioned in a central location within the LGA, with the University of Western Sydney Parramatta Campus and Parramatta CBD to its west, Sydney Olympic Park to its east, Parramatta River to the south and Victoria Road to the north. The Rydalmere industrial precinct is also located along the GPOP economic corridor.

Key details are provided in Error! Reference source not found. below with a site aerial photograph of the site is provided as **Figure 2**.

Table 3 Site Description

Feature	Description
Street Address	38-50 South Street, Rydalmere
Legal Description	Lot 10 Deposited Plan 774181
Site Area	Approximately 4.5 hectares
Local Government Area	City of Parramatta Council
Street frontages	Primary street frontage of 291 to South Street and 124m to Park Road.

Figure 2 Site in regional context



Source: Urbis

2.1.1. Existing Development

The site currently accommodates a mixed-use complex known as Metro Centre Rydalmere. It is comprised of modern, high-quality office and industrial warehouses for a range of businesses (**Picture 4**). There are numerous contemporary tenancies available which make up Metro Centre, accompanied by an internal carpark and landscaping. The Metro Centre offers choice and flexibility for tenants who value the potential for growth and expansion.

The site also comprises a mid-19th century dwelling known as Truganini House (**Picture 3**), which is currently used as a child-care centre and is located in the southeast portion of the Metro Centre. The building is of heritage significance and as such is listed within Schedule 5 of the Parramatta LEP 2023 as discussed in **Section 2.1.2**.

Figure 3 Site Photos



Picture 3 Truganini House



Picture 4 Industrial lots

Source: Urbis

2.1.2. Heritage Significance

The site is listed as a heritage item under the Parramatta LEP 2023 and is described as “Truganini House and grounds” (item no. 591) applicable to Lot 10 DP 774181.

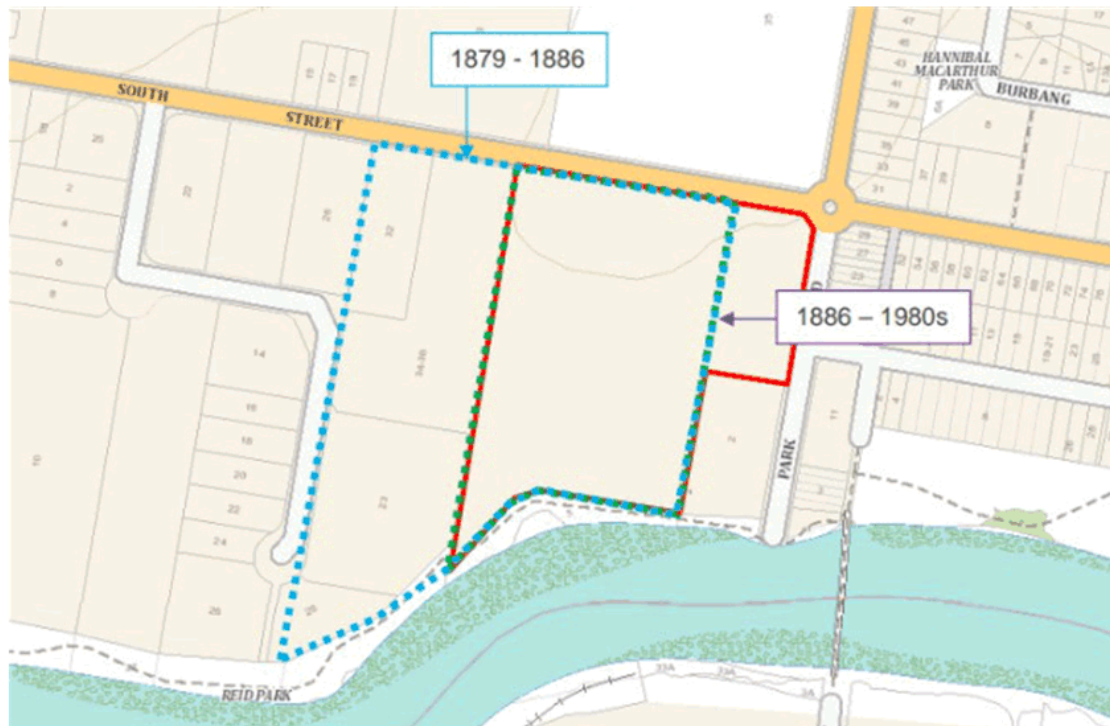
As a result of previous lot consolidation dating to the 1980s, the whole of the Metro Centre site is subject to this heritage listing by being both mapped and described as a heritage item under Schedule 5 of the Parramatta LEP 2023. This is despite Truganini House and its immediate associated curtilage only occupying a small area within the broader Metro Centre property on the eastern boundary of the site.

Based upon historical research prepared by Urbis, the existing heritage curtilage does not reflect the original historical curtilage of Truganini House as:

- The exact date of construction of Truganini House is unknown. However, it is likely that Truganini House was constructed in two stages possibly during Isaac Waugh’s ownership from 1879 and during Thomas Williamson’s ownership from 1886. In either case, Truganini House had reached its present size by 1893.
- The historical curtilage most relevant and significant is that which conformed with the original subdivision of the site from the Vineyard Estate subdivision of 1879 and the associated occupation by Issac Waugh (1879-1883), Andrew McCulloch (1883-1886) and Thomas Williamson (1886-1906). These curtilages are outlined in blue and green in **Figure 4**. The two lots located directly to the east of these lots did not form part of the existing site until the 1980s when these lots were consolidated to form the present-day lot.
- The original landscape and setting of Truganini House has been irrevocably altered since the rezoning of South Street to industrial use during the 1930s. Since this time, the site of Truganini House has been surrounded by industrial development, the latest iteration being constructed during the 1980s for the present day Metro Centre.

- No remains of the original late nineteenth century landscape are left present at the site, nor are any other indications of either the 1879 or 1886 subdivision patterns, due to the site being subdivided and consolidated over the course of the twentieth century. This highlights that the existing heritage curtilage does not reflect either of the historical subdivision patterns of Truganini House.
- Given these changes over time and remnant physical evidence of the original estate, it is noted considered that the existing heritage listing curtilage (illustrated in **Picture 2**), nor the two historical subdivision curtilages (illustrated in **Figure 4**) are appropriate in reflecting the site's heritage values.

Figure 4 Historical subdivision patterns of the site



Source: Urbis Heritage

2.1.2.1. Statement of Heritage Significance

The existing statement of significance for the heritage item is as follows and has been extracted from the State Heritage Inventory form for the subject site:

Truganini house, at 38 South Street is of significance for the local area for historical and aesthetic reasons, and as a representative example of quality houses of the Victorian period in the area. The house retains a great degree of integrity when viewed from the publicly accessible areas, and makes an important contribution to the area character.

The identified significance of the place is attributed to the house itself, and does not include the broader Metro Centre property, or discuss historical curtilages or landscape settings. These associated factors have been eroded, and the statement of significance rightly focuses on the only physical evidence remaining, which is the house itself.

2.1.3. Coastal Wetlands

The southern portion of the site is in proximity to the Parramatta River and coastal wetlands, as illustrated in **Figure 5**. The *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)* mapping therefore identifies:

- The whole site within the coastal use area
- The whole site within the coastal environment area
- The southern portion of the site within the 'proximity area for coastal wetlands'

It is noted that areas identified as coastal wetlands within the meaning of the Resilience and Hazards SEPP limits opportunities for complying development. Assessment of the impacts on coastal wetlands will form part of any CDC application for the site.

Figure 5 Resilience and Hazards SEPP coastal wetlands mapping



Source: NSW Planning

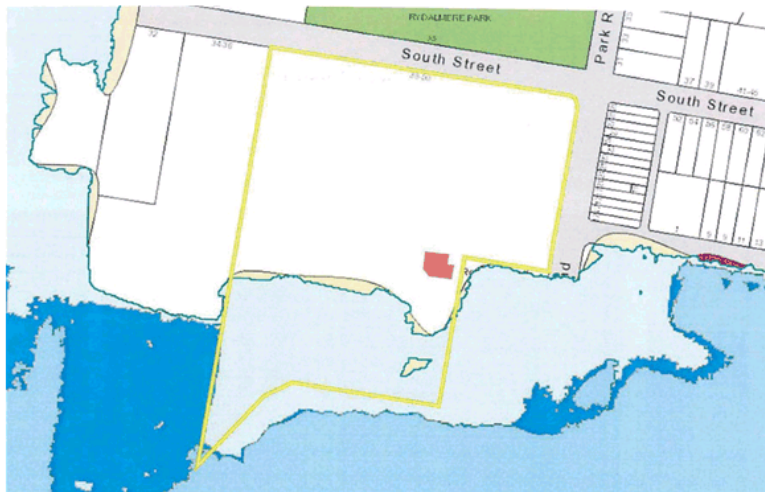
2.1.4. Flooding

Council has identified the southern portion of the site is identified as being flood prone within previous development consents, specifically DA/386/2018 and DA/523/2020. This generally aligns with the portion of the site identified as 'proximity area for coastal wetlands' in **Figure 5**.

An extract of the flood map from the assessment report of DA/386/2018 is provided in **Figure 6**.

It is noted that areas of flood prone land have implications for complying development pathways.

Figure 6 DA/386/2018 flood mapping



Source: City of Parramatta

2.1.5. Access and Connection

The site is located within an existing employment centre making it well connected and accessible. Metro Centre Rydalmere is a business park in a key location connected to major arterial roads including Victoria Road, Silverwater Road, James Ruse Drive and the M4 Motorway.

The site has existing accessways, including truck access, and on-site parking. Parramatta River, schools, universities, hospitals, social, retail and industry services are all easily accessible to the site. Parramatta CBD is conveniently located further west of the site, accessed via Victoria Road.

2.2. SITE CONTEXT

2.2.1. Local Context

The site is situated within the Rydalmere local centre located to the east of Parramatta CBD. The surrounding local centres in proximity to the Metro Centre include Telopea to the north, Ermington to the east, and Rosehill to the south on the opposite side of the river.

The Precinct has access to Victoria Road, a major road corridor to service the area. In addition, the introduction of the Parramatta Light Rail will further provide connectivity to the precinct, particularly at the Western Sydney University Campus at Rydalmere.

Rydalmere is identified as having one of the largest concentrations of employment lands in the LGA. The City of Parramatta identifies the precinct as a Metropolitan Significant Strategic Employment Lands for industrial uses to cater to the needs of increased employment. Further north of the precinct are areas for low-density, suburban areas.

2.2.2. Surrounding Development

The immediately surrounding development includes:

- **North:** Immediately north of the site is South Street. On the opposite side of the street is Rydalmere Park which consists of cricket nets, bowling greens connected to a club, and a carpark.
- **East:** Park Road aligns with the eastern boundary of the site. On the opposite side of the road are smaller format warehouses and industry buildings.
- **South:** Immediately south of the site is Parramatta Valley Cycleway, which follows along the Parramatta River corridor located adjacent. Opposite the river, further south, are warehouse and distribution centres.
- **West:** The adjacent site to the west is made up of large format warehouse and industrial buildings similar to the site.

3. STATUTORY CONTEXT

3.1. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

The Parramatta LEP 2023 is the principle environmental planning instrument governing development on the site. The following provisions are applicable to the subject land.

3.1.1. Land Use Zoning

The site is zoned E4 General Industrial in accordance with the Parramatta LEP 2023. The relevant zone objectives include:

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To encourage a range of tourism, recreation, function centres and entertainment uses near major community infrastructure.*
- *To create an accessible and safe public domain.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure development is carried out in a way that does not adversely affect the amenity of adjoining residential areas.*
- *To provide for automotive businesses, trades and services to reinforce existing uses of land.*
- *To encourage the creation of well-designed and sustainable business park developments.*
- *To encourage a range of office uses.*
- *To minimise adverse effects on the natural environment.*

3.1.2. Building Height

The site has a maximum building height of 9 metres on the southern portion of the site and 12 metres on the northern portion of the site in accordance with clause 4.3 of the Parramatta LEP 2023.

3.1.3. Floor Space Ratio

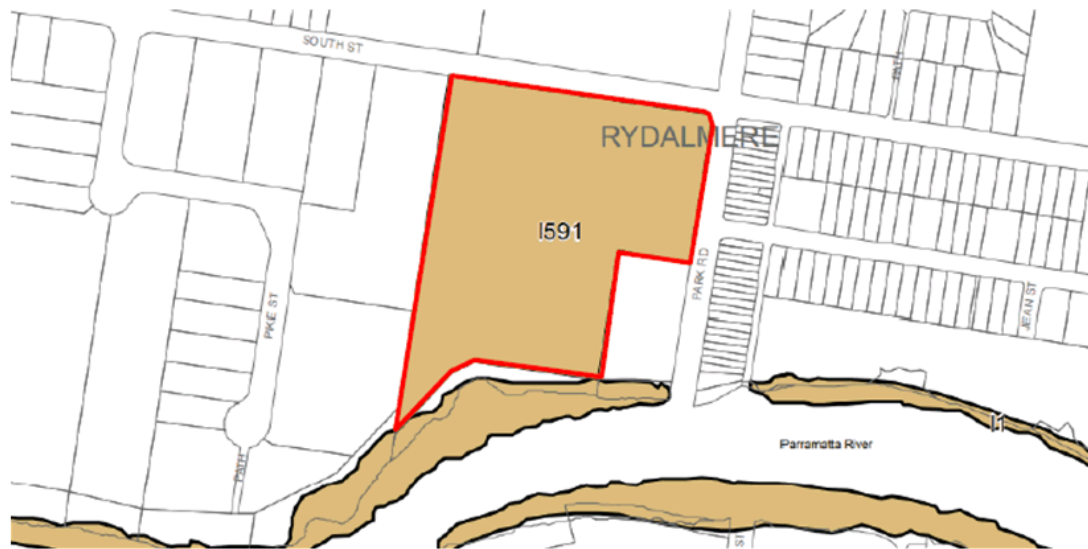
The site has a maximum floor space ratio of 1:1 in accordance with clause 4.4 of the Parramatta LEP 2023.

3.1.4. Heritage Conservation

The site is identified as a heritage item, known as "Truganini House and grounds" (item no. 591) located at 38–50 South Street at Lot 10, DP 774181, as shown in **Figure 7**.

There are also a number of heritage items in proximity to the site, including a local heritage listing for 'Wetlands' (Item no. 11) along the Parramatta River to the south.

Figure 7 Parramatta LEP 2023 heritage mapping



Source: Parramatta LEP 2023

3.1.5. Acid Sulphate Soils

The site is identified as containing Class 5 acid sulphate soils in accordance with clause 6.1 of the Parramatta LEP 2023.

3.2. PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Parramatta Development Control Plan 2011 provides the detailed development controls which apply to land across a portion of the Parramatta local government area. The key controls which are relevant to the site and the requested Planning Proposal are summarised below:

- Section 2.4 – Site considerations
- Section 3.5 – Heritage
- Section 4.3.1 – Camellia and Rydalmere

4. PLANNING PROPOSAL ASSESSMENT

The Planning Proposal request has been prepared in accordance with Section 3.33 of the EP&A Act and the DPE guidelines 'Local Environmental Plan Making Guidelines' dated August 2023.

This section outlines the vision, objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes. The justification and evaluation of impacts is subsequently set out.

4.1. PART 1 - OBJECTIVES AND INTENDED OUTCOMES

Objective

To amend the Parramatta LEP 2023 to amend the item name and property description of the heritage item 'Truganini House and grounds' to accurately reflect and define the heritage curtilage.

Intended Outcome

The intended outcomes are:

- Foster a better understanding of the heritage significance of Truganini House and those elements which provide a meaningful contribution to the heritage significance. We believe that this will enable these specific elements to be better protected and appreciated in the future and provides a clearer understanding of what is important and what is not from a heritage perspective.
- Enable DEXUS and its tenants to undertake minor works to non-significant elements on the site under practical and more cost effective/time efficient planning pathways such as Complying Development Certificate (CDC – subject to advice from a qualified Certifier), where those works will not impact anything of heritage significance.
- Improve opportunities for industrial land within Parramatta Local Government Area (LGA) to remain productive and competitive.
- Retain employment lands in the Central City District and the Greater Parramatta to Olympic Peninsula Economic Corridor.

4.2. PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the Planning Proposal will be achieved by an amendment to Schedule 5 of the Parramatta LEP 2023 and Heritage Map, including:

1. Amend the item name to 'Truganini House and immediate riverfront setting' within Schedule 5 of the Parramatta LEP 2023 to define the heritage curtilage.
2. Amend the property description and LEP mapping within Schedule 5 of the Parramatta LEP 2023 to reflect the location of Truganini House as 'Part Lot 10 Deposited Plan 774181'.

All other planning controls applying to the site will remain unchanged. Rectifying the error of the current heritage listing will provide a more accurate planning instrument and reduce potential delays on the site associated with development of the industrial buildings within the broader site boundaries.

As noted in the Heritage Impact Statement prepared by Urbis (**Appendix A**), the proposed amendments are based on the following considerations:

- Inclusion of those elements on the site which are considered to have heritage value and reflect the identified significance of the heritage item.
- A visual inspection of the development in the immediate vicinity.
- The logical axis' created by the configuration of the surrounding roads which already serve as a buffer around the dwelling.
- Retention of the associated garden areas to the immediate east and south west of the house which provide a setting for the building
- Potential future requirements to undertake works to the roads around the house.

- Consideration of a visual setting and curtilage for the house.

Overall, the proposed curtilage of the heritage item encompasses the fabric of heritage significance on the site, and the immediate landscaped gardens which are associated with Truganini House. The recommended heritage curtilage for Truganini House and riverfront setting is illustrated in **Figure 8**.

Figure 8 Recommended heritage curtilage for Truganini House



Source: Urbis Spatial

4.2.1. Proposed Amendment

Specifically, Schedule 5 Environmental Heritage, Part 1 Heritage items is to be amended as follows:

Listing	Suburb	Item Name	Address	Property Description	Significance
<u>Current Listing</u>	Rydalmere	Truganini House and grounds	38–50 South Street	Lot 10, DP 774181	Local
<u>Proposed Listing</u>	Rydalmere	Truganini House and grounds riverfront setting	38–50 South Street	Part Lot 10, DP 774181	Local

The proposed LEP map amendment is provided in **Section 4.4**.

4.3. PART 3 - JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

The DPE 'Local Environmental Plan Making Guideline' outlines the matters for consideration when describing, evaluating and justifying a proposal. This considers two criteria, being strategic merit and site-specific merit. The consistency of the Planning Proposal with the assessment criteria is set out in the following sections.

In summary, the Planning Proposal will give effect to the Greater Sydney Region Plan, the Central City District Plan and the Parramatta Local Strategic Planning Statement which emphasises the importance of industrial landholdings in contributing to the economic productivity of the region. The Proposal does not seek to respond to a change in circumstances, rather seeks to rectify an inaccurate representation of the heritage significance of the item in the local environmental planning instrument.

The site also demonstrates site-specific merit as the amendment will not result in adverse impacts on the natural environment, will not result in a change to the pattern of land uses on the site and surrounding context, and will have no impact on existing services and infrastructure. The amendment to the heritage listing will have no adverse impact on the significance of the heritage item.

The strategic and site specific merit is explored in response to the relevant matters for consideration below.

Section A – Need for the planning proposal

Q1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

The Planning Proposal is not the direct result of any strategic study or report. The listing of the heritage item has been identified from a review of the Parramatta LEP 2023 and the inaccurate mapping and listing of the significance of the item.

The amendment will give effect to local strategic policies as outlined in the following sections of this report.

Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal is the best means of achieving the objectives and intended outcomes. An amendment to the Parramatta LEP 2023 is required to rectify the item name, heritage curtilage and property description of the heritage listing.

The proponent wrote to Council to request inclusion within the Parramatta Harmonisation LEP (refer **Section 1.2**), however Council advised the most appropriate process would be a spot-rezoning for the site.

The current heritage mapping inaccurately includes contemporary industrial land on the site, which is burdened unnecessarily by the site-wide heritage listing. The amendment will ensure the heritage significance of Truganini House is protected by providing accurate planning controls, without impacting the viability of the employment generating uses in the broader site.

In a competitive market, it is challenging to secure tenants on the site because of the inability to utilise the CDC pathway for fit outs. Correcting the definition of the heritage curtilage of Truganini House will simplify and streamline the planning process to undertake minor works and consequently improve ongoing opportunities for investment and business activity on the site. This will ensure the ongoing retention, management and viability of the industrial land consistent with the strategic direction of the Rydalmere industrial precinct, GOP and broader Central River City.

Section B – Relationship to strategic planning framework

Q3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, of district plan or strategy (including any exhibited draft plans or strategies)?*

Greater Sydney Region Plan

The Planning Proposal is consistent with the Greater Sydney Region Plan (GSRP) as the changes are of minor significance. The amendment responds directly to Direction 5 and Direction 7 of the GSRP as outlined in **Table 4**.

Table 4 Consistency with GSRP

Strategic Plan	Consistency
Direction 5: A City of Great Places	
<i>Objective 13: Environmental heritage is identified, conserved and enhanced</i>	The proposal aligns with this objective as it will continue to protect the heritage significance of Truganini House by amending the heritage listing to reflect only significant fabric including the immediate riverfront setting surrounding the house. This approach provides controls which remain sympathetic to the heritage character of the item without impacting the viability of the employment generating uses on site.
Direction 7: Jobs and Skills for the City	
<i>Objective 22: Investment and business activity in centres</i>	The GPOP is the focus of future economic growth, investment as well as increased levels of development and amenity. The site is in a key location which will continue to support economic growth by delivering increased employment and jobs in proximity to strategic centres. The proposal aligns with this objective. In a competitive market it is difficult to secure tenants on the site because they cannot do CDCs for fit outs. Better defining the heritage curtilage of Truganini House will simplify and streamline the planning process to undertake minor works and consequently improve ongoing opportunities for investment and business activity on the site.
<i>Objective 23: Industrial and urban services land is planned, retained and managed</i>	Greater Sydney is greatly supported by manufacturing generated by industrial and urban services land. As such, it is critical to encourage the retention of industrial lands as well as plan for future land uses. The proposal aligns with this objective by seeking to amend the heritage description of the site to improve opportunities for this significant industrial land to be retained, managed and respond to market conditions. The current heritage mapping inaccurately includes contemporary industrial lands, which are burdened unnecessarily (so CDCs cannot be utilised) by the current heritage listing which applies to the entire site.

Central City District Plan

The site is located within the Central City District and as such the proposal has regard to the Central City District Plan (**District Plan**). The Central City District is well positioned as a transition between the Eastern Harbour City and the future Western Parkland City.

The Planning Proposal is consistent with the District Plan as the changes are of minor significance. The amendment responds directly to the Liveability and Collaboration priorities of the District Plan as outlined in **Table 5**.

Table 5 Consistency with District Plan

Strategic Plan	Consistency
Liveability	

Strategic Plan	Consistency
<i>Planning Priority C6: Creating and renewing great places and local centres, and respecting the District's heritage</i>	As noted above, the proposal aims to maintain development standards which reflect the heritage significance of Truganini House in a way which does not impede on the ability to undertake complying development for industrial and office buildings within the existing Metro Centre.
Collaboration	
<i>Planning Priority C8: Delivering a more connected and competitive GPOP Economic Corridor</i>	An additional 110,000 jobs are forecasted within the GPOP by 2036. The proposal will result in improved planning pathways available to existing contemporary office and warehouse buildings within the existing Metro Centre industrial park. This will ensure the site remains market competitive and consequently retain employment opportunities within the GPOP.
<i>Planning Priority C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land</i>	The District Plan aims to safeguard existing industrial lands within the Central District. The proposal supports this priority by retaining and improving the opportunity to provide a range of manufacturing and other advanced employment services within contemporary industrial buildings in Rydalmere via practical, more time efficient and less costly planning pathways such as CDCs which are currently not available.

Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

City of Parramatta Local Strategic Planning Statement

The Planning Proposal has been prepared in accordance with the City of Parramatta Local Strategic Planning Statement (LSPS) City Plan 2036. The LSPS provides the strategic framework for Parramatta and builds upon its role as a Metropolitan Centre of Sydney's Central River City. The vision seeks to create the Central City for Greater Sydney by supporting the transformation of Parramatta into a vibrant metropolis. The LSPS outlines the importance to ensure employment growth is facilitated within the GPOP.

The Planning Proposal is consistent with the LSPS Local Planning Priorities as outlined in **Table 6**.

Table 6 Consistency with LSPS

LSPS Priority	Consistency
<i>4. Focus housing and employment growth in the GPOP and Strategic Centres; as well as stage housing release consistent with the Parramatta Local Housing Strategy.</i>	The site is identified within the LSPS as a key employment precinct. The proposed amendment seeks to strengthen the site's employment opportunities by amending the current heritage mapping to introduce new planning pathways including complying development for minor works.
<i>9. Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs.</i>	The proposal will revise the heritage listing for the item to ensure the listing includes elements on the site which are considered to have heritage value and reflect the identified significance of the heritage item. The proposed curtilage has regard to an appropriate consideration of a visual setting to enable the appreciation of the

LSPS Priority	Consistency
	heritage item, whilst enabling the recognition of the surrounding elements of the site which have no heritage significance.
<p>11. Build the capacity of the Parramatta CBD, Strategic Centres, and Employment Lands to be strong, competitive and productive</p> <p>12. Retain and enhance Local Urban Service Hubs for small industries, local services and last-mile freight and logistics</p>	<p>These priorities identify key areas of focus or actions to drive productivity for the LGA. The objective for the productive city is to grow local jobs by positioning Parramatta as a global centre for business and investment. The site is located in a prime location to support the growth of the centres and employment lands and as such the proposal to amend the listing will enable a more streamlined assessment planning pathway for the nonheritage industrial buildings on the site.</p> <p>The current heritage listing restricts the ability of this important industrial site to effectively support these important priorities. The proposed amendment will ensure the existing industrial site can deliver upon these priorities in an efficient manner.</p>

Parramatta Employment Lands Strategy

The *Parramatta Employment Lands Strategy* provides a set of land use planning actions and recommendations to guide the future of Parramatta's Employment Lands Precincts. 'Employment lands' includes all land that is zoned for industry and/or warehouse uses include manufacturing, transforming and warehousing; service and repair trades and industries; integrated enterprises with a mix of administration, production, warehousing, research and development; and urban services and utilities.

The Planning Proposal is consistent with the Parramatta Employment Lands Strategy as outlined in **Table 7**.

Table 7 Consistency with Parramatta Employment Lands Strategy

Planning Priority	Consistency
A1 – Protect Strategically Important Employment Lands Precincts	The proposal delivers on the actions of this strategy by seeking to retain and protect strategically important employment lands precincts. The proposal will help facilitate planning pathways to enable uses/works which generate jobs and industrial development.
A8 – Structure Plan precincts will not result in a decrease to employment density	The proposal aligns with this vision, seeking to amend the existing heritage curtilage so that it more appropriately reflects the historical value of the site and removes the unnecessary burden that the inaccurate heritage curtilage places on this important industrial site.

Q5. *Is the planning proposal consistent with applicable State and regional studies or strategies?*

The Planning Proposal is a minor amendment that applies specifically to the site and an inaccurate heritage description. The Planning Proposal is therefore not inconsistent with State and regional studies.

Q6. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Yes. The Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPP) as identified and discussed in **Table 8**, due to the proposed changes being of minor significance and relating specifically to the heritage listing of the site.

Table 8 Consistency with SEPPs

State Environmental Planning Policy	Comment
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Precincts – Regional) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Precincts – Central River City) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i>	Not applicable.
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	<p>The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP.</p> <p>The alteration to the heritage listing will enable use of the CDC pathway for appropriate development within the broader industrial site. As discussed in Section 2, it is noted that the southern boundary of the site is identified as within the proximity area for coastal wetlands under the Resilience and Hazards SEPP and as flood prone land within Council documents. As such, CDC will remain limited on the southern portion of the site.</p> <p>As the CDC pathway does not apply to heritage listed items, this pathway will not be utilised for any works to the revised listing of Truganini House and immediate gardens, as proposed under this Planning Proposal.</p>
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	Not applicable.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Not applicable.

State Environmental Planning Policy	Comment
<i>State Environmental Planning Policy (Housing) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP. The southern boundary of the site is identified as within the proximity area for coastal wetlands under the Resilience and Hazards SEPP. This mapping will not be impacted by the Planning Proposal.
<i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</i>	Not applicable.
<i>SEPP No. 65 Design Quality of Residential Apartment Development</i>	Not applicable.
<i>State Environmental Planning Policy (Primary Production) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Resources and Energy) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Not applicable.
<i>Draft Environment SEPPs</i>	Not applicable.

Q7 *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

Yes. The Planning Proposal is consistent with relevant Ministerial directions under section 9.1 of the EP&A Act as identified and summarised in **Table 9**, due to the proposed changes being of minor significance and relating specifically to the heritage listing of the site.

Table 9 Consistency with Section 9.1 Directions

Local Planning Directions	Assessment
1.1 Implementation of Regional Plans	The Planning Proposal is consistent with this Direction as the changes are of minor significance. The consistency of the proposal with the strategy, goals, directions and actions contained within the Greater Sydney Region Plan is outlined in Table 4 .
1.2 Development of Aboriginal Land Council Land	Not applicable.

Local Planning Directions	Assessment
1.3 Approval and Referral Requirements	This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The relevant requirements of this direction have been considered in the preparation of this Planning Proposal and proposed LEP amendment. As outlined in Section 1.2 , pre-lodgement consultation with Council has confirmed a Planning Proposal is the most appropriate method of amending the controls and acknowledged that the amendment has strategic merit.
1.4 Site Specific Provisions	This Planning Proposal seeks to amend the site-specific heritage listing applicable to the site to ensure the listing accurately identifies elements of heritage significance on the site. This is consistent with the objective of the direction is to discourage unnecessarily restrictive planning controls.
1.5 – 1.22	Not applicable.
3.1 Conservation Zones	The Planning Proposal does not seek to reduce the conservation standards that apply to the land under the Resilience and Hazards SEPP and the Parramatta LEP 2023.
3.2 – 3.10	Not applicable.
4.1 Flooding	This Planning Proposal does not seek to create, remove or alter a zone or a provision that affects the site, which is identified as flood prone land.
4.2 Coastal Management	This Planning Proposal does not seek to rezone the site to enable increased development or a more intensive land use on the site which is identified as within a coastal use area. There are no changes proposed to the coastal use area map, coastal environment area map or coastal wetlands map of the Resilience and Hazards SEPP.
4.3 – 4.6	Not applicable.
5.1 – 5.4	Not applicable.
6.1 – 6.2	Not applicable.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable.
7.1 Business and Industrial Zones	The site is zoned E4 General Industrial. This Planning proposal will not reduce the total potential floor space area for industrial uses in the E4 zone. The amendment will enable future development of the site where appropriate to support the ongoing use of the site for industrial purposes.
7.2 – 7.3	Not applicable.

Local Planning Directions	Assessment
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable.
9.1 – 9.4	Not applicable.

Section C – Environmental, Social and Economic Impact

Q8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

As the nature of the proposed LEP amendment relates to clarifying the description and mapping of a heritage listing to precisely relate to items of heritage significance, it is unlikely that any critical habitats, threatened species or their habitats will be adversely affected as a result of the Planning Proposal.

Q9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Based on historical research prepared by Urbis (refer to **Appendix B**), the existing heritage curtilage does not reflect the original historical curtilage of Truganini House, nor is it considered to reflect the identified significance of the place appropriately. The original landscape and setting of Truganini House has been irrevocably altered since the use of the site as industrial was commenced during the 1930s. Since this time, the site of Truganini House has been surrounded by industrial development, the latest iteration being constructed during the 1980s. No remains of the original late nineteenth century landscape are left at the site, nor are any other indications of either the 1879 or 1886 subdivision patterns, due to the site being subdivided and consolidated over the course of the twentieth century. It is thus considered that the existing heritage curtilage of Truganini House does not reflect either of the historical subdivision patterns of Truganini House and the retention of the existing heritage curtilage, as mapped in the Parramatta LEP 2023 is unfounded and is merely based on the consolidated lots established in the 1980s.

As such, there is not anticipated to be adverse environmental effects including on the heritage significance of Truganini House as a result of the Planning Proposal.

Q10. *Has the planning proposal adequately addressed any social and economic effects?*

A revision to the Parramatta LEP 2023 will result in a more accurate LEP and will reduce potential delays and obstacles for future development on the industrial site through use of the CDC pathway. This will result in positive social and economic effects for the Parramatta LGA by enabling future development of the site where appropriate and supporting the ongoing use of the site for industrial purposes.

The ability to utilise more streamlined pathways will make the site a more attractive investment option for prospective tenants, thereby increasing the economic productivity, employment growth and viability of the site as an industrial land parcel. The Planning Proposal will therefore have positive social and economic benefits for the broader community. It is considered that the proposal has addressed social and economic impacts and is in the public interest.

4.3.1. Section D – Infrastructure (Local, State and Commonwealth)

Q11. *Is there adequate public infrastructure for the planning proposal?*

There is adequate public infrastructure for the site.

Section E – State and Commonwealth interests

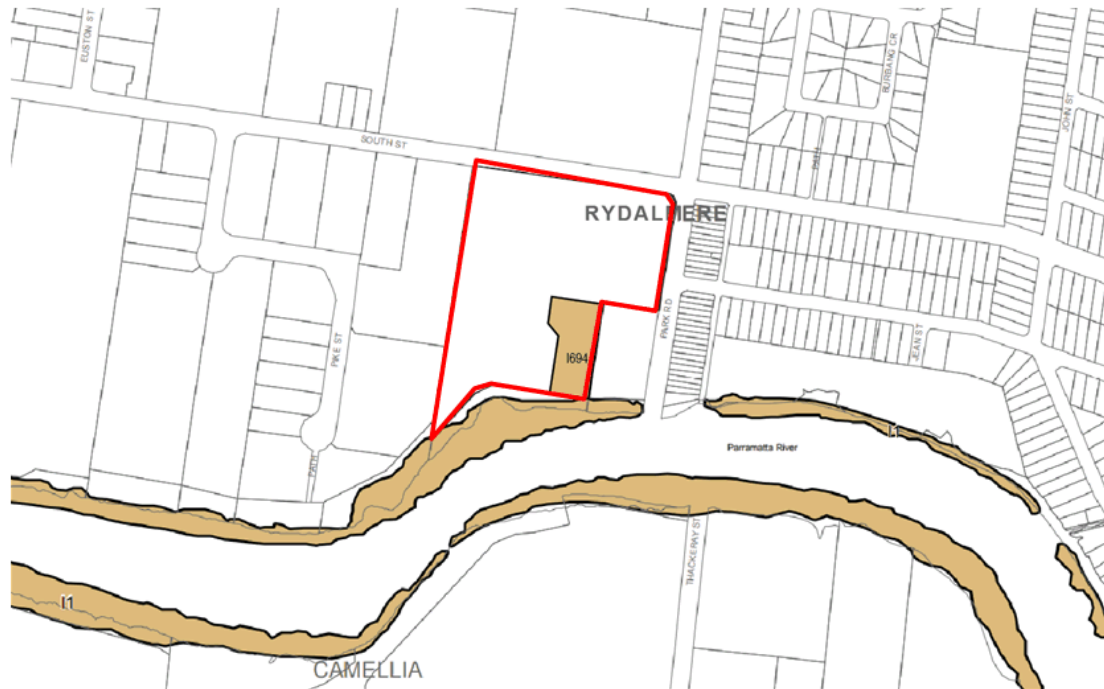
Q11. *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

4.4. PART 4 - MAPS

The Parramatta LEP 2023 Heritage Map is to be amended as part of the Planning Proposal. The proposed heritage map is provided in **Figure 9** and **Appendix B**.

Figure 9 Proposed Heritage Map



Source: Urbis

4.5. PART 5 - COMMUNITY CONSULTATION

The preliminary consultation that has been undertaken is outlined in **Section 3** of this report. The consultation at this stage has been limited to Council.

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be publicly exhibited for at least 28 days in accordance with the requirements of the DPE guidelines 'A Guide to Preparing Local Environmental Plans'.

It is anticipated that the public exhibition would be notified by way of:

- A public notice in the local newspaper(s).
- A notice on the Council website.
- Written correspondence to adjoining and surrounding landowners.

The gateway determination and Planning Proposal would be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

4.6. PART 6 - PROJECT TIMELINE

The following table sets out the anticipated project timeline in accordance with the DPE guidelines. The key milestones and overall timeframe will be subject to further detailed discussions with Council and the DPE.

Table 10 Anticipated Project Timeline

Process	Indicative Timeframe
Consideration by Council	January – February 2024
Council decision	March 2024
Gateway Determination	April 2024
Pre-exhibition	May - June 2024
Public exhibition period	July 2024
Consideration of submissions	August 2024
Report Planning Proposal to Council	September 2024
Submission to DPE for finalisation	September 2024
Gazettal of LEP amendment	October 2024

5. CONCLUSION

This Planning Proposal request to amend the Parramatta LEP 2023 as it applies to the local heritage listing of Truganini House and grounds at 38-50 South Street, Rydalmere, has been prepared in accordance with the relevant provisions of the EP&A Act, the regulations, applicable Local Planning Directions and the August 2023 DPE 'Local Environmental Plan Making Guideline'. There are precedents within the Parramatta LGA for partial lots to be identified as the listed heritage item. The amendment seeks to follow this method for the site.

The Planning Proposal has been assessed against relevant State and local planning considerations including relevant Strategic Merit Tests. The Planning Proposal is justified on planning merits for the reasons summarised as follows:

- Pre-lodgement feedback from Council demonstrated support for the proposal to review the heritage mapping for Metro Centre Rydalmere and acknowledged the strategic merit of the proposal.
- Rectifying the error of the current heritage listing will provide a more accurate planning instrument and reduce potential delays for tenants on the site associated with development of the industrial buildings within the broader site boundaries.
- The amendment will result in positive social and economic effects for the Parramatta LGA by enabling future development of the site where appropriate and supporting the ongoing use of the site for industrial purposes.
- The current heritage mapping inaccurately includes contemporary industrial land on the site, which is burdened unnecessarily by the site-wide heritage listing. The amendment will ensure the heritage significance of Truganini House is protected by providing accurate planning controls and providing the opportunity to streamline the planning process for industrial lots to undertake minor works through the CDC pathway, where available. This will ensure the ongoing retention, management and viability of the industrial land consistent with the strategic direction of the Rydalmere Industrial Precinct, GOP and broader Central River City.

For these reasons, we submit that Parramatta City Council resolve to recognise the merits of the proposal and initiate the amendment process under Section 3.4 of the EP&A Act and seek a 'Gateway Determination' from DPE.

DISCLAIMER

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

HERITAGE IMPACT STATEMENT

APPENDIX B

PROPOSED LEP MAPPING

APPENDIX C

SCOPING MEETING MINUTES



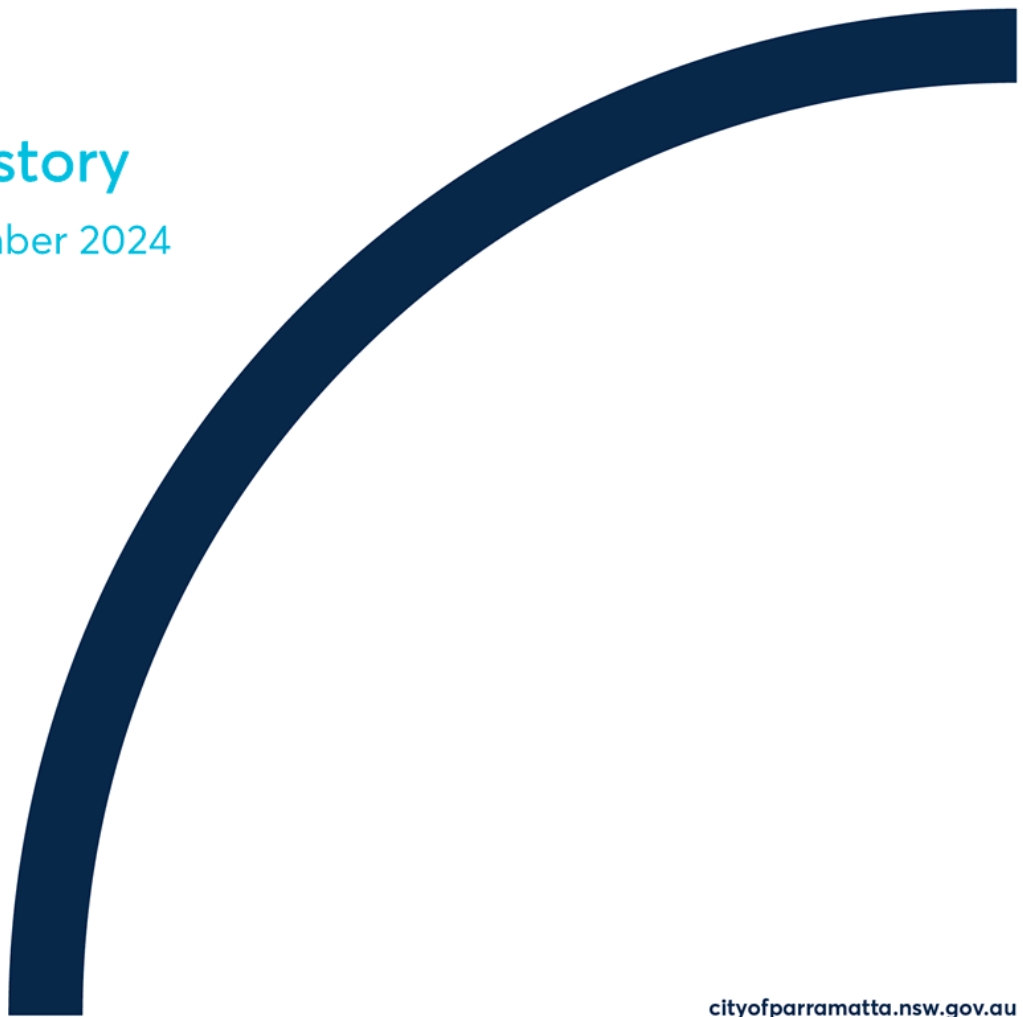
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38-50 South Street, Rydalmere

Site History

25 September 2024



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38-50 South Street, Rydalmere

Site History

25 September 2024

cityofparramatta.nsw.gov.au

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1. Site History

SITE HISTORY

1. According to research undertaken by Council's Heritage Visitor Centre, Truganini House was one of several houses built along the riverbank during the 1800s and associated with the landholding held by Hannibal Hawkins Macarthur (Cathy McHardy, Parramatta History and Heritage, City of Parramatta Council 2015). Truganini House originally comprised a 10-bedroom sandstone homestead, garden, lawns, tennis courts, boathouse, and servants' quarters.
2. Truganini House comprises several conjoined buildings with the oldest section constructed of sandstone and is "highly significant as it is possibly the only tangible link with Macarthur's vast property" (Cathy McHardy, Parramatta History and Heritage, City of Parramatta Council 2015). The Statement of Significance included under the State Heritage Register listing states that Truganini House "is of significance for the local area for historical and aesthetic reasons, and as a representative example of quality houses of the Victorian period in the area". Furthermore, Truganini House "retains a great degree of integrity when viewed from the publicly accessible areas and makes an important contribution to the area character".
3. In 1878, the original estate was subdivided by the Catholic Church, which formed part of the "Vinyard Estate" (**Figures 1 and 2**). The historical subdivision (outlined in blue in **Figure 2**) had a site area of approximately 8.29 hectares. Truganini House then continued to be used as a residential dwelling from 1924 to 1946.
4. In 1946, the site (and much of Rydalmere) was zoned for industrial land use under the County Cumberland Scheme. According to the applicant's Heritage Impact Statement (HIS), the (then) owners (International Combustion Pty Ltd) requested Truganini House be preserved whereby it was then converted into the company's main office.
5. Truganini House and grounds was first listed as a local heritage item in December 2003 under Schedule 6 of the *Sydney Regional Environmental Plan No 28—Parramatta (1999 EPI 444)*, almost a decade after the site was fully developed with industrial uses.
6. In 2019, Truganini House was converted into its current use as a childcare centre for 55 children pursuant to DA/368/2018.



Figure 1: Original estate (1820-1834), with the approximate location of the subject site circled in red (Source: SLNSW, *The Field of Mars, M Maps/0033*).



Figure 2: Subdivision plan of the "Vineyard Estate" (1878) with the approximate location of the subject site outlined in red and the historic subdivision outlined in blue (Source: SLNSW, *Parramatta Subdivision Plans, Z/SP/P6/167*).

2. References

- 'The Story of Truganini House, Rydalmere', City of Parramatta Council 2015, <https://historyandheritage.cityofparramatta.nsw.gov.au/blog/2015/10/20/the-story-of-truganini-house-rydalmere>
- Truganini House, State Heritage Inventory 2002, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2240522>



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HERITAGE IMPACT STATEMENT

38-50 South Street,
Rydalmere NSW 2116

Prepared for
DEXUS PROPERTY SERVICES PTY LIMITED
4 September 2023

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Project Code	P0039547		
Report Number	01	13.12.2023	Draft
	02	4.09.2024	Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

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EXECUTIVE SUMMARY

Urbis has been engaged by Dexu Property Services Pty Limited to prepare the following Heritage Impact Statement (HIS) to accompany a Planning Proposal to amend the existing heritage listing for the subject property at 38-50 South Street, Rydalmere (hereafter referred to as the 'subject site').

The site is currently listed as Item 694 under Schedule 5, Part 1 of the *Parramatta Local Environmental Plan (LEP) 2023* as *Truganini House and grounds*, covering the whole of Lot 10, DP 774181.

Based on historical research prepared by Urbis, the existing heritage curtilage does not reflect the original historical curtilage of Truganini House, nor is it considered to reflect the identified significance of the place appropriately.

A detailed historical analysis, curtilage review and impact assessment are included in this report to inform the proposed heritage listing changes within this Planning Proposal. This Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the *Parramatta LEP 2023*. It does not apply for any physical works to be undertaken, and it limited to an administrative application only.

Having regard to the Council's pre-and post-lodgement feedback, and the analysis contained in this report, Urbis propose the following heritage listing amendments in this Planning Proposal:

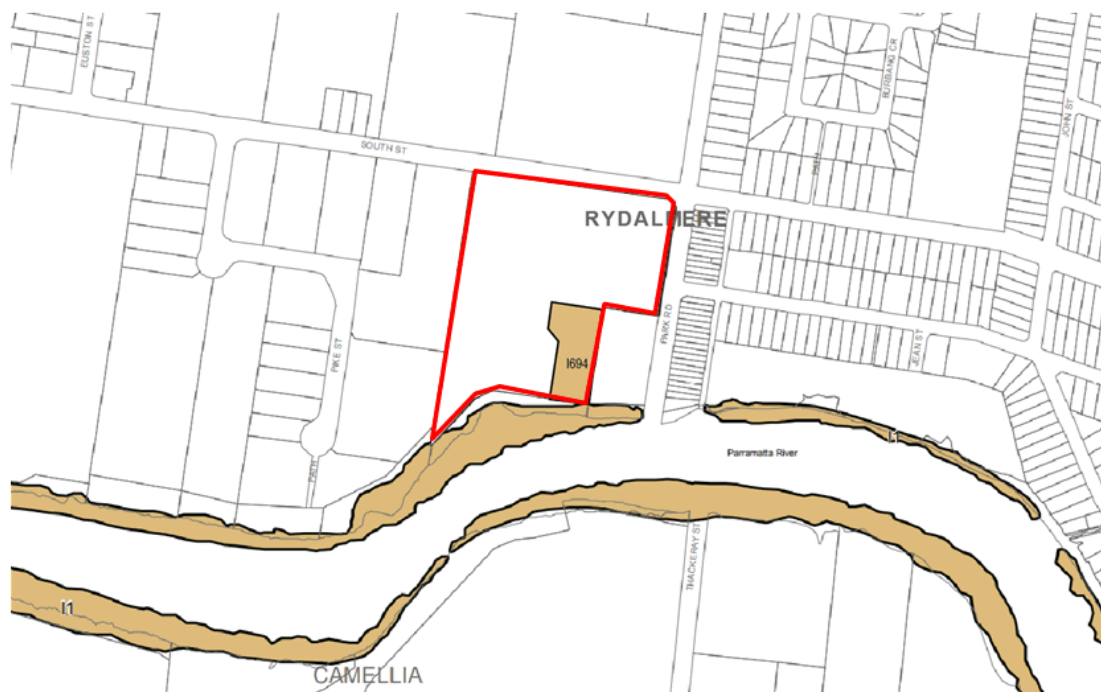


Figure 1 Proposed heritage curtilage to be adopted in the Heritage Map for *Parramatta LEP 2023*, subject site outlined in red.

Source: Urbis

We proposed the following amendments to Schedule 5, Part 1 of the *Parramatta LEP 2023*.

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Proposed	Truganini House and riverfront setting	Part Lot 10, DP 774181

Whilst Urbis did disagree in principle with the inclusion of land to the south of the House within the amended curtilage during pre-lodgement feedback, we acknowledge Council's feedback and intent. Accordingly, we have amended the proposed curtilage to balance Council's feedback and the curtilage analysis contained within this report, considering the extent of change being sought to the existing curtilage.

We have excluded the adjacent car parking areas to the north. This areas do not contribute to the significance of the heritage item, nor contribute to Council's intended riverfront connection and inclusion of the cafe.

A detailed curtilage assessment and heritage impact assessment of the proposed works has been undertaken in this report. This Planning Proposal is considered to be the best means of conserving the significance of the place, as it appropriately assesses, acknowledges and legislates the significance of Truganini House.

The Planning Proposal is recommended for approval from a heritage perspective.

1. INTRODUCTION

1.1. BACKGROUND & PURPOSE

Urbis has been engaged by Dexus Property Services Pty Limited to prepare the following Heritage Impact Statement (HIS) to accompany a Planning Proposal to amend the existing heritage listing for the subject property at 38-50 South Street, Rydalmere (hereafter referred to as the 'subject site').

The site is currently listed as Item 694 under Schedule 5, Part 1 of the *Parramatta Local Environmental Plan (LEP) 2023* as *Truganini House and grounds*, covering the whole of Lot 10, DP 774181.

Based on historical research prepared by Urbis, the existing heritage curtilage does not reflect the original historical curtilage of Truganini House, nor is it considered to reflect the identified significance of the place appropriately.

A detailed historical analysis, curtilage review and impact assessment are included in this report to inform the proposed heritage listing changes within this Planning Proposal. This Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the *Parramatta LEP 2023*. It does not apply for any physical works to be undertaken, and is limited to an administrative application only.

1.2. METHODOLOGY & LIMITATIONS

This HIS has been prepared in accordance with the Heritage NSW guidelines 'Assessing Heritage Significance', and 'Statements of Heritage Impact'. The philosophy and process adopted is that guided by *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013*.

Site constraints, opportunities and impacts have been considered with reference to the relevant controls and provisions contained within the *Parramatta Local Environmental Plan 2023* (Parramatta LEP) and the *Parramatta Development Control Plan 2023* (Parramatta DCP).

This HIS is limited to the assessment of built heritage impacts of the proposal. It is beyond the scope of this report to assess the archaeological potential of the subject site or assess any potential archaeological impacts as a result of the proposal.

1.3. AUTHOR IDENTIFICATION

The following report has been prepared by Keira Kucharska (Senior Heritage Consultant) and Ashleigh Crisp (Associate Director Heritage). Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

2. SITE DESCRIPTION

2.1. LOCAL CONTEXT

The land to which this Planning Proposal relates to is 38-50 South Street, Rydalmere.

The site is located within the City of Parramatta LGA and is within the Rydalmere industrial precinct, a 104ha industrial precinct characterised by industrial and business uses. It accommodates industrial format buildings in various size, industry, and operation type.

The site is situated within the Rydalmere local centre located to the east of Parramatta CBD. The surrounding local centres in proximity to the Metro Centre include Telopea to the north, Ermington to the east, and Rosehill to the south on the opposite side of the river.

The Precinct has access to Victoria Road, a major road corridor to service the area. In addition, the introduction of the Parramatta Light Rail will further provide connectivity to the precinct, particularly at the Western Sydney University Campus at Rydalmere.

Rydalmere is identified as having one of the largest concentrations of employment lands in the LGA. The City of Parramatta identifies the precinct as a Metropolitan Significant Strategic Employment Lands for industrial uses to cater to the needs of increased employment. Further north of the precinct are areas for low-density, suburban areas.

2.2. SURROUNDING DEVELOPMENT

The immediately surrounding development includes:

- **North:** Immediately north of the site is South Street. On the opposite side of the street is Rydalmere Park which consists of cricket nets, bowling greens connected to a club, and a carpark.
- **East:** Park Road aligns with the eastern boundary of the site. On the opposite side of the road are smaller format warehouses and industry buildings.
- **South:** Immediately south of the site is Parramatta Valley Cycleway, which follows along the Parramatta River corridor located adjacent. Opposite the river, further south, are warehouse and distribution centres.
- **West:** The adjacent site to the west is made up of large format warehouse and industrial buildings similar to the site.

2.3. SITE DESCRIPTION

The Rydalmere industrial precinct is located 3km from the Parramatta CBD and is positioned in a central location within the LGA, with the University of Western Sydney Parramatta Campus and Parramatta CBD to its west, Sydney Olympic Park to its east, Parramatta River to the south and Victoria Road to the north. The Rydalmere industrial precinct is also located along the GPOP economic corridor.

Key details are provided in the table below with a site aerial photograph of the site is provided as **Figure 2**.

Table 1 Site Description

Feature	Description
Street Address	38-50 South Street, Rydalmere
Legal Description	Lot 10 Deposited Plan 774181
Site Area	Approximately 4.5 hectares
Local Government Area	City of Parramatta Council
Street frontages	Primary street frontage of 291 to South Street and 124m to Park Road.



Figure 2 Site in regional context

Source: Urbis

2.4. EXISTING DEVELOPMENT

The site currently accommodates a mixed-use complex known as Metro Centre Rydalmere. It is comprised of modern, high-quality office and industrial warehouses for a range of businesses. There are numerous contemporary tenancies available which make up Metro Centre, accompanied by an internal carpark and landscaping. The Metro Centre offers choice and flexibility for tenants who value the potential for growth and expansion.

The site also comprises a mid-19th century dwelling known as Truganini House which is currently used as a child-care centre and is located in the southeast portion of the Metro Centre.



Figure 3 Truganini House



Figure 4 Industrial lots

2.5. TRUGANINI HOUSE

Truganini House is located at 38-50 South Street, Rydalmere on the northern side of the Parramatta River. The subject site comprises of Lot 10 of Deposited Plan 774181. Truganini House is located within the Rydalmere Metro Centre, an industrial park with office/showroom and warehouse offerings. Truganini House is located within the south-east portion of the Metro Centre and is surrounded by buildings of the industrial park.

Truganini House was constructed in various stages from the mid to late nineteenth century. The northern portion of the house features a single storey building constructed of sandstone, with hipped and valley roof with a bellcast verandah extending across the northern façade. The southern portion of the house features a single storey brick and stucco Victorian residence with a hipped roof and a verandah around three sides. This portion of the house faces toward the Parramatta River, however, due to the development of the industrial estate, only limited views to and from the Parramatta River to this portion of the house exist. Truganini House is currently occupied as a childcare centre.

Truganini House is clearly defined from the rest of the industrial park through the use of kerbs, planter bed and hedging that surrounds the building at the south, west and north. Directly to the east of the house at the north is an open paved café seating area which is utilised by the 1990s double storey pitched roof, brick rendered café building, while at the south is a fenced grassed area used as part of the existing childcare centre. Outside of these immediate surrounds, the house sits within the industrial park and is surrounded by concrete driveways which provide access to the surrounding buildings of the industrial park and car parking.

A site survey was undertaken on 6th October 2020 to determine if any landscape elements remain that date to the nineteenth or early twenty-first century when Truganini House was still in use as a private residence. It had been recorded on an interpretative plaque at Truganini House that there was a stone arch at the eastern boundary of the site which originally had mounted statues of phoenixes. This arch provided entrance to the south side of the house via a circular drive with a fountain at the centre. None of these elements remain at the site today and there is no evidence of early fencing. A small dock/ bathing area on the Parramatta River at the south east corner of the site has also been recorded on historical mapping. The remnants of a dock do remain in this location; however, these remains lie outside of the subject site's existing curtilage and lot boundaries.



Figure 5 South and eastern side of Truganini House, with contemporary hedges and fencing



Figure 6 The northern and eastern facades of Truganini House



Figure 7 Eastern side of Truganini House adjacent to open café seating area



Figure 8 View of the western wing of the house, referred to as the barracks and the stables



Figure 9 Western side of Truganini House defined by kerbs and hedging. There is a landscaped yard to the southwest of the house, which is used by the childcare centre



Figure 10 The western boundary of Truganini house as defined by kerbs and hedging. Shown in the context of the industrial park development



Figure 11 Landscaped area at the west of Truganini House, bordered by planter beds



Figure 12 Interpretative plaque at the northern portion of Truganini House



Figure 13 Potential remains of dock/ bathing area at the Parramatta River at the southeast corner of the site

3. HISTORICAL OVERVIEW

The following historical overview focuses upon the historic curtilage of Truganini House. A detailed history of Truganini House was undertaken by Lucas Stapleton Johnson & Partners Pty Ltd in their report *Truganini, 38-50 South Street, Rydalmere: History and Condition Report* (13 June 2017). The below historical overview has adapted the history contained in that report, with a focus on the historic curtilage of the site.

3.1. MACARTHUR'S THE VINEYARD

Situated on the northern bank of Parramatta River, the site of Truganini House was part of the grounds of Hannibal Hawkins Macarthur's The Vineyard. Macarthur (1788-1861), nephew of John Macarthur of Elizabeth Farm, developed this estate from the early 1810s. Its genesis was a grant of 140 acres, flanked by Vineyard and Subiaco creeks, made to Philip Schaeffer in 1791, a former military man of German birth that had served with British forces in North America. Schaeffer named the grant The Vineyard.

In 1797 the grant was sold to Henry Waterhouse of the Royal Navy, who ran merino sheep there. HH Macarthur purchased the grant in 1813, and enlarged his land holding to the east towards present day Rydalmere by a grant of 160 acres made to Macarthur in 1822, and purchase of 80 acres originally granted to James Manning in 1792, and other early grants made to John Carver and John Seymour. In 1833 HH Macarthur engaged architect John Verge (1782-1861) to design a new villa (later known as Subiaco and demolished in 1961) for his estate, which was completed in 1837.¹



Figure 14 Field of Mars, 1820-1834. The approximate location of the subject site is circled in red.

Source: SLNSW, *The Field of Mars*, M Maps/0033

¹ J. McClymont, James Houison, *Parramatta's Forgotten Architect*, Parramatta and District Historical Society (2010)

3.2. THE VINEYARD BECOMES SUBIACO

HH Macarthur was closely involved with the management of the Bank of Australia, which collapsed in the financial crisis of the early 1840s. When the bank collapsed in 1843 Macarthur lost most of his personal estate and was forced into bankruptcy. Consequently, in 1848 Macarthur vacated The Vineyard prior to it being put up for sale. It was purchased in 1848 by Archbishop Polding on behalf of the Roman Catholic Church.

John Bede Polding (1794-1877) was of the Benedictine Order and had arrived in Sydney in 1835 to take charge of the newly formed Catholic diocese. Shortly after the purchase of The Vineyard, in 1849, the former residence was converted to a convent for Benedictine Sisters and school for girls, and the property was renamed Subiaco.²

In 1877 Roger William Bede Vaughan succeeded Polding as archbishop of Sydney. Vaughan (1834- 1883) had arrived in Sydney in 1873 and served as Polding's coadjutor. In 1878 Vaughan put up for sale the bulk of the grounds of Subiaco (east of Subiaco Creek) in a subdivision named Vineyard Estate.



Figure 15 Detail from W. Meadows Brownrigg's 'Plan of the Town of Parramatta and the adjacent properties', dated 1844. The approximate location of the subject site is circled in red and shows no development.

Source: SLNSW, M M4 811.1301/1844/1, FL3690460

² Ibid.

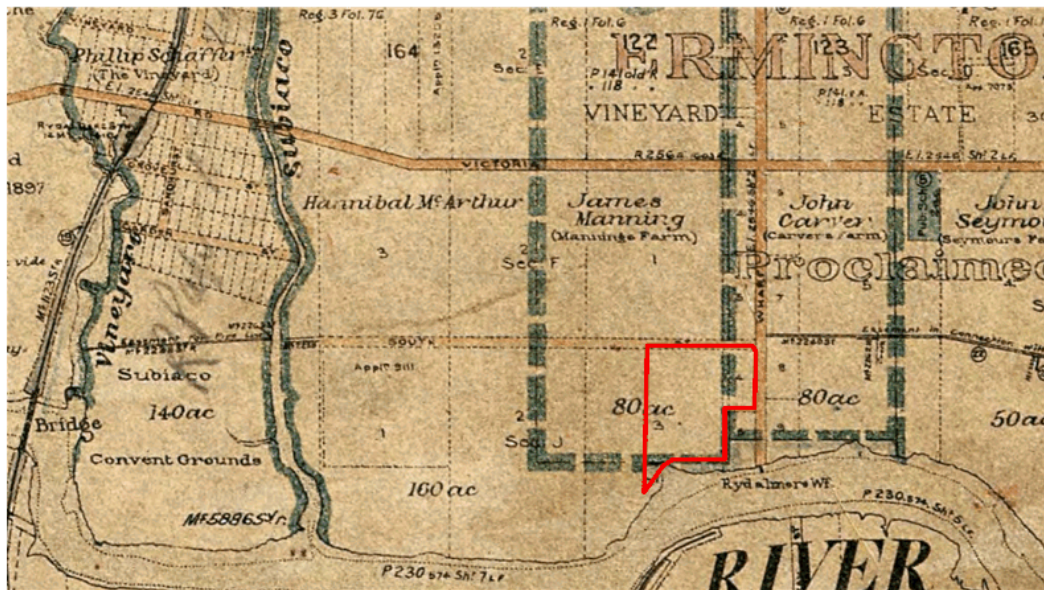


Figure 16 Detail from the 1890 edition of the map of the Parish of Field of Mars showing the numerous grants that made up Macarthur's The Vineyard Estate. The approximate boundaries of the subject site are outlined in red.

Source: NSWLRS, Historical Land Records Viewer, Cumberland, Field of Mars, 1890, Ed No. 4, Sheet 2

3.3. VINEYARD ESTATE SALE, 1878

The Vineyard Estate subdivision comprised a total of 38 lots, many of which were greater than 20 acres in area and intended for starting up orchards and small farms. The subdivision established three new public road reserves inclusive of South Street. The sale was held in November 1878.



Figure 17 Subdivision plan of the Vineyard estate undertaken in 1878 by the Catholic Church. The approximate existing heritage curtilage is outlined in red, and the historic subdivision is outlined in blue.

Source: SLNSW, Parramatta Subdivision Plans, Z/SP/P6/167

3.4. TRUGANINI HOUSE

The property is located within part of Lot 3 in Section J of this Vineyard Estate subdivision, which comprised an area of 20 acres 2 roods (19 acres 3 rood 22 perches on the sale plan). Lot 3 was purchased in July 1879 by local doctor Isaac Phipps Waugh for 246 pounds.³ Waugh (1841-1912) was an Irish born and educated surgeon. He moved to Parramatta in 1873.⁴

It has been stated Truganini was built by the time Waugh purchased Lot 3 in 1879, however, the subdivision plan of the Vineyard Estate does not identify any building being constructed across the Vineyard Estate, even though a brick cottage was standing in Lot 3.⁵ No council rate valuations are available for this part of western Sydney for the nineteenth century, and newspaper indexing and Sands' Directory provide no evidence for occupation for the early and mid-1880s. From 1881 Waugh resided at Tara (now demolished) in George Street, Parramatta, and in May 1882 Waugh sold Lot 3 to Augustus Robinson Winckler (??-1933) for 800 pounds.⁶ No money was exchanged at the time, and the matter was resolved in 1883 by a re-conveyance to Andrew Hardie McCulloch and payment of the money owing to Waugh.⁷ McCulloch (1820-1905) was a solicitor and land speculator with questionable business practices; he was also Waugh's brother-in-law (married Elizabeth Rose Holden McCulloch (1842-1926) in 1869).⁸

Subsequently, in January 1886 McCulloch sold the eastern half of Lot 3 (with an area of 9 acres 3 roods 31 perches) to Thomas Michael Williamson for 550 pounds.⁹ These subdivisions compared with the existing boundaries of the subject site are outlined in the figures below. Figure 19 indicates the location of an 'old jetty', remains of which still exist along the Parramatta River today.

³ Old System Conveyance Book 192 No. 853

⁴ McClymont 2010, p. 65.

⁵ Advertisement, Sydney Morning Herald, 23/11/1878, p.13.

⁶ Old System Conveyance 244 No. 205

⁷ Old System Conveyance 277 No. 615

⁸ McClymont, p. 66.

⁹ Old System Conveyance 332 No. 786

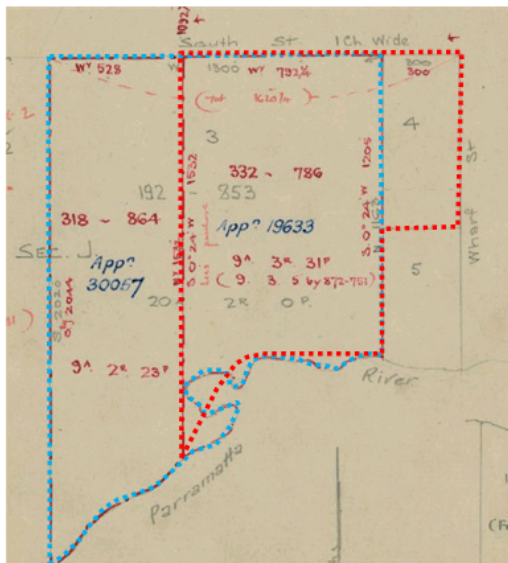


Figure 18 Subdivision of original Vineyard Estate lot by McCulloch in 1886. The existing heritage curtilage is outlined in red and the historic subdivision outlined in blue.

Source: NSW LRS, Primary Application No. 19633



Figure 19 Subdivision of site following 1886 under ownership of Williamson. The existing heritage curtilage is outlined in red and the historic subdivision outlined in blue.

Source: NSW LRS, Vol. 2614 Fol. 162

3.5. THOMAS WILLIAMSON'S TRUGANINI (1886-1893)

Thomas Michael Williamson (1855-1921) was born in Sydney in 1855, the son of William Williamson, a typesetter, publican, and long term alderman of Redfern. He was educated at Polding's Lyndhurst College in Glebe, and was articled to a solicitor about 1871. He became a solicitor with a successful police court practice.¹⁰

A Roman Catholic, Williamson married Annie McNamara in 1873 at Redfern. There were seven children of this marriage, nearly all being born at Redfern, with the exception being a daughter born in May 1891 at 'Truganini Park'.¹¹

Williamson resided at Redfern for most of the time he was in Sydney and was elected to the NSW Legislative Assembly in October 1885 representing the seat of Redfern. Following the loss of this seat in 1887 Williamson became involved within the district of Dundas and Rydalmere/Ermington. The municipality of Ermington and Rydalmere was incorporated in April 1891 and Williamson was its inaugural mayor.¹²

For the 1880s Williamson was listed in Sands' Directory as residing in Redfern. In December 1887 it was reported Williamson had changed 'his place of residence from Redfern to the Parramatta River',¹³ although he was mayor of Redfern for 1888. From 1890 Williamson was listed in Sands' Directory as being resident at the subject property with the address being described in Sands' Directory as 'Trafalgar Park', Wharf Street between 1890 and 1893, while in 1894 it was 'Truganini', Wharf Street. Truganini and Trafalgar Park would seem to have been the same property. (It is possible that Trafalgar Park was a typographical error for it seems only to have appeared in Sands' Directory). From the above it seems, that while the land was purchased in 1886, the dwelling was completed about 1888.

In late 1893 Williamson left Truganini and returned to Redfern. A preliminary to this move was the sale of the furniture and household effects of Truganini. By the sale notice the house comprised an entrance hall, dining

¹⁰ Two Mayors of New South Wales', *Australian Town and Country Journal*, 7/7/1888, p.29

¹¹ Births, *Sydney Morning Herald*, 6/5/1891, p.1; NSW Indexes to Birth, Death and Marriage

¹² 'Ermington and Rydalmere Council', *Cumberland Argus*, 30/1/1892

¹³ Banquet to Mr TM Williamson', *Freeman's Journal*, 31/12/1887, p.18

room, drawing room, library, six bedrooms, storeroom and dairy, kitchen, coach house and stables, and summer house. The contents were of such magnitude the auctioneers felt obliged to state the sale was the largest ever held in the district.¹⁴

The motivation for this move was undoubtedly Williamson having been caught withholding monies rightfully owing to his clients (that is mixing his client's money with his own personal account).¹⁵ Williamson, with no cash at hand to reimburse, was subsequently struck off the rolls of the Supreme Court in 1894.¹⁶ Williamson journeyed to Perth, Western Australia, about 1896. He remained there, practising as a commission agent, until his death, by suicide, in 1921.¹⁷

3.6. TENANTS (1894-1909)

In July 1888 Williamson mortgaged Truganini and his property in Redfern to The City Bank.¹⁸ These mortgages were not repaid and the bank in effect was the owner of the Truganini until 1906 when sold to Mrs Harriet Eastcott Cloudy.¹⁹ Cloudy soon after conveyed the property to Denis Manion in 1907.²⁰ A series of tenants occupied the house from 1893 and through the early 1900s. Some of the tenants were associated with the large meat freezing and canning works located on the south bank of the Parramatta River.

3.7. ARTHUR STERLING BARTON (1901-1914)

Between 1909 and 1914 Truganini was owned and occupied by Arthur Sterling Barton. Barton (1856- 1916) was a grazier with interests in the Wellington district, held pastoral stations around Walgett, and was a director of the pastoral firm Winchombe, Carson Ltd.²¹ It seems Barton bought Truganini as a place to retire and provide for the education of his children.²²

3.8. MEAT WORKS MANAGER'S RESIDENCE (1914-1923)

In July 1914 Barton sold Truganini to John Cooke & Co Pty Ltd for 2,100 pounds.²³ The principals of this company were John Cooke (1852-1917) and James Alexander Mackenzie Elder (1869-1946). Cooke was a meat exporter and a pioneer in the development of the frozen meat export trade.

In 1899 Cooke had promoted a company, Austral Meat Company, to build Sydney's largest meat freezing works²⁴, which was located at Sandown across Parramatta River and opposite Truganini. Cooke invested heavily in the Sandown works, and its operations commenced in late 1900.²⁵ The meat freezing works were destroyed by fire in 1923,⁴⁰ and the site was redeveloped eventually for the Shell Oil Company refinery. In 1916 John Cooke & Co probably undertook alterations to Truganini, of which the installation of a septic tank required statutory approval.²⁶ John Cooke & Co owned Truganini until 1924, and in this period it seems probable the house served as the residence of the manager of the meat freezing works.

¹⁴ Advertisement, *Cumberland Argus*, 30/9/1893, p.5

¹⁵ 'Case of TM Williamson', *Sydney Morning Herald*, 10/3/1894, p.3

¹⁶ 'Thomas Michael Williamson. Struck off the Roll', *Evening News*, 13/3/1894, p.4

¹⁷ 'Death of Thomas Williamson', *West Australian*, 14/1/1922, p.7

¹⁸ Old Conveyance Book 522 No. 627

¹⁹ Old Conveyance Book 818 No. 555

²⁰ Old Conveyance Book 823 No. 496

²¹ Obituary, *Wellington Times*, 20/7/1916, p.5; 'Death of Mr AS Barton', *Sydney Morning Herald*, 20/7/1916, p.8

²² *Cumberland Argus*, 26/6/1909, p.4

²³ Old Conveyance Book 1035 No. 160

²⁴ Beever, EA, 'Cooke, John (1852-1917)', *Australian Dictionary of Biography*, Volume 8, Melbourne University Press, 1981

²⁵ 'Sandown Meat Works', *Cumberland Argus*, 4/8/1900, p.12

²⁶ 'Ermington and Rydalmere', *Cumberland Argus*, 16/6/1916



Figure 20 Oblique aerial photograph dated 1928 looking east along the Parramatta River. Truganini House is circled in red and the industry on the south bank can be seen on the right.

Source: SLNSW, GPO 1-24975 reproduced in *Parramatta: a past revealed* (1996)

3.9. RESIDENCE AGAIN (1924-1946)

With the removal of the meat works, from 1924 Truganini reverted to a family residence owned and occupied by Dr William John Stewart McKay²⁷ from 1924 to 1927, and then engineer James Stormonth until 1930.²⁸ McKay (1868-1948) was a medical graduate of Sydney University (1891), and held the position of senior surgeon at Lewisham Hospital from 1896 to 1933. He was acknowledged for his knowledge of animal breeding and blood stock.²⁹ In 1930 Truganini was conveyed to Dr Arthur Robert Marks.³⁰ Marks (1872-1946) was a dentist and he and his family resided at Truganini.

3.10. INTERNATIONAL COMBUSTION (AUSTRALIA) PTY LTD (ICAL) (1946-2000S)

Shortly before his death, in 1946 Dr Marks conveyed Truganini to International Combustion (Australia) Pty Ltd.³¹ The conveyance comprised the same land holding that TM Williamson had purchased in 1886. International Combustion (Australia) Pty Ltd was established in 1929 and their line of business was manufacturing boilers and ancillary equipment for steam plants and powerhouses.

The coming of International Combustion to South Street was entirely consistent with the planning controls of the County Cumberland Scheme that zoned the area industrial. While industrial use of land south of the river had commenced by 1900, industry in South Street began in 1938 with the opening of Hume Pipes.³² An unfortunate post war outcome of this industrial rezoning was the demolition of Verge's Subiaco in 1961.

On acquiring the site in South Street, International Combustion in 1949 raised 1,000,000 pounds in capital and constructed new factory premises on the site. In respect of Truganini, the company retained the house and its name, and converted the residence into the main office inclusive of board room and managerial

²⁷ Torrens Title Dealing B132137

²⁸ Torrens Title Dealing B589621

²⁹ 'Dr WJS McKay', *Tweed Daily*, 5/1/1948, p.2

³⁰ Torrens Title Dealing B973270

³¹ Torrens Title Dealing D481225

³² Kass, T, C Liston and J McClymont, *Parramatta: a past revealed*, Parramatta City Council, 1996, p.342 & p.370

offices. The attached wing was converted to the engineering office, and connected to that was a new accounts wing by 1954.

The historic subdivision from 1886 of Truganini House remained the same throughout the twentieth century until the 1980s when the lot was consolidated with the Lot 4 of the original Vineyard Estate located to the north-east of the at the intersection of South Street and Park Road. This lot had been separately developed over the late nineteenth and twentieth centuries. Truganini also underwent major renovation in 1986-1987 at the same time as the whole of the existing site was redeveloped as the existing industrial park. Truganini House was gazetted as a heritage item on 21 February 1997.

The below aerial images provide a visual overview of the changing setting of Truganini House from the 1940s to the 1990s. The aerial images demonstrate the substantial changes that have occurred to the setting of Truganini House and in turn its historic curtilage. By the 1990s, the open area between the Truganini House and the Parramatta River had been developed and the landscaped areas surrounding the house had been developed to its existing form.



Figure 21 1943 aerial view with subject site outlined in red.
Source: SIX Maps, 2020



Figure 22 1950s aerial view with subject site outlined in red.
Source: Spatial Services, Historical Imagery, Search & Discovery



Figure 23 1960s aerial view with subject site outlined in red.

Source: Spatial Services, Historical Imagery, Search & Discovery

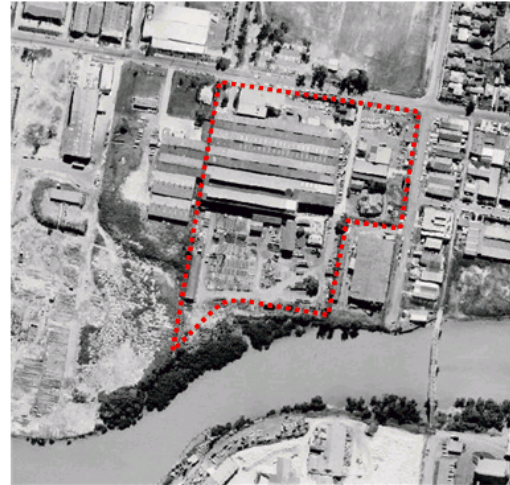


Figure 24 1970s aerial view with subject site outlined in red.

Source: Spatial Services, Historical Imagery, Search & Discovery



Figure 25 1980s aerial view with subject site outlined in red.

Source: Spatial Services, Historical Imagery, Search & Discovery



Figure 26 1990s aerial view with subject site outlined in red.

Source: Spatial Services, Historical Imagery, Search & Discovery

4. ESTABLISHED HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before undertaking change a listed heritage item, a property within a heritage conservation area, or a property located in proximity to a listed heritage item, it is important to understand the heritage values of the place and its broader heritage context. This understanding will underpin the approach to any proposed changes and identify what is important and why, and how these values can be protected. Statements of heritage significance summarise the heritage values of a listed heritage item – why it is important and why a statutory listing was made to protect these values.

4.2. HERITAGE LISTINGS

4.2.1. Subject Site Heritage Listings

The following heritage listings apply to the subject site.

Table 2 Statutory Heritage Listings

Heritage List	Item Name	Item Number
<i>Parramatta Local Environmental Plan 2023, Schedule 5, Part 1</i>	Truganini House and grounds, covering the whole of Lot 10, DP 774181	694
NSW State Heritage Register under the <i>Heritage Act 1977</i>	N/A	-
NSW State Agency Section 170 Heritage and Conservation Register under the <i>Heritage Act 1977</i>	N/A	-
Commonwealth Heritage List under the <i>Cwth Environment Protection and Biodiversity Conservation Act 1999</i>	N/A	-
Australia's National Heritage List under the <i>Cwth Environment Protection and Biodiversity Conservation Act 1999</i>	N/A	-
UNESCO World Heritage List (incl Buffer Zones)	N/A	-

As a result of previous lot consolidation dating to the 1980s, the whole of the site is subject to this heritage listing by being both mapped and described as a heritage item under Schedule 5 of the PLEP 2023. This is despite Truganini House and its immediate associated curtilage only occupying a small area within the broader property.

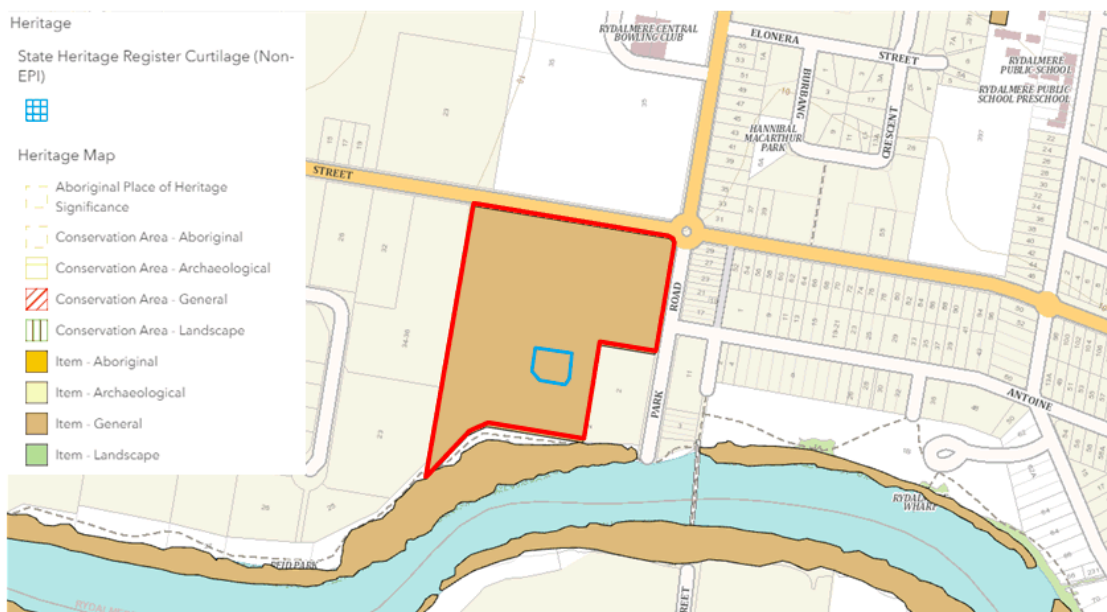


Figure 27 Heritage Map with subject site in red and location of Truganini House in blue

Source: NSW Planning Portal 2023

4.3. ESTABLISHED STATEMENT OF SIGNIFICANCE

The following Statement of Significance has been extracted from the State Heritage Inventory form for the subject site:³³

Truganini house, at 38 South Street is of significance for the local area for historical and aesthetic reasons, and as a representative example of quality houses of the Victorian period in the area. The house retains a great degree of integrity when viewed from the publicly accessible areas, and makes an important contribution to the area character.

Neither the statement of significance for Truganini House nor the physical description of Truganini House in the State Heritage Inventory form for the place include an assessment or description of the landscape that surrounds Truganini House. Instead, both the statement of significance and description refer only to Truganini House.

Noting the highly altered nature of the setting, with the house located within the industrial park, it is thus considered that the primary significance of Truganini House is limited to the house itself. The historic setting of the house has been irrevocably altered over the course of the twentieth century as demonstrated in the historical overview above. The existing landscaping that surrounds the house today has been installed since the 1980s redevelopment of the site. None of the buildings or landscaping outside of the immediate surrounds of the Truganini House contribute any significance to the place, instead, the surrounding industrial park including buildings and hard stand concrete driveways impede the historic understanding of the setting of Truganini House. Historic views are severely compromised or lost as a result of the existing development.

The Statement of Significance refers to the integrity of the dwelling and notes the contribution of the house to the character of the area as an important house of the Victorian period. It should be noted that this contribution is limited as the dwelling is not able to be viewed from the public domain outside of the existing industrial park.

³³ NSW Office of Environment and Heritage, State Heritage Inventory form for Truganni House, accessed via <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2240522>

5. HISTORIC CURTLAGE DISCUSSION

As a result of previous lot consolidation dating to the 1980s, a majority of the site is both mapped and described as a heritage item in Schedule 5 of the *Parramatta Local Environmental Plan 2023* (PLEP 2023) and is identified as "Truganini House and grounds" (Item no. 694).

Based on historical research prepared by Urbis, the existing heritage curtilage does not reflect the original historical curtilage of Truganini House, nor is it considered to reflect the identified significance of the place appropriately.

It is considered that the historical curtilage which would have been of most relevance and significance is that which conformed with the original subdivision of the site from the Vineyard Estate subdivision of 1879 and the associated occupation by Issac Waugh (1879-1883), Andrew McCulloch (1883-1886) and Thomas Williamson (1886-1906). These curtilages are outlined in the map below.

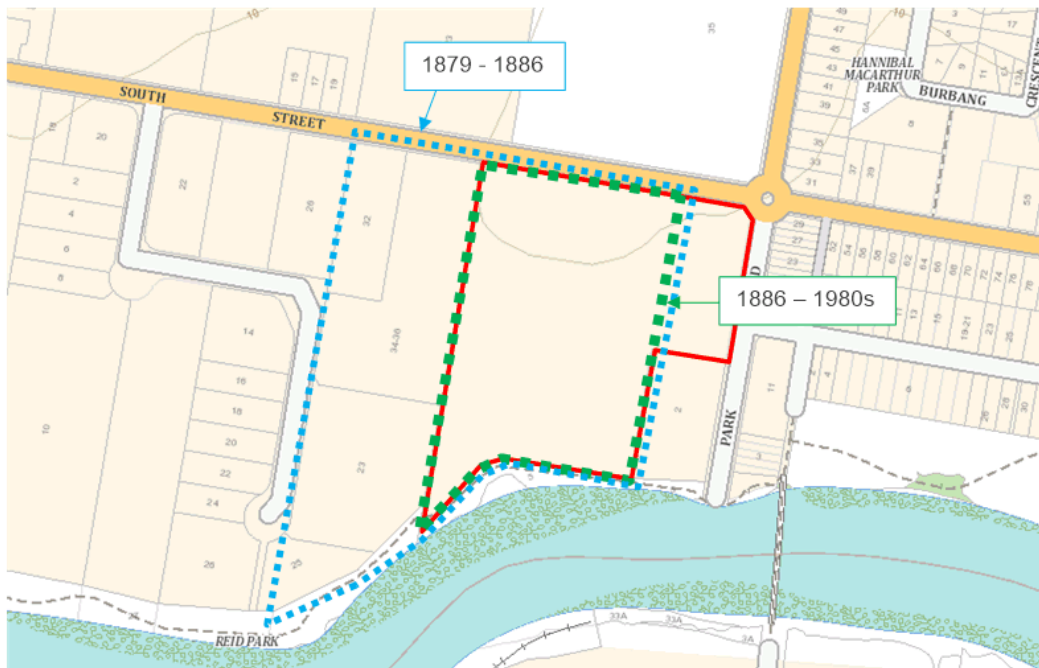


Figure 28 Approximate boundaries of historical subdivision patterns for Truganini House and the existing curtilage outlined in red.

Source: *SIX Maps, 2020 with Urbis overlay*

The exact date of construction of Truganini House is unknown. However, it is likely that Truganini House was constructed in two stages possibly during Isaac Waugh's ownership from 1879 and during Thomas Williamson's ownership from 1886. In either case, Truganini House had reached its present size by 1893. Either of the curtilage's outlined in the map above would have reflected the significant subdivision patterns of the late nineteenth century when the north side of the Parramatta River was predominated by small farms and orchards. The two lots located directly to the east of these lots did not form part of the existing site until the 1980s when the these lots were consolidated to form the present day lot.

The original landscape and setting of Truganini House has been irrevocably altered since the rezoning of South Street to industrial use during the 1930s. Since this time, the site of Truganini House has been surrounded by industrial development, the latest iteration being constructed during the 1980s. No remains of the original late nineteenth century landscape are left at the site, nor are any other indications of either the 1879 or 1886 subdivision patterns, due to the site being subdivided and consolidated over the course of the twentieth century. It is thus considered that the existing heritage curtilage of Truganini House does not reflect either of the historical subdivision patterns of Truganini House and the retention of the existing heritage curtilage, as mapped in the *Parramatta LEP 2023* is unfounded and is merely based on the consolidated lots established in the 1980s.

6. RESPONSE TO PRE-LODGE MENT ADVICE

A pre-lodgement meeting with Council officers was held on 27 September 2023. Following the meeting, Council officers completed a review of the submitted information and provided detailed advice and recommendations for the lodgement.

Their advice agrees that *“in principle that there is strategic merit in reducing some of the extent of the existing heritage curtilage as some of the original heritage setting has been reduced over time and the site now contains various established industrial land uses.”*³⁴

In addition, the Council advised that the proposed curtilage should take consider *“heritage item’s relationship to the Parramatta River and original setting.”* Urbis contends that all evidence of the original setting of the heritage item has been eroded due to the existing industrial development located on all sides of Truganini House.

Council identify the visual relationship between Truganini House and the Parramatta River in particular as being of consideration. Urbis emphasises that this visual connection is all but lost given the current built development within the site, and any remaining views are incidental due to the configuration of surrounding industrial units, and are not representative of the original visual relationship of these elements.

We provide the following responses to Councils feedback.


Table 3 Responses to Council Feedback

Council Feedback/Advice	Urbis Response
<p>4. Council officers identify two key functions of the subject heritage curtilage as part of this site:</p> <p><i>* From a strategic planning perspective, the heritage curtilage plays an important role in protecting the heritage value of the heritage item, which comprises the building and some of its immediate surrounds. In addition, the heritage curtilage can help protect interpretation of the original setting of the heritage item. For example, retaining some of the land around the building to the north, east and west allows opportunities for future landscaping that will help to buffer the item from established industrial uses. Whilst it is appreciated that some of this land currently comprises car parking and access, maintaining some of this curtilage beyond the immediate heritage item / building will help to safeguard these opportunities to potentially re-establish the setting into the future.</i></p>	<p>Urbis agree in principle and support the inclusion of the immediate landscaped setting around Truganini House within the revised heritage curtilage as this provides a setting for the house and opportunity for improved landscape outcomes. Urbis do not support the inclusion of ancillary car parking areas within the revised curtilage as these areas are wholly disconnected from the heritage item, and lie within the realm of the industrial park, and do not make a defining contribution to significance.</p> <p>Further the existing café building to the east should be excluded as this is a later 1990s addition of not contributing value to the heritage significance.</p>

³⁴ City of Parramatta, Pre-Lodgement Council Officer Advice Letter, dated 27 October 2023

Council Feedback/Advice	Urbis Response
<p><i>* In addition, retaining the curtilage (as it currently already exists) to the south will reinforce the heritage item's original connection to the river and original jetty location and will serve to help protect existing view lines and to safeguard opportunities to potentially reestablish past view lines.</i></p>	<p>Urbis disagree with the inclusion of land to the immediate south within the revised curtilage. This land is occupied by late twentieth century industrial development which does not make a defining contribution to the significance of Truganini House and in fact is an intrusive element.</p> <p>As discussed previously, the existing view lines between the river and the House are incidental due to the configuration of surrounding industrial units, and are not representative of the original visual relationship of these elements. It is unlikely that the industrial development will ever be removed to recapture an original visual setting for this item.</p> <p>Further, the proposed curtilage connection outlined by Council between the House and the River is not reflective of any of the historic curtilages assessed for the site or evident in historic subdivision plans. This is an incidental curtilage based on a visual connection that has been lost.</p> <p>The connection with the jetty is also questioned as this element was located on the southern alignment of the River and not located within our site. Despite historical associations with this jetty, it is noted that the jetty no longer exists and the connection is tenuous as it is located outside of the property. It is also noted that the current property boundary does not extend fully to the waterfront and therefore has no physical connection with the River.</p>
<p><i>* DAs are required for any development on land to which the heritage curtilage currently applies. The heritage provisions in the LEP and controls in the DCP therefore need to be considered for development that is subject to the heritage curtilage. This provides an additional level of merit-based assessment that helps to protect the integrity of the heritage item (e.g., materiality interface, building design, articulation, and landscaping).</i></p>	<p>Noted.</p>
<p><i>8. It is agreed that the heritage listing of the PLEP 2023 I591 (Truganini House and grounds) should be revisited and updated to reflect the current statement of significance and extent of the heritage curtilage given that since the post-war period, the industrial area redevelopment has compromised some of the historical setting. Historically, the farmhouse had important physical and visual</i></p>	<p>As discussed previously, the existing view lines between the river and the House are incidental due to the configuration of surrounding industrial units, and are not representative of the original visual relationship of these elements. It is unlikely that the industrial development will ever be removed to recapture an original visual setting for this item.</p>

Council Feedback/Advice	Urbis Response
<p><i>connections with the Parramatta River. Industrial development surrounding Truganini House has reduced some of these important connections. Notwithstanding, it is important to protect this local listing whilst safeguarding the potential to re-establish its river connection into the future.</i></p>	<p>Further we note that the heritage item is now identified as Item 694 under Schedule 5 of the <i>Parramatta LEP 2023</i>, not as Item 591 which was its previous item number under the <i>Parramatta LEP 2011</i>.</p>
<p><i>9. A degree of risk is associated with the proposed reduction of the heritage curtilage as it could further isolate the house and decontextualise the historical use of the surrounding grounds, which were once dedicated to rural uses, such as farming activities. This connection between the building and its setting has been reduced due to the surrounding industrial development.</i></p>	<p>We do not agree that there are risks associated with further isolating the heritage item. This planning proposal seeks to revise the existing heritage listing extent to appropriately reflect and capture the elements of heritage value on the site. The inclusion of later industrial development within this curtilage is not appropriate or necessary. We have proposed a curtilage based on the broadest extent of the remaining setting, visual and landscaped, to ensure the heritage item is appropriately protected. Further it is noted that any major development within the vicinity of the revised heritage item curtilage will still require Council approval and heritage assessment to mitigate impacts.</p>
<p><i>11. Council officers do not support the proposed reduced heritage curtilage to the extent illustrated in the documents prepared by Urbis as it appears insufficient to offer protection to Truganini House and interpretation of its setting. Moreover, the small curtilage proposed will isolate the heritage item and does not adequately reflect the relationship of Truganini House to the Parramatta River.</i></p> <p><i>The curtilage of local heritage items should be largely retained and conserved wherever possible. The amendment of the curtilage for Truganini House should include the area of grounds that previously extended to the river. Most of the subtracted current curtilage would facilitate and allow the use of Exempt and Complying Development in the wider industrial area (subject to compliance with the Codes SEPP) without compromising future opportunities for better management of the item and its settings.</i></p>	<p>Urbis disagree with the Council’s assessment that the proposed curtilage is insufficient. In our view it encompasses all of the remnant elements of heritage value on the site which make a defining contribution to significance along with the broadest logical setting surrounding the house having regard to the existing built context of the place.</p> <p>Urbis disagrees that the curtilage should extend to the southern boundary in an effort to recognise the lost relationship between the house and the river. Extending the curtilage south towards the river will not actually include any riverfront land, as this lies within a separate lot outside of the subject property. It also will not capture any historically significant view corridors, and will be limited to capturing existing arbitrary view corridors between industrial units.</p>

Council Feedback/Advice	Urbis Response
<p>12. Acknowledging the highly modified context and the current extent and dedication of the general industrial zone, Council's Senior Heritage Specialist recommends the following indicative heritage curtilage that includes a buffer zone to mitigate possible impact to the heritage item and, additionally, would not preclude the re-establishment of physical and visual connections between Truganini House and the Parramatta River. The heritage curtilage outlined below is indicative and subject to further detailed analysis at the Planning Proposal assessment stage.</p>  <p>Figure 2: Council's indicative curtilage</p>	<p>Urbis disagrees with Council's proposed amended curtilage, as this is not based on an assessment of the remaining elements of heritage value extant today and incorporates elements of no heritage value within the industrial development.</p> <p>The extension of the curtilage south towards the river does not achieve a physical connection with the riverfront as this land is within a separate holding. It also does not capture any significant visual connection with the riverfront, as existing view corridors between the House and the River are arbitrary views created by gaps in the surrounding industrial units.</p> <p>Further, the proposed curtilage is not based on any of the assessed historic boundaries for the property outlined in this report. It appears to be based on an arbitrary curtilage extending towards the River and there is no basis for why this area of the property adjacent to the River is more significant than other areas adjacent to the River. In our view, the curtilage should be applied reflecting an evidence based assessment of heritage values and elements.</p>
<p>13. The State Heritage Inventory sheet identifies that "Truganini House is a single storey brick and stucco Victorian residence with a hipped roof and a verandah on three sides, sited to face Parramatta River" and that "the building is of interest as little physical evidence remains from this period of rural settlement along the Parramatta River". The site in its original context possesses potential to contribute to an understanding of early nineteenth century rural settlement and the new listing name should recognise this important connection with the context and setting.</p>	<p>We agree with the existing State Heritage Inventory record's assessment of the place and that 'little physical evidence remains' of this period and development. This has informed our assessment of an appropriate curtilage responding directly to the remaining physical evidence of this period.</p>

Council Feedback/Advice	Urbis Response
<p>14. Accordingly, it is recommended that the heritage item description be amended to 'Truganini House and river front setting', which retains clues of a larger curtilage while simultaneously identifying the location of the heritage item and its connection to the river. See Section 1.1 for reference images.</p>	<p>We disagree with this recommended heritage item name, as it does not reflect the heritage context of the place. The heritage item does not retain any semblance of a riverfront setting as a result of previously approved development which now surrounds the House. The property is also legally severed from the River, with the riverfront land lying within a distinctly separate landholding. Any visual connections to the River are arbitrary and based on incidental views between industrial units. There is no physical connection to the River available.</p>
<p>15. The revised statement of significance and description of Truganini House should also include the description of the jetty remains, which was an important asset in accessing the river. This access is dated to the late nineteenth century and was important for the north side of the Parramatta River, which was predominantly populated by small farms and orchards.</p>	<p>We are not proposing a revised Statement of Significance or Description of Truganini House compared to what is currently outlined on the NSW State Heritage Inventory record for the item. In our view the existing Statement of Significance and Description appropriately reflect the values of the heritage item.</p> <p>This planning proposal is limited to a revision of the Heritage Item Name, Property Description and mapping under Schedule 5 of the LEP.</p>

7. PROPOSED HERITAGE LISTING AMENDMENTS

7.1. PREVIOUSLY PROPOSED AMENDED HERITAGE LISTING

Having regard to the historical summary outlined herein, and the curtilage assessment undertaken with regards to the remaining elements of heritage value on the site, Urbis originally proposed the following revised curtilage in our scoping report for this application:



Figure 29 Previous proposed heritage curtilage for the amended heritage listing in blue and broader lot in red.

Source: Nearmap 2023 with Urbis overlay

The proposed amended heritage listing outlined above is based on the following considerations:

- Inclusion of those elements on the site which are considered to have heritage value and reflect the identified significance of the heritage item.
- A visual inspection of the development in the immediate vicinity.
- The logical axis' created by the configuration of the surrounding roads which already serve as a buffer around the dwelling.
- Retention of the associated garden areas to the immediate east and south west of the house which provide a setting for the building.
- Potential future requirements to undertake works to the roads around the house.
- Consideration of a visual setting and curtilage for the house.

This area encompasses the fabric of heritage significance on the site, and the immediate landscaped gardens which are associated with the House. We proposed this amended curtilage be adopted on the Heritage Map

The following amendments to Schedule 5, Part 1 of the *Parramatta LEP 2023* were proposed in our scoping report.

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Previously Proposed by Urbis	Truganini House and immediate garden setting	Part Lot 10, DP 774181

7.2. COUNCIL PROPOSED AMENDED HERITAGE LISTING

A pre-lodgement meeting with Council officers was held on 27 September 2023. Following the meeting, Council officers completed a review of the submitted information and provided detailed advice and recommendations for the lodgement. This included their recommended amended curtilage and listing amendments as follows:

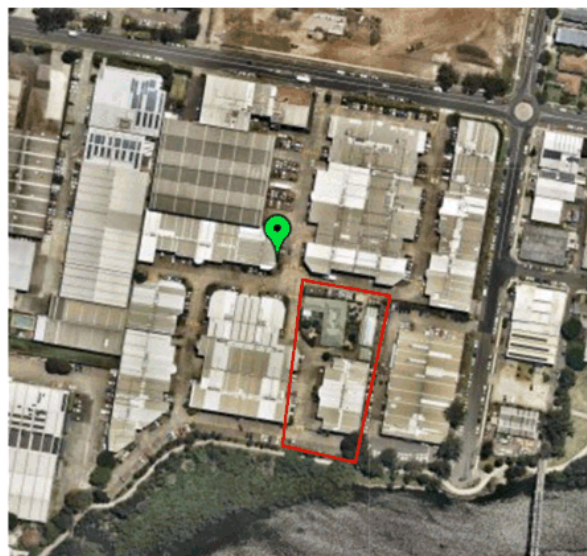


Figure 30 Council's proposed amended curtilage

Source: Parramatta Council Formal Pre-Lodgement Feedback Letter

Council recommended the following amendments to Schedule 5, Part 1 of the *Parramatta LEP 2023*, siting that it “retains clues of a larger curtilage while simultaneously identifying the location of the heritage item and its connection to the river.”³⁵

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Proposed by Council	Truganini House and riverfront setting	?

We dispute the above Council recommended heritage curtilage and listing amendments on the following heritage grounds:

- The Council proposed curtilage outline is arbitrary and not based on any historical subdivision boundary applicable to the heritage item, nor is it based on an assessment of the remaining elements of heritage value extant on the site.
- The Council proposed curtilage includes elements of no heritage value and which do not make a defining contribution to the significance of the place, including car parking areas for the industrial development, the 1990s café building and industrial factory units.
- The proposed amended Item Name includes ‘and riverfront setting’ – we contend that the heritage item no longer has a riverfront setting. It is visually separated from the riverfront by contemporary development and any view corridors between the river and the House are incidental only and not historically significant. Further, the property has no physical connection to the riverfront land, which is held in separate ownership, and therefore the heritage item has no ‘riverfront’.

Following the lodgement of the Planning Proposal to Parramatta City Council, Council officer’s undertook a detailed assessment and advice was received from Council’s Senior Heritage Specialist and Heritage Advisory Committee. In an email to Dexus (the client) from William Jones (Team Leader – Major Projects and Precincts | City Planning, City of Parramatta) dated 16 August 2024, the following advice was received in relation to proposed further changes to the heritage curtilage to Truganini House:

... Council officers request that the café building adjacent to Truganini House be included in the amended heritage curtilage, which is also consistent with the advice provided as part of the formal pre-lodgement meeting.

I note that the Heritage Impact Statement prepared by Urbis states the café building was excluded from the reduced heritage curtilage as it was built in 1990 and is of no heritage value. Furthermore, it is argued that the café “[does] not contribute to the significance of the heritage item, nor contribute to Council’s intended riverfront connection”.

While Council officers acknowledge your justification, it is considered that the café building should remain part of the existing heritage curtilage for the following reasons:

- *It is immediately adjoining, and visually connected to, the heritage item.*
- *Retaining the café building as part of the existing curtilage will result in a continuous curtilage along the east, down to the river.*
- *The café (built in 1990) is the only building on the site that has been sensitively designed from a scale and aesthetic perspective to be compatible with the immediately adjoining heritage item. Council officers wish to retain their ability to properly assess any future changes to this building via future Development Applications given its proximity to the heritage item.*

³⁵ Parramatta Council Pre-Lodgement Feedback Letter

For the reasons given above, Council officers request that your Planning Proposal retains the café as part of the existing heritage curtilage. I note that once this matter is resolved we will then be able to progress this Planning Proposal to a Local Planning Panel meeting.

Urbis have reviewed Councils request to update the proposed heritage curtilage to Truganini House to include the 1990s café. We confirm that this report has updated the proposed heritage curtilage to include this additional area.

7.3. PROPOSED AMENDED HERITAGE LISTING FOR THIS PLANNING PROPOSAL

Having regard to the Council's pre and post-lodgement feedback received, and the analysis contained in this report, Urbis propose the following heritage listing amendments in this Planning Proposal:

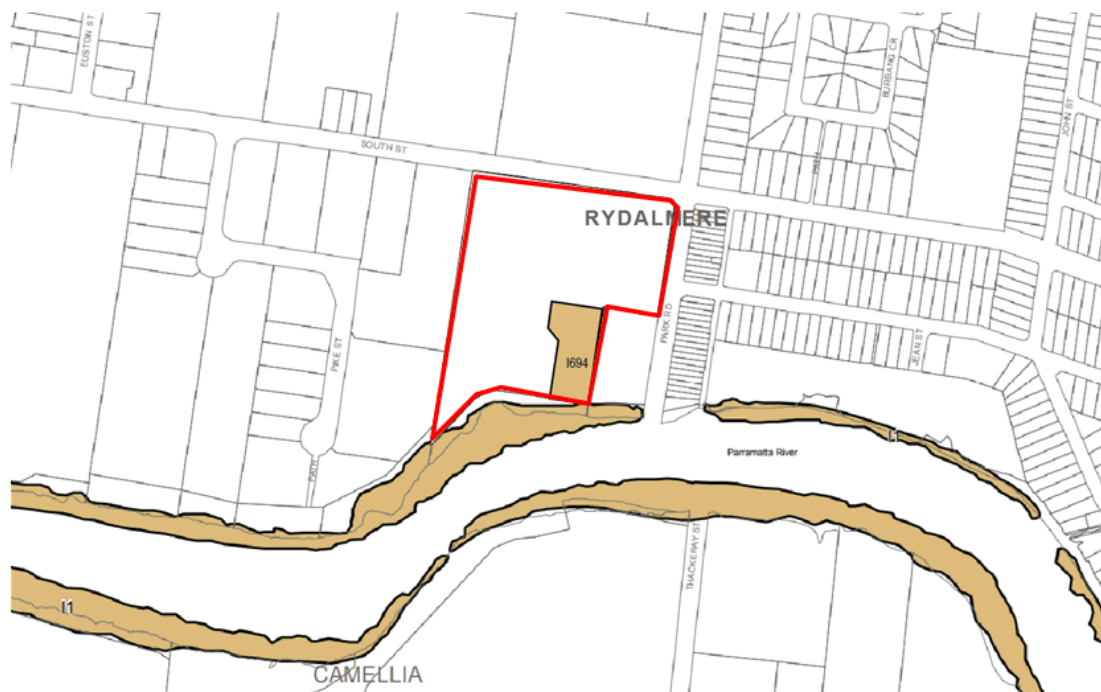


Figure 31 Proposed heritage curtilage to be adopted in the Heritage Map for Parramatta LEP 2023, subject site outlined in red.

Source: Urbis

We proposed the following amendments to Schedule 5, Part 1 of the Parramatta LEP 2023.

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Proposed	Truganini House and riverfront setting	Part Lot 10, DP 774181

Whilst Urbis did disagree in principle with the inclusion of land to the south of the House within the amended curtilage during pre-lodgement feedback, we acknowledge Council's feedback and intent. Accordingly, we have amended the proposed curtilage to balance Council's feedback and the curtilage analysis contained within this report, considering the extent of change being sought to the existing curtilage.

We have excluded the adjacent car parking areas to the north. This areas do not contribute to the significance of the heritage item, nor contribute to Council's intended riverfront connection and inclusion of the cafe.

We understand from feedback received from Parramatta Council, that the amended curtilage will be shown on the Heritage Map for *Parramatta LEP 2023* as a reduced coloured area, and will not retain the whole lot shaded in as is standard practice.³⁶

For clarity, the proposed curtilage is shown overleaf overlaid on an aerial image.



Figure 32 Proposed heritage curtilage to be adopted in the Heritage Map for *Parramatta LEP 2023* in blue, subject site outlined in red.

Source: Urbis

³⁶ Email Correspondence, William Jones, Team Leader – Major Projects and Precincts | City Planning, City of Parramatta, 20 Nov 2023

8. IMPACT ASSESSMENT

The following impact assessment has assessed the proposed works against the relevant provisions and controls of the Council's statutory and non-statutory planning controls as well as the Heritage NSW 'Statement of Heritage Impact' assessment guideline questions.

8.1. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

The table below provides an impact assessment of the proposal against the relevant clause for heritage conservation in the *Parramatta LEP 2023*.

Table 4 Impact assessment against the relevant clauses of the Parramatta LEP 2023

Clause	Response
<p>(1) Objectives</p> <p><i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to conserve the environmental heritage of the City of Parramatta,</i></p> <p>(b) <i>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></p> <p>(c) <i>to conserve archaeological sites,</i></p> <p>(d) <i>to conserve Aboriginal objects and Aboriginal places of heritage significance</i></p>	<p>The Planning Proposal meets the objectives of the <i>Parramatta LEP 2023</i> as it seeks to appropriately assess, acknowledge and legislate the significance of Truganini House and the property.</p>
<p>(2) Requirement for consent</p> <p><i>Development consent is required for any of the following:</i></p> <p>(a) <i>demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</i></p> <p>(i) <i>a heritage item,</i></p> <p>(ii) <i>an Aboriginal object,</i></p> <p>(iii) <i>a building, work, relic or tree within a heritage conservation area,</i></p> <p>(b) <i>altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</i></p> <p>(c) <i>disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i></p>	<p>This Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the <i>Parramatta LEP 2023</i>. It does not apply for any physical works to be undertaken, and it limited to an administrative application only.</p>

Clause	Response
<p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	
<p>(4) Effect of proposed development on heritage significance</p> <p><i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p>	<p>A detailed curtilage analysis and heritage impact assessment has been undertaken. The proposed heritage listing amendments outlined herein are considered to be appropriate for the significance of the site.</p>
<p>(5) Heritage assessment</p> <p><i>The consent authority may, before granting consent to any development:</i></p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>	<p>This heritage impact statement has been prepared to assist the consent authority in their determination and to assess the potential heritage impacts of the Planning Proposal. This heritage impact statement satisfies the requirement under this clause.</p>

Clause	Response
<p>(6) Heritage conservation management plans</p> <p><i>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</i></p>	<p>A conservation management plan is not considered necessary in this application. No physical works are proposed to any elements of heritage significance. A detailed analysis of the historic curtilage has been included in this report and informs the conclusions for listing amendment.</p>

8.2. PARRAMATTA DEVELOPMENT CONTROL PLAN 2023

The new Parramatta Development Control Plan (DCP) 2023 came into effect on 18 September 2023. The table below provides an impact assessment of the proposal against the relevant controls for heritage conservation in the Parramatta DCP.

Table 5 Impact assessment against the relevant controls of the Parramatta DCP

Control	Response
PART 7 HERITAGE AND ARCHAEOLOGY	
<p><u>Objectives</u></p> <p><i>O.01 Ensure the appropriate management of heritage in the City.</i></p> <p><i>O.02 Retention and reinforcement of the attributes that contribute to the heritage significance of items, areas and their settings.</i></p>	<p>The Planning Proposal meets the objectives of the Parramatta DCP 2023 as it seeks to appropriately assess, acknowledge and legislate the significance of Truganini House and the property.</p>
<p><u>Curtilage</u></p> <p><i>O.12 The majority of built heritage items in the City are listed with their curtilage contained within the lot boundary containing the item. In some cases, there is a reduced curtilage where the significance of the item and its interpretation is not dependant on having a large curtilage extending to the lot boundary.</i></p> <p><i>In such cases it is necessary to identify a curtilage that enables the heritage significance of the item to be retained. It is also possible that there will be an expanded curtilage for some items where the curtilage is greater than the property boundary.</i></p> <p><i>An expanded curtilage may be required to protect the landscape setting or visual catchment of an item. For example, the significance of some properties includes a visual link between the property itself and a river or topographical feature.</i></p>	<p>A detailed curtilage assessment is included in this report and informs the conclusions and recommendations of this Planning Proposal.</p>

8.3. HERITAGE NSW GUIDELINES

The table below provides an impact assessment of the proposal against the relevant questions posed in Heritage NSW's (former Heritage Office/Heritage Division) 'Statement of Heritage Impact' guidelines.

Table 6 Impact assessment against the relevant Heritage NSW Guideline Considerations

Provision	Response
<i>Will the proposed works be the best conservation solution for the heritage item?</i>	Yes, the Planning Proposal will be the best means of conserving the significance of the place, as it appropriately assesses, acknowledges and legislates the significance of Truganini House and the property.
<i>Will the works promote the ongoing use and upkeep of the item?</i>	Yes, the Planning Proposal will facilitate the appropriate heritage management of the place and respond to the identified significance of the item, thereby promoting its ongoing use and upkeep.
<i>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?</i>	No, no physical works are proposed that will alter the existing setting of the item.
<i>Are the proposed works part of a broader scope of works?</i>	No, this Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the <i>Parramatta LEP 2023</i> . It does not apply for any physical works to be undertaken, and it limited to an administrative application only.
<i>Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?</i>	No, this is a stand alone Planning Proposal.
<i>Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?</i>	It is beyond the scope of this report to consider Aboriginal cultural heritage and archaeology.
<i>If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?</i>	Yes, refer to the impact assessment included at Section 8.2 of this report.
<i>Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?</i>	No.

9. CONCLUSION AND RECOMMENDATIONS

This Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the Parramatta LEP 2023. It does not apply for any physical works to be undertaken, and it limited to an administrative application only.

Having regard to the Council’s pre-lodgement feedback received, and the analysis contain in this report, Urbis propose the following heritage listing amendments in this Planning Proposal:



Figure 33 Proposed heritage curtilage to be adopted in the Heritage Map for Parramatta LEP 2023, subject site outlined in red.

Source: Urbis

We proposed the following amendments to Schedule 5, Part 1 of the Parramatta LEP 2023.

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Proposed	Truganini House and riverfront setting	Part Lot 10, DP 774181

Whilst Urbis did disagree in principle with the inclusion of land to the south of the House within the amended curtilage during pre-lodgement feedback, we acknowledge Council’s feedback and intent. Accordingly, we have amended the proposed curtilage to balance Council’s feedback and the curtilage analysis contained within this report, considering the extent of change being sought to the existing curtilage.

We have excluded the adjacent car parking areas to the north. This areas do not contribute to the significance of the heritage item, nor contribute to Council’s intended riverfront connection and inclusion of the cafe.

A detailed curtilage assessment and heritage impact assessment of the proposed works has been undertaken in this report. This Planning Proposal is considered to be the best means of conserving the significance of the place, as it appropriately assesses, acknowledges and legislates the significance of Truganini House.

The Planning Proposal is recommended for approval from a heritage perspective.

10. BIBLIOGRAPHY & REFERENCES

Apperly, R., Irving, R. and Reynolds, P. (eds) 2002, A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present, Angus and Robertson, Pymble.

Australia ICOMOS 1999, The Burra Charter: 2013 The Australia ICOMOS Charter for Places of Cultural Significance, Australia ICOMOS, Burwood.

Environment and Heritage, and NSW Department of Planning and Environment 2023, Assessing heritage significance Guidelines for assessing places and objects against the Heritage Council of NSW criteria, Parramatta.

Environment and Heritage, and NSW Department of Planning and Environment 2023, Guidelines for preparing a statement of heritage impact, Parramatta.

Heritage Office and Department of Urban Affairs & Planning 1996, NSW Heritage Manual, Heritage Office and Department of Urban Affairs & Planning (NSW), Sydney.

Heritage Office 2001, Assessing Heritage Significance, Heritage Office, Parramatta.

NSW Government (2021) Investigating Heritage Significance: A guide to identifying and examining heritage items in NSW, NSW Government through the Heritage Council of NSW.

NSW Government SIX Maps (Spatial Information Exchange), available at <https://maps.six.nsw.gov.au/>.

NSW Planning Portal ePlanning Spatial Viewer, available at <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>.

[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

DISCLAIMER

This report is dated 4 September 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of DEXUS PROPERTY SERVICES PTY LIMITED (**Instructing Party**) for the purpose of a Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



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PLANNING PROPOSAL

ITEM NUMBER	6.2
SUBJECT	Planning Proposal at 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington
REFERENCE	RZ/1/2021 -
APPLICANT/S	KEYLAN Consulting Pty Ltd
OWNERS	PAYCE Pty Ltd
REPORT OF	Project Officer Land Use

PURPOSE

The purpose of this report is to seek the Parramatta Local Planning Panel's advice to Council on a recommendation to support finalisation of a Planning Proposal, draft Planning Agreement and draft Site-Specific Development Control Plan for land at 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington.

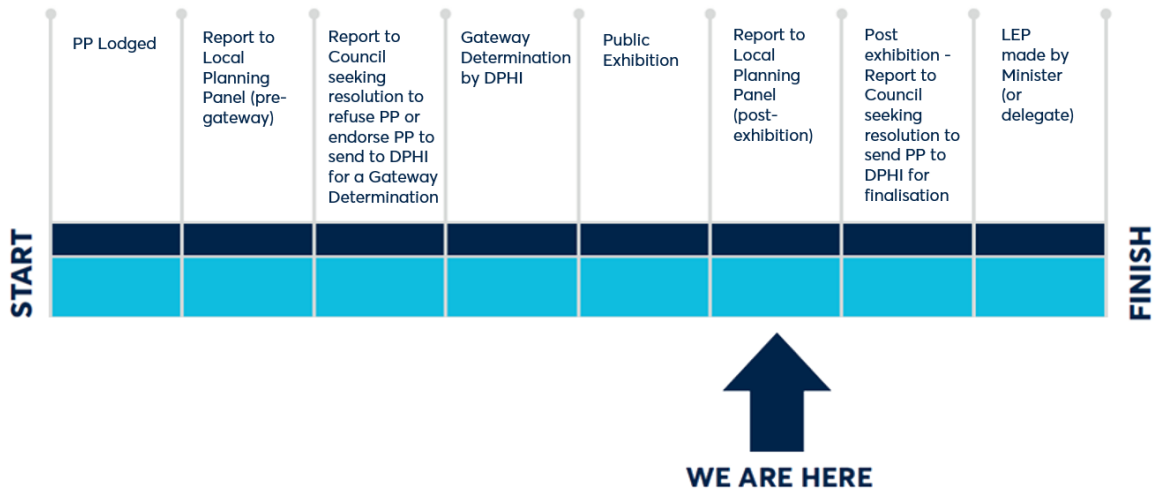
RECOMMENDATION

That the Parramatta Local Planning Panel consider the following Council Officer recommendation in its advice to Council:

- (a) **That** Council approve for finalisation the Planning Proposal (provided at **Attachment 1**) for land at 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington (the site), which seeks to amend Parramatta Local Environmental Plan 2023 as follows:
 - (i) Rezoning 19 Hope Street from E4 General Industrial to part MU1 Mixed Use and part RE1 Public Recreation.
 - (ii) Rezoning 69, 71, 73 and 75 Hughes Avenue from R2 Low Density Residential to MU1 Mixed Use.
 - (iii) Rezoning 77 Hughes Avenue from R2 Low Density Residential to part MU1 Mixed Use and part RE1 Public Recreation.
 - (iv) Amending the maximum building height across the site from part 9m and part 12m to a range between 13m and 48m (approximately 4 – 14 storeys).
 - (v) Amending the Floor Space Ratio (FSR) from part 1:1 and part 0.5:1 to 2.67:1 (for MU1 Mixed Use land only).
 - (vi) Inserting a site-specific provision in Part 6 Additional local provisions of PLEP 2023 and amending the Additional Local Provisions map to include the site to ensure a minimum of 1,400m² of non-residential floor space is to be provided to serve the local retail and commercial needs of the incoming population.
- (b) **That** Council approve the site-specific Development Control Plan (DCP) at **Attachment 2** for finalisation and insertion into the Parramatta Development Control Plan (PDCP) 2023.
- (c) **That** Council delegate authority to the Chief Executive Officer to finalise the draft Planning Agreement at **Attachment 3**, and to sign the Planning Agreement on Council's behalf.

- (d) **That** Council delegate authority to the Chief Executive Officer to make minor amendments and corrections of a non-policy and administrative nature that may arise during the finalisation process relating to the Planning Proposal, DCP and Planning Agreement.

PLANNING PROPOSAL TIMELINE



SITE DESCRIPTION

1. The site is located at 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington, and is 8,485.8sqm in area. The site is part of the Melrose Park precinct which has been designated by Council for urban renewal. The subject site is in the vicinity of the approved town centre development to the east, and the recently rezoned Melrose Park North precinct to the northeast. The site is owned by the developer, Payce, and its location is shown in **Figure 1**. The site context is shown in **Figure 2**.

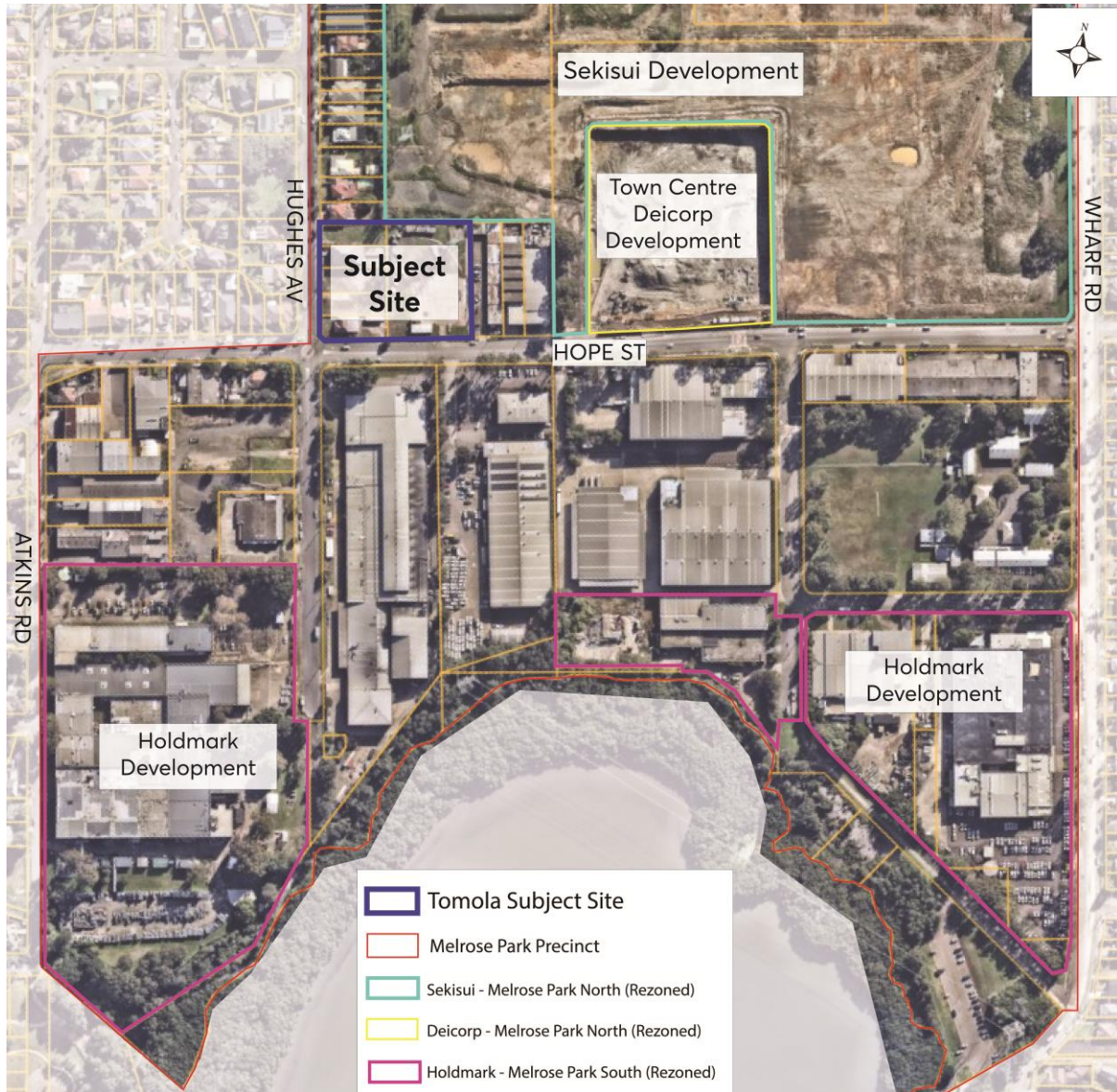


Figure 1: The Subject Site

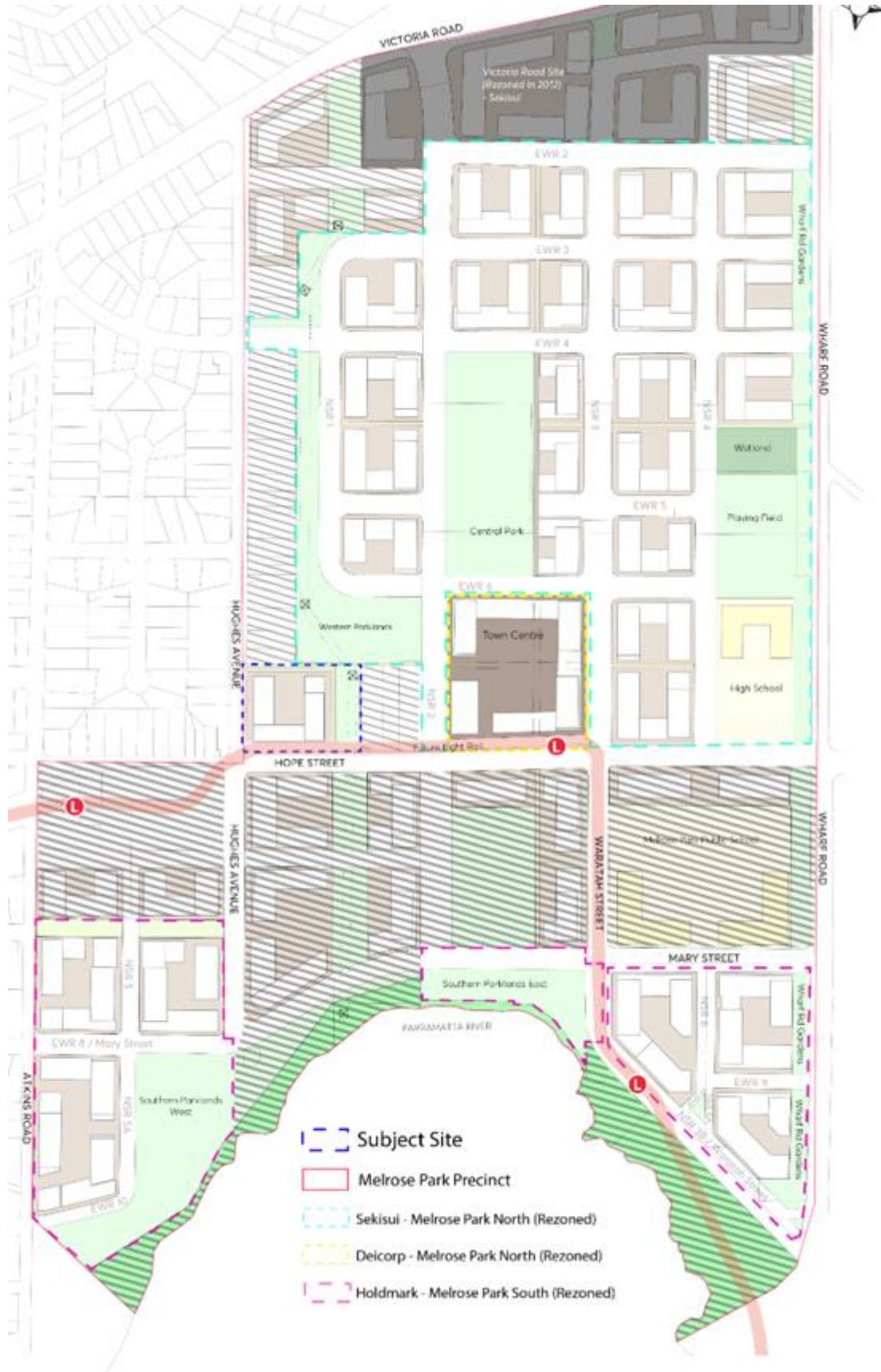


Figure 2: The Site Context

BACKGROUND

Melrose Park Precinct Planning

2. The site is part of the Melrose Park Precinct, an industrial precinct of 55 hectares that has been identified by Council for urban renewal. Planning for the redevelopment of the Melrose Park precinct has a long history and has involved consultation between Council, landowners, the local community, and various State agencies.
3. Council's 2016 Employment Lands Strategy identified Melrose Park as a precinct with potential for urban renewal and recommended that a structure plan be prepared. The Employment Lands Strategy had followed the 2012 rezoning of the northern section of the Melrose Park precinct, known as the Victoria Road Site (661 Victoria Road), for mixed use development.
4. As part of the structure planning process Melrose Park was split into two sub precincts, with Hope Street delineating the Melrose Park North Precinct from the Melrose Park South Precinct. The Structure Plans provide an overview of where density and supporting infrastructure should be located. The Structure Plans guide the precinct's urban renewal and unlike a Planning Proposal, they do not change any planning controls.
5. The Melrose Park North Structure Plan was endorsed by Council in 2016 and identified a town centre, open space and high density residential development as future land uses. The Melrose Park South Structure Plan was endorsed by Council in 2019 and identified open space and high density residential development as future land uses.
6. The 2019 Transport Management and Accessibility Plan (TMAP) is a critical guiding document for Melrose Park's urban renewal. The TMAP was approved by Transport for NSW, the (then) Department of Planning and Environment, and Council. Based on the Melrose Park Structure Plans, the TMAP sets a maximum capacity of 11,000 dwellings for the entire precinct. This Planning Proposal is in keeping with the TMAP recommendations.
7. In 2020, Council endorsed its Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) which identified Melrose Park as a Growth Precinct.
8. In 2021 most of the Melrose Park North precinct (including Sekisui and Deicrop landholdings) was rezoned for urban development, facilitating approximately 5,500 dwellings. (It is noted the Melrose Park North Planning Proposal's masterplan layout differed somewhat compared to the 2016 Structure Plan due to the confirmation of the Parramatta Light Rail Stage 2 route and the identified need for a school).
9. In 2022 a significant part of the Melrose Park South precinct (the Holdmark landholdings) was rezoned for urban development, facilitating approximately 1,925 dwellings.

10. To date the Melrose Park precinct has been rezoned to facilitate a total 7,425 dwellings. In this context this Planning Proposal is relatively minor as it seeks to facilitate approximately an additional 161 dwellings in the precinct (a 2.2% increase). This Planning Proposal is consistent with and builds on the established significant strategic direction for Melrose Park.

This Planning Proposal

11. At its meeting on 14 June 2022, Council endorsed for Gateway determination (and subsequent public exhibition) a Planning Proposal that would facilitate a mixed use development of approximately 161 units on the site. The Planning Proposal seeks to rezone the site from part E4 General Industrial and part R2 Low Density Residential to part MU1 Mixed Use and part RE1 Public Recreation under the Parramatta Local Environmental Plan 2023 (PLEP 2023). The Planning Proposal was reported to Council prior to a draft Development Control Plan or a draft Planning Agreement being prepared so that Council could consider the strategic merit of the Planning Proposal for Gateway determination.
12. A Gateway Determination was issued by the (then) Department of Planning & Environment, now the Department of Planning, Housing, and Infrastructure (DPHI), on 5 October 2023. The Gateway Determination was not issued until the Local Planning Agreement for the Melrose Park North precinct (facilitating 5,000 dwellings adjacent to the Tomola subject site) had been executed as this delivers supporting infrastructure for the wider precinct on which this Planning Proposal is reliant on as justification for its proposed density.
13. The Gateway Determination conditioned this Planning Proposal be amended to ensure the proposed floor space control aligns with the intended built form. As such the proposed FSR control was amended to only apply to the MU1 zoned land (not the entire site including the RE1 zoned land). This resulted in the FSR increasing from 1.85:1 to 2.67:1 for the MU1 zoned land, however the overall GFA yield that can be achieved on the site remains unchanged.
14. At its meeting on 22 April 2024, Council endorsed for public exhibition a draft Development Control Plan (DCP) and draft Planning Agreement to accompany the Planning Proposal. The draft DCP provides detailed built form controls in support of the Planning Proposal, and the draft Planning Agreement provides for two affordable housing units and public open space to be embellished and dedicated to Council.
15. Public exhibition of the Planning Proposal, the draft DCP, and the draft Planning Agreement occurred concurrently from 16 June 2024 to 17 July 2024. Six submissions were received.

PLANNING PROPOSAL OVERVIEW

16. The Planning Proposal seeks to amend PLEP 2023 to enable redevelopment of the site for mixed use (comprising of high density residential and commercial uses), and public open space. Refer to Table 1 below for a summary of the existing and proposed controls.

Table 1: Planning Proposal Overview

	Existing LEP Controls	Proposed LEP Controls
Zoning	Part E4 General Industrial (4,765sqm) Part R2 Low Density Residential (3,694sqm)	Part MU1 Mixed Use (5,807sqm) Part RE1 Public Recreation (2,673sqm)
Maximum Building Height (HOB)	Part 9m (R2 zone) Part 12m (E4 zone)	Range between 13m and 48m (Approx 4-14 storeys)
Maximum Floor Space Ratio (FSR)	Part 0.5:1 (R2 land) Part 1:1 (E4 land)	2.67:1 (MU1 land only) Approx. 14,070 sqm residential GFA (161 units) and 1,630 sqm commercial GFA

17. Refer to **Figure 3** to **Figure 8** showing the current and proposed zoning, height of buildings and FSR controls.

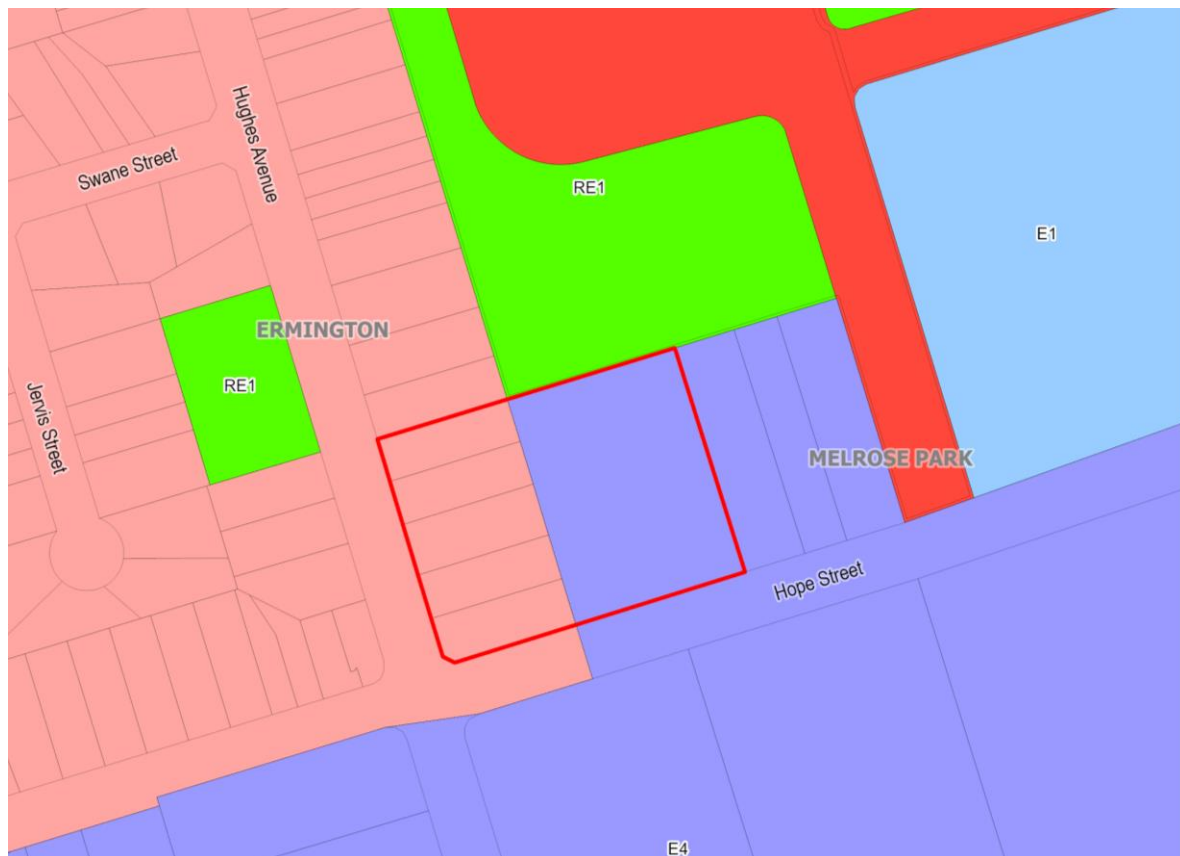


Figure 3: Existing Zoning



Figure 4: Proposed Zoning



Figure 5: Existing Height of Buildings controls



Figure 6: Proposed Height of Building controls



Figure 7: Existing Floor Space Ratio controls

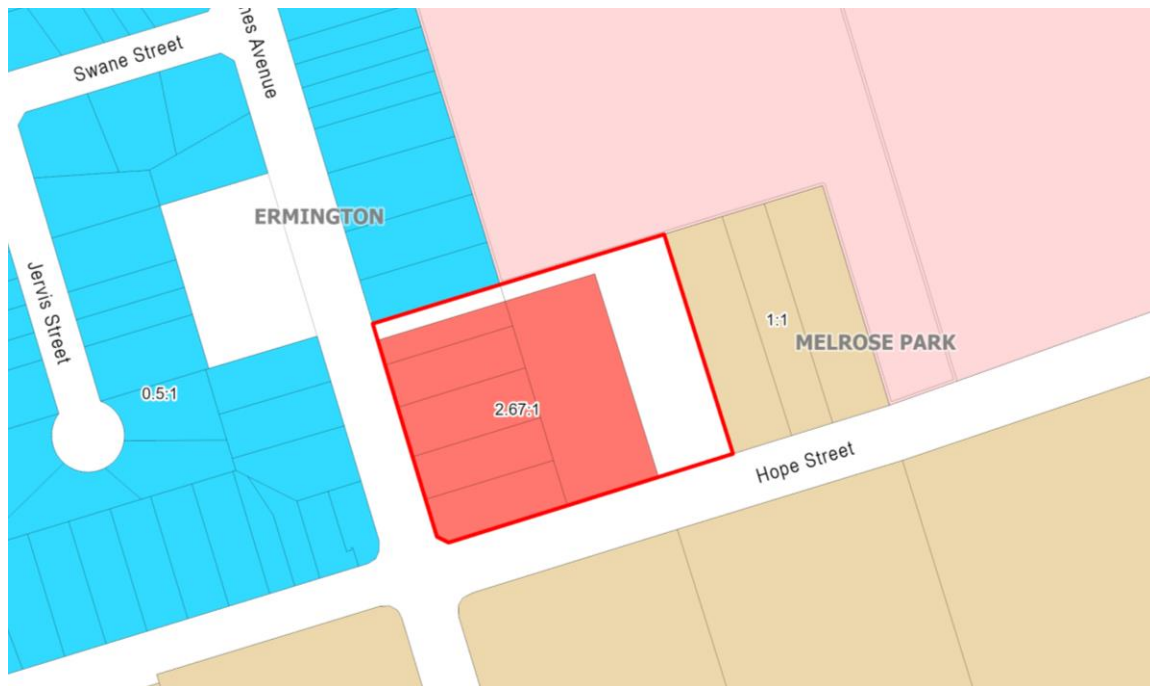


Figure 8: Proposed Floor Space Ratio controls

DEVELOPMENT CONTROL PLAN OVERVIEW

- 18. The draft DCP supports the provisions within the LEP by providing detailed development controls relating to design, character, and the environment to ensure the desired outcome for the site is achieved. The draft DCP (**Attachment 2**) seeks an amendment to Section 8.2.6 (Melrose Park Urban Renewal Precinct) of the existing Parramatta DCP 2023.
- 19. The draft DCP masterplan figure is shown as **Figure 9** below.

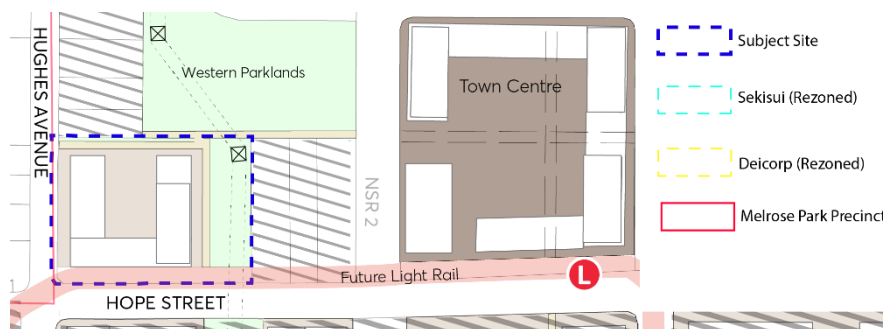


Figure 9: DCP masterplan (subject site in blue)

- 20. The draft DCP controls address the interface between the site and that of the future light rail along Hope Street to the south, existing detached housing along Hughes Avenue to the west and north, and the future Western Parklands to the east through setback and built form controls. The eastern setback is 6m for residential development fronting Hughes Ave, and the northern setback is 3m from the pedestrian through site link. The built form controls set a maximum four storey building height adjacent to the northern low density housing on Hughes Avenue. The controls in the draft DCP work in conjunction with building height and FSR controls in the LEP to ensure an appropriate transition of bulk and scale. The draft DCP setback and height of building controls are shown in Figure 10 and Figure 11.

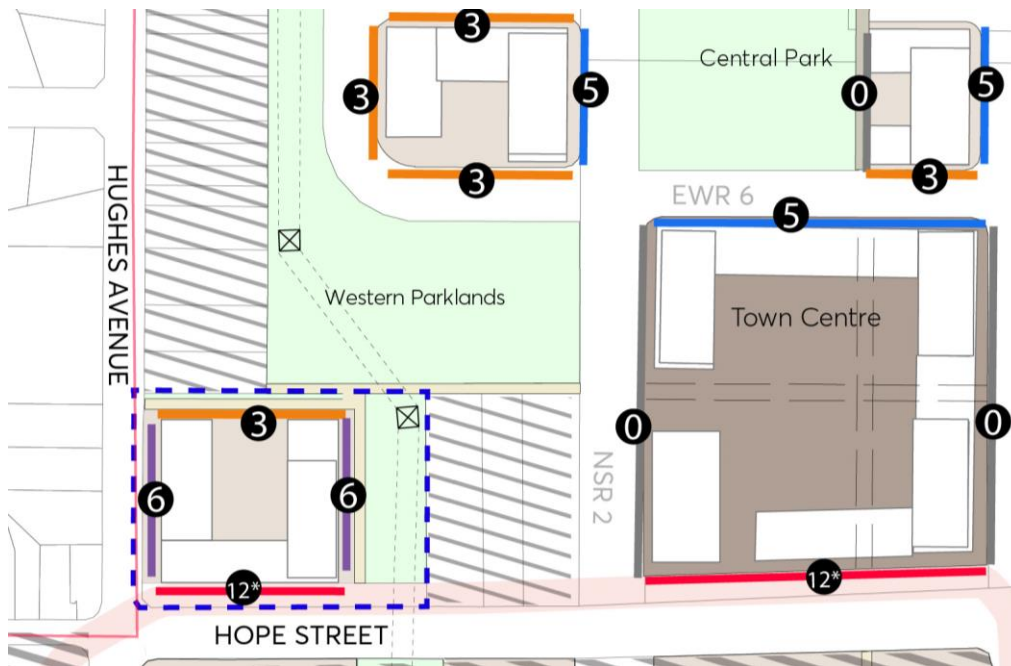


Figure 10: DCP setback controls (the site outlined in blue)

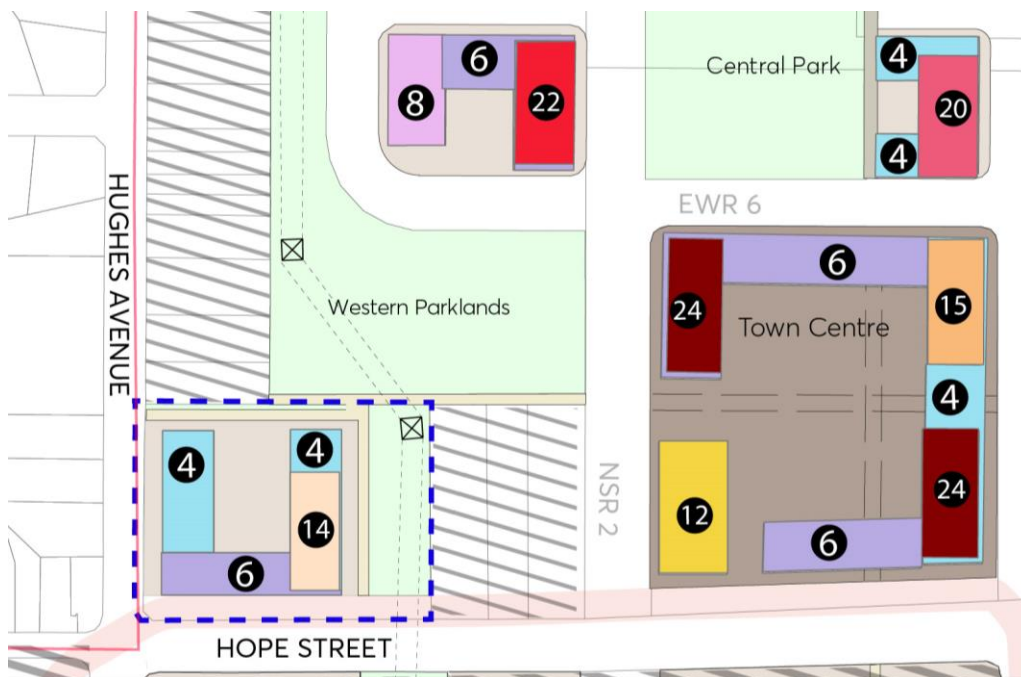


Figure 11: DCP building storey controls (the site outlined in blue)

21. The draft DCP requires two public pedestrian through site links (east-west and north-south) connecting Hughes Avenue and Hope Street with the wider Melrose Park North precinct (see Figure 12). The draft DCP will ensure the proposed RE1 Public Recreation zone land to the east (beneath the north-south transmission line) integrates with the proposed parkland in the Sekisui landholding to the north. Embellishment of the RE1 zoned land that is part of the site forms part of the draft Planning Agreement (see Planning Agreement Overview section below).

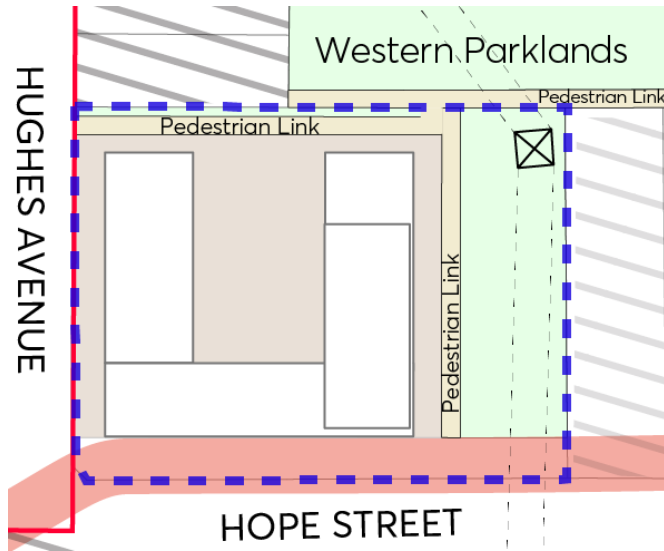


Figure 12: DCP pedestrian links and open space controls

22. In addition to the draft DCP controls for the site, housekeeping changes to other DCP controls that apply to the rest of Melrose Park precinct are also proposed (see **Attachment 2**). These involve the Melrose Park masterplan figures being amended to align with the approved Melrose Park North Infrastructure Development Application (DA/1100/2021) which reconfigured part of the planned street network adjacent to Wharf Road in response to detailed technical assessment relating to tree preservation, stormwater management, traffic performance, and increased open space. Minor anomalies such as grammatical errors and mislabelled figures have also been corrected. These changes have not altered any zoning, height of building or floor space ratio controls already in force within the Melrose Park precinct as identified in PLEP 2023.
23. Comments were raised in submissions on the draft DCP. Council officer responses are provided later in this report and in detail in **Attachment 4**.

PLANNING AGREEMENT OVERVIEW

24. The draft Planning Agreement relating to the provision of local infrastructure has a total value of \$3,439,859.50 and proposed to deliver the following items.

PA Item	\$ Value
Embellishment of Open Space to Council	\$1,639,859.50
Dedication of 2 (Two Bedroom) Affordable Housing Units to Council	\$1,800,000
Total Value	\$3,439,859.50

25. 2,673 sqm of public open space is proposed to be embellished and dedicated to Council. The public open space includes the north-south and east-west pedestrian through-site links identified in the draft DCP (see **Figure 12**) and parkland beneath the transmission line. This is consistent with the approach and deliverables in the Melrose Park North Planning Agreement. The public open space will form a part of the linear “Western Parkland” that when completed, will be owned by Council and will extend from Victoria Road through the Sekisui land

to Hope Street. The cost of the open space embellishment is valued at \$1,639,859.50 and is reflective of the level of embellishment that is acceptable under the transmission line. The applicant has consulted with Ausgrid, who were supportive of the level of embellishment proposed. **Figure 13** shows the proposed embellished open space to be dedicated to Council.

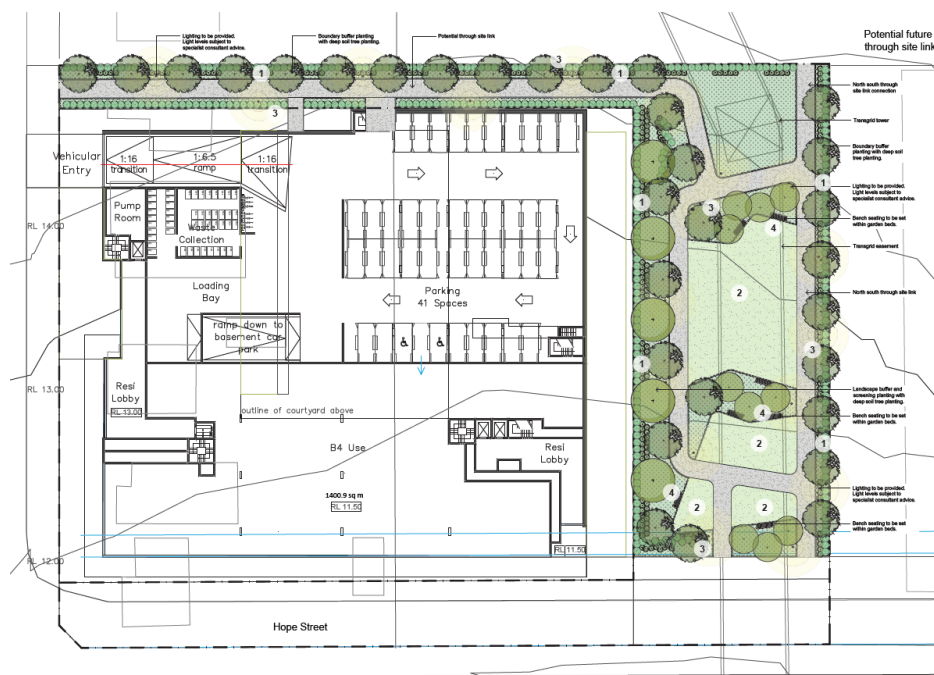


Figure 13: Open space to be dedicated to Council

26. Two x 2 bedroom affordable housing units (with one allocated parking bay per unit) will be dedicated to Council in perpetuity.
27. The draft Planning Agreement excludes the application of the Parramatta (Outside CBD) Contributions Plan. Instead, the draft Planning Agreement includes a 1% contribution (of the total cost of the future subject site development) at the development application stage. The 1% contribution is what was prescribed under the former Parramatta Section 94A Development Contributions Plan 2017. This is consistent with the approach previously endorsed by Council and taken in relation to the Sekisui and Deicorp Melrose Park North Planning Agreement and Holdmark Melrose Park South Planning Agreement that have both been finalised.
28. The draft Planning Agreement equates to a per dwelling contribution rate of \$21,326.97. This is equivalent (when adjusted for inflation) to the per dwelling rate in other executed planning agreements for Melrose Park, including the Sekisui and Deicorp Melrose Park North Planning Agreement that Council endorsed at its meeting on 22 March 2021.
29. Comments were raised in submissions on the draft Planning Agreement. Council officer responses are provided later in this report and in detail in **Attachment 4**.

CONSULTATION

30. The Planning Proposal, draft DCP, draft Planning Agreement and supporting documents were publicly exhibited from 16 June to 16 July 2024. The exhibition

occurred in accordance with Council's Community Engagement Strategy and the following notification methods were used:

- a. Letters to landowners and residents within a 150m radius of the site (84 letters in total);
 - b. Email to the Melrose Park Resident Acton Group;
 - c. Dedicated exhibition page on Council's Participate Parramatta website;
 - d. Advertisement on Council's website;
 - e. Hard copies of the draft documents and supporting information provided at Council's Customer Contact Centre, Parramatta Library and Ermington Branch Library; and
 - f. Advertisement in Parra News.
31. A total of six submissions were received. No submissions were received from residents within the notification radius (or the City of Parramatta Local Government Area). The submissions received were from:
- a. Transport for NSW (TfNSW);
 - b. George Western Foods (2 Hope Street, Melrose Park);
 - c. Three Individuals (including two as members of the Melrose Park Resident Action Group); and
 - d. The applicant (Keylan).
32. A breakdown of positions taken by the submitters is shown below. 50% (3) of the submissions objected to the Planning Proposal.

Table 2: Submissions

POSITION	NUMBER AND SUBMITTERS
Support and Comment	1 – Applicant (Keylan)
Comment	2 - TfNSW and George Western Foods
Objection/ Request Deferral	3 – Residents (2 as members of the Melrose Park Resident Action Group)
Total	6

COUNCIL OFFICER RESPONSES TO KEY ISSUES RAISED IN SUBMISSIONS

33. A summary of the key issues raised in the submissions and Council Officer responses is provided below. Detailed Council Officer responses to all issues raised are provided in **Attachment 4** to this report. No changes are proposed to the exhibited Planning Proposal and draft Planning Agreement, as it is considered that the matters raised are addressed in the draft provisions or can be addressed as part of the development application stage. Minor amendments are proposed to the draft DCP to clarify intent of the controls in response to submissions.

Parramatta Light Rail Stage 2 Interface

34. The submission from TfNSW largely related to the Planning Proposal's relationship with Parramatta Light Rail Stage 2 (PLR2). It is noted the project has received planning approval with major construction expected to commence in 2027. The site's southern boundary along Hope St interfaces directly with the future PLR2. Two light rail stops will be located in close proximity to the subject

site (Atkins Road to the west and Melrose Park to the east). This is shown in Figure 14.

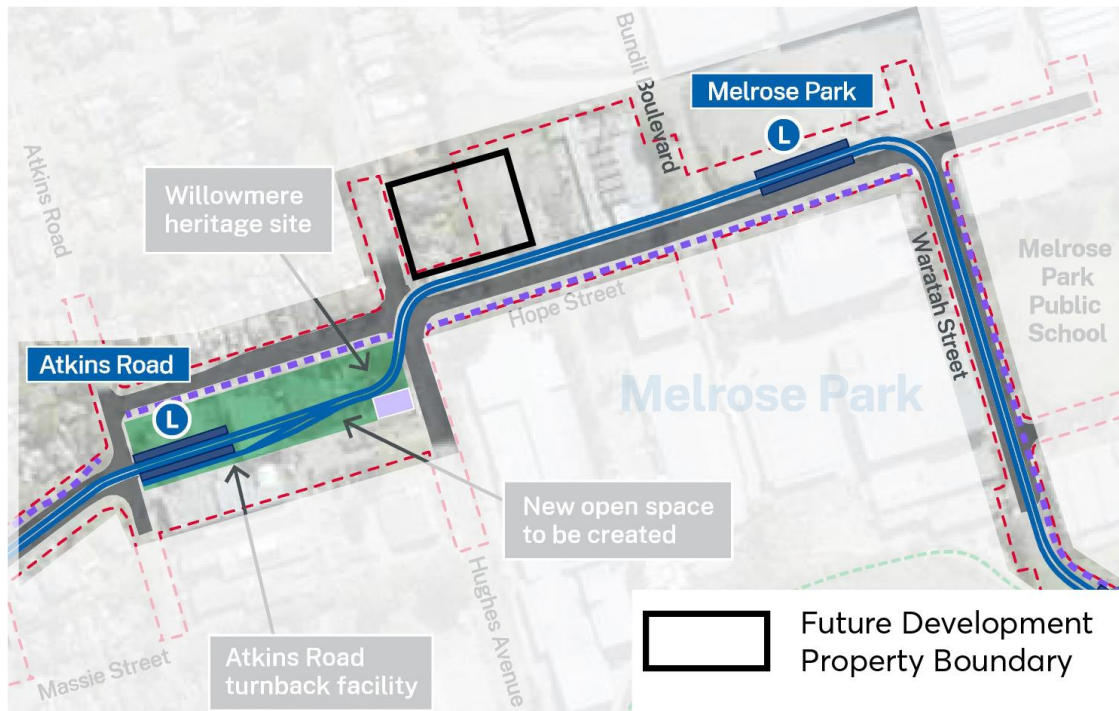


Figure 14: Approved Parramatta Light Rail Corridor

35. Specifically, TfNSW made the following requirements for the PLR2 interface:

- a. That the PLR2 12m setback from (existing) Hope St is to the future property boundary of the development. Council officers in response have amended the draft DCP to clarify the 12m Hope St setback control is to the future property boundary.
- b. That no structure or substructure are constructed within the PLR2 12m setback corridor. Council officers in response have amended the draft DCP to include a new control requiring all servicing (electricity, water, telecommunications) is provided off Hughes Avenue.
- c. That the car parking rate control for the subject site is the same as the existing Parramatta DCP 2023 car parking rate for developments within 500m of a light rail stop. Council officers propose no change as the light rail parking control is already referenced in the draft DCP.

36. TfNSW also requested that they are consulted closely as part of detailed design. Council officers consider no changes to the Planning Proposal are required as this is a DA matter.

37. The submission from a resident (which was supported by two members of MPRAG) stated the PLR2 corridor on the subject site should be zoned SP2 Special Infrastructure. Council officers propose no changes to the zoning as the setback controls adequately protect the PLR2 corridor. The proposed zoning is consistent with the approach undertaken elsewhere in Melrose Park. Furthermore, TfNSW has made no objections to the zoning.

Request for Additional Permissible Use – Self Storage Units

38. The submission on behalf of the landowner, Payce, sought to make self-storage units as an additional permitted use (APU) within the MU1 Mixed Use Zone on the subject site. The applicant's reasons included:
- a. Self storage units are a supporting land use for the high density residential Melrose Park precinct. The demand for self-storage units is increasing in areas of high density living.
 - b. APU for self-storage units aligns with other light industrial uses which are permitted in the MU1 zone. To preclude self-storage units as a permissible use is an anomaly in the context of these other permissible light industrial uses that are deemed suitable for mixed use areas.
 - c. The site is well located to support self storage units in the Melrose Park precinct.
39. Council Officers are not supportive of the provision of self storage units as a APU on the site. The lack of streetscape activation and limited employment opportunities that would arise from such a use contradict the objectives of the Planning Proposal to increase jobs and provide an active street frontage. The proposed self storage units APU would be premature as the precinct is yet to be developed and the feasibility of other permitted uses that are more compatible with these aims and the mixed use zoning of the site has not been tested.
40. Noting Council Officer's position in relation to the self storage units, the applicant has subsequently withdrawn their request for self storage units to be an APU.

Impacts on Existing Industrial Uses and Future Development Opportunities

41. The submission on behalf of the George Weston Foods did not object to the Planning Proposal but raised concerns on the impact to its bread production and distribution facility located at 2 Hope Street, Melrose Park. The submission included the following key points:
- a. Land Use Conflict - Impacts of the future mixed-use development on the operation of the established bread production facility need to be appropriately managed.
 - b. Future Development Opportunities – Assurances that the Melrose Park Structure Plan will be flexibly applied to the 2 Hope St site when it is rezoned in the future.
42. Council officers acknowledge the presence of contrasting land uses while the precinct undergoes redevelopment is a matter that will need to be carefully managed. However it is considered that the DCP and other applicable controls will ensure that any potential negative amenity impacts, and interface issues are minimised as the precinct transitions away from industrial uses.
43. It is noted the cumulative land use conflict impact of the Planning Proposal on the George Weston Foods site would be minor. As shown in **Figure 15** below, the already rezoned Sekisui, Deicorp and Holdmark landholdings facilitate approximately 7,000 dwellings, compared to the 161 dwellings that would be

facilitated by this Planning Proposal. Furthermore, the construction and operation of the approved Parramatta Light Rail Stage 2 project will likely have greater impacts on the bread production site than development that is facilitated by this Planning Proposal. Any land use conflicts that arise from future development at the site can be addressed at the Development Application stage.



Figure 15: Location of George Weston Foods (2 Hope St) outlined in red

44. Council Officers note the Melrose Park Southern Structure Plan applies to the bread production site at 2 Hope St. The Melrose Park Southern Structure Plan is a Council endorsed strategy that establishes the strategic merit to guide the precinct's urban renewal from a predominantly industrial precinct to a high density residential precinct. The Structure Plan ensures a coordinated approach to redevelopment by Council, landowners, and State agencies. The Structure Plan provides an overview of where density and supporting infrastructure should be located. Unlike a Planning Proposal, the Structure Plan does not rezone land or change any planning controls such as building heights and floor space ratios. As such any future Planning Proposal for 2 Hope St will be considered on its site specific and strategic merit.

Notification Radius of the Planning Proposal

45. Submissions from two residents, both who are members of the Melrose Park Resident Action Group (MPRAG), objected to the manner of public exhibition for the Planning Proposal. Concern was raised with the length of the public exhibition period and the notification letter radius. A request was made for the public exhibition period to be extended and that all Melrose Park residents located in

the Ryde Local Government Local Government Area (LGA) are notified as per the practice for previous planning proposals in Melrose Park.

46. Council Officers considered no changes were required to the public exhibition of the Planning Proposal as it was undertaken in accordance with Council's Community Engagement Strategy. The Planning Proposal was on public exhibition from 18 June to 18 July 2024 and 86 letters were mailed to all properties within 150 metres of the subject site. The MPRAG was also notified by email. It is acknowledged that the Melrose Park South Planning Proposal and the Melrose Park North Planning Proposals were notified to Ryde LGA residents. However, both Planning Proposals bordered Wharf Road (the boundary between the LGAs) and facilitated in total approximately 7,425 dwellings. These significant and highly complicated planning proposals were also more broadly notified as they were critical in establishing the strategic direction for Melrose Park to develop into a predominantly high density residential precinct. By contrast this Planning Proposal will facilitate approximately 161 dwellings and is located over 400 metres from the Ryde LGA and does not impact the strategic direction already established for Melrose Park. All submissions that were received following the conclusion of public exhibition period were accepted by Council Officers and are considered as part of this report.

Application of RE1 Public Recreation Zone, and Impact on Existing Vegetation

47. A submission from a resident (which was supported by two members of MPRAG) raised concerns with the proposed RE1 Public Recreation zoned land and its constraint by the existing high voltage transmission lines. The submission also states the Planning Proposal has not adequately considered the removal of existing trees within the site.
48. Council Officers consider no changes are required to the Planning Proposal. The proposed RE1 zone forms part of the linear Western Parkland in the Melrose Park precinct that will eventually provide a green open space corridor (under Council ownership) from Victoria Road to Parramatta River. The above ground transmission line inhibits active recreational uses of the Western Parkland (i.e. playgrounds under the transmission easement), but the parkland will provide an important space for passive recreation (i.e. dog parks, pathways). In the long term there may be an opportunity to investigate undergrounding of the transmission lines. Regarding concern over tree loss, the existing site is largely cleared of vegetation and future development will likely result in an increase of tree planting given the DCP requires deep soil areas.

Excessive Density and Insufficient Affordable Housing

49. A submission from a resident objected to the proposed building height and floor space controls as excessive and out of local character. The submission also stated the proposed provision of affordable housing is inadequate and a minimum 10% of dwellings should be provided as affordable housing.

50. Council Officers consider the proposed built form controls appropriate. The proposed density is a result of extensive urban design testing and is reflective of the future character of Melrose Park established through the previous structure planning work and finalised planning proposals in both Melrose Park North and South Precincts. The draft DCP storey controls, ranging from fourteen storeys in the eastern portion to four storeys in the western portion of the site, ensures that overshadowing impacts are minimised to the lower density environment on Hughes Avenue and provides appropriate built form transition to low scale to the west. Furthermore, the proposed FSR of 2.67:1 aligns with density of the neighbouring rezoned Sekisui and Deicorp landholdings.
51. Council Officers consider the provision of two 2 x bedroom affordable housing units as appropriate given it is in accordance with the rate included in other completed Melrose Park Planning Agreements (Sekisui and Holdmark). Additionally, the proposal aligns with Council's Affordable Rental Housing Policy which stipulates that Council will seek a minimum of 0-5% of all dwellings be dedicated to Council in perpetuity for affordable housing. There is also the possibility for additional affordable housing units to be delivered by the developer at the Development Application stage. Therefore, Council Officers consider no changes are required to the Planning Proposal.

Appropriateness of Melrose Park DCP Housekeeping Amendments

52. A submission from a resident objected to the inclusion of Melrose Park DCP housekeeping amendments in the draft DCP. The submission stated the amendments were out of scope for a housekeeping amendment as they revised the Melrose Park masterplan figure. Furthermore, an LEP amendment was required to give effect to these DCP masterplan amendments as land uses have been reconfigured. The submission also stated that the letter notification radius area should have been larger because of the DCP amendment to the masterplan figure.
53. Council Officers consider the draft DCP housekeeping amendments appropriate in scope. The DCP masterplan amendment simply reflects the development consent of DA/1100/2021 for the Melrose Park North street network and subdivision. The Sydney Central City Regional Panel approved the development application (DA) on 13 December 2023, and the landowner Sekisui has since commenced works. The approved DA street network differs from the proposed street layout that is in the existing DCP, hence the need for the housekeeping amendment. A Section 3.22 Amendment has been submitted by Council to DPPI, to realign the zoning to the development lots reconfigured by of DA/1100/2021. The Section 3.22 Amendment is expected to be gazetted by the close of 2024. It's noted that DA/1100/2021 was widely notified, and included all Melrose Park residents in the Ryde LGA.

PROPOSED CHANGES TO THE DRAFT DCP

54. In response to issues raised during the exhibition process and further review of the draft DCP, certain limited changes are proposed to be made to ensure the intended development outcomes can be achieved on the site.

55. The changes are to controls that relate to the development's interface with the proposed Parramatta Light Rail, and the public domain on Hughes Avenue. Refer to **Table 3** for a list of changes. These changes are not considered to be of a nature that require the draft DCP to be re-exhibited.

Table 3: Changes to Draft DCP

Changes to Draft DCP	Justification
Hughes Avenue Public Domain – Require undergrounding of telecommunications and electricity power lines adjacent the subject site.	Response to further Council Officer refinement of the draft DCP. Consistency with Melrose Park Public Domain Guidelines. Expectation that undergrounding will be delivered by the development to align with design intent of Melrose Park precinct.
Parramatta Light Rail (Hope St) Setback – Clarification of 12m Hope St setback control to ensure the setback is to the future property boundary line.	Response to TfNSW submission. Ensure there is no impact to Parramatta Light Rail corridor along Hope St.
Parramatta Light Rail Servicing – Require the subject site development to be serviced off Hughes Ave (e.g. electricity, water, sewerage telecommunication lines).	Response to TfNSW submission. Ensure there is no impact to Parramatta Light Rail corridor along Hope St.

FINANCIAL IMPLICATIONS FOR COUNCIL

56. Work to progress the finalisation of the Planning Proposal would be prepared by Council Officers and therefore within the existing City Planning and Design budget. Should this matter progress, a Planning Agreement delivering the public benefits outlined in this report will be entered into between Council and the applicant.

CONCLUSION AND NEXT STEPS

57. It is recommended that the Parramatta Local Planning Panel (Panel) support the Council Officer recommendation for Council to approve the finalisation of the Planning Proposal provided at **Attachment 1**.
58. Following the Panel's consideration of the recommendations of this report, the Planning Proposal with the Development Control Plan and Planning Agreement will be put to an upcoming Council meeting for approval.




Simon Coleman
Project Officer Land Use

Michael Rogers
Land Use Planning Manager

Belinda Borg
Team Leader Land Use Planning

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

- | | | | |
|---|---|--------------------------|-----------|
| 1 |   | Planning Proposal | 80 Pages |
| 2 |   | Development Control Plan | 131 Pages |
| 3 |   | Planning Agreement | 60 Pages |
| 4 |   | Submissions Report | 19 Pages |

REFERENCE MATERIAL



**CITY OF
PARRAMATTA**

PLANNING PROPOSAL

Tomola

19 Hope Street, Melrose Park and 69-77 Hughes Avenue,
Ermington

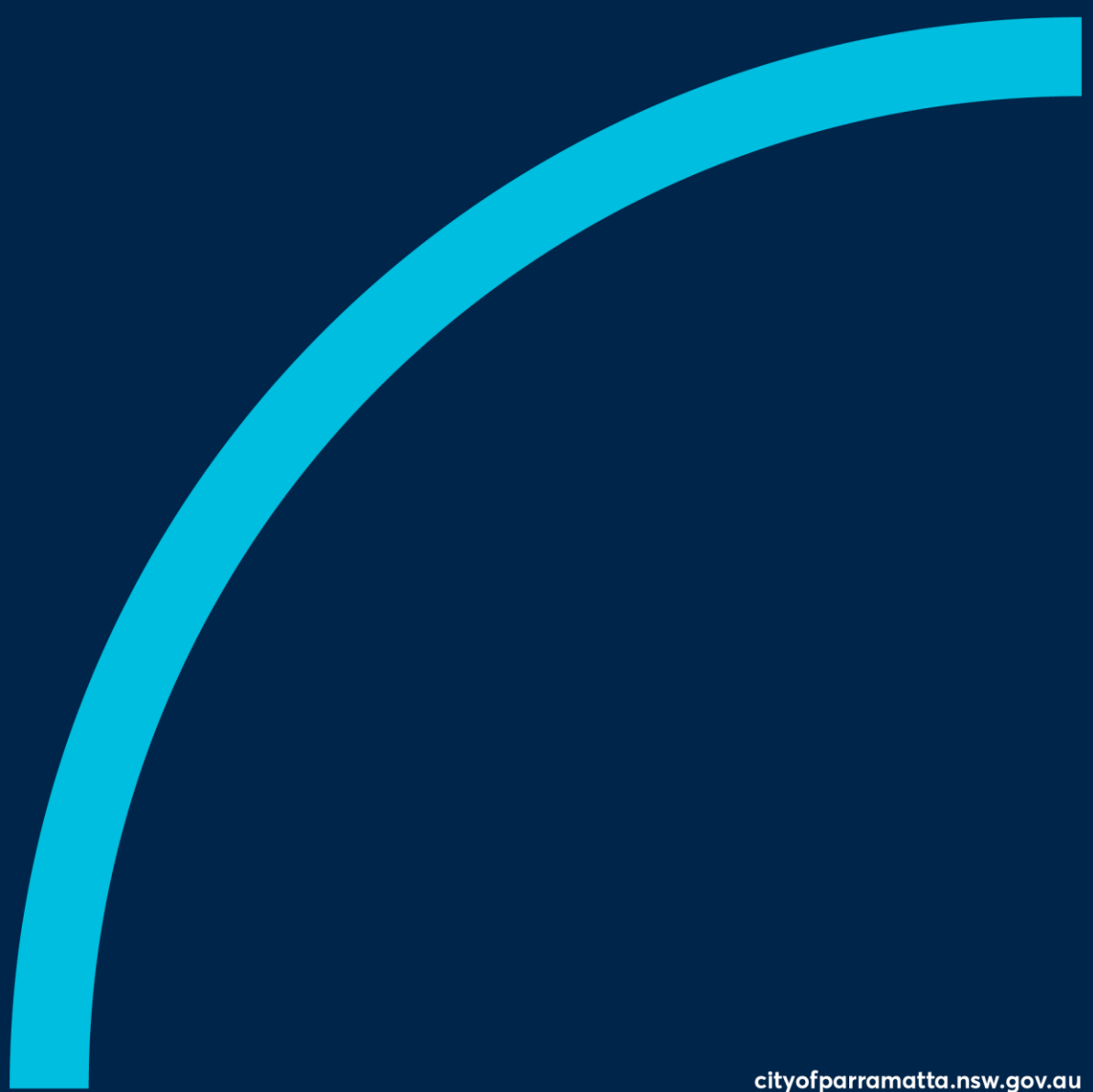


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Proponent versions:

No.	Author	Version
1.	Keylan Consulting	December 2020 – Lodged to Council

Council versions:

No.	Author	Version
1.1	City of Parramatta Council	August 2023 - Gateway Submission
1.2	City of Parramatta Council	1 September 2023 – Administrative updates to ensure the Planning Proposal report aligns with the 14 June 2022 endorsed Council resolution.
1.3	City of Parramatta Council	October 2023 – Post Gateway Planning Proposal for Agency Consultation
1.4	City of Parramatta Council	June 2024 –Planning Proposal for Public Exhibition
1.4	City of Parramatta Council	September 2024 –Planning Proposal for Council Endorsement

Introduction

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment (DPE) guide, Local Environmental Plan Making Guideline (August 2023)

The subject site consists of 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington. The site encompasses an area of approximately 8,485.8m² and is located on the corner of Hope Street and Hughes Avenue at the border of Melrose Park and Ermington.

The Planning Proposal seeks an amendment to *Parramatta Local Environmental Plan 2023* (PLEP 2023) to rezone the site from *R2 Low Density Residential* and *E4 General Industrial* to *MU1 Mixed Use* and *RE1 Public Recreation* and amend the site's maximum building height and floor space ratio (FSR) controls.

Summary of Proposed LEP Amendments		
Provision	Current LEP Provision	Proposed
Zoning	E4 General Industrial R2 Low Density Residential	MU1 Mixed Use & RE1 Public Recreation
FSR	1:1 0.5:1	Overall FSR of 1.85:1 – equates to an FSR of 2.67:1 on MU1 land (no FSR on RE1 land)
Height of buildings	12m 9m	47m (14 storey)

Table 1: Proposed LEP Amendment

The Planning Proposal would facilitate a mixed use development with 1,400m² of commercial floor space and approximately 161 residential dwellings. The proposed scheme involves a single U-shaped building that ranges in height from 4 to 14 storeys.

The site is part of the Melrose Park precinct that is undergoing urban renewal. The adjacent Melrose Park North Planning Proposal has been finalised and the rezoning enables the redevelopment of the wider precinct and creation of a new town centre (approximately 5500 dwellings). The nearby Melrose Park South (Holdmark sites) Planning Proposal has also been finalised and the rezoning facilitates approximately 1900 dwellings in the southern precinct.

Having consideration of the approved adjoining planning proposals to the north and south, the site would be out of character with future surrounding development and would result in an isolated industrial site. This Planning Proposal provides the opportunity to redevelop the site for mixed uses in keeping with the emerging character of the Melrose Park Precinct.

The Planning Proposal is accompanied by technical reports and studies that assess the relevant environmental, social and economic issues to the proposed amendments to the

Parramatta Local Environmental Plan 2023 (PLEP 2023), including the following:

- Urban Design and Landscape Report and proposed LEP maps
- Preliminary Traffic Impact Assessment
- Economic Impact Assessment
- Community and Engagement Strategy
- Preliminary Geotechnical Assessment Report
- Acoustic Advice
- Engineering Services Due Diligence Report
- Preliminary Site Investigation Report
- Social Impact Assessment
- Concept Stormwater Strategy
- Flora and Fauna Report
- Site Survey

Site Description

The site has an area of approximately 8,485.8m² and has frontages of 104 metres to Hope Street and 79 metres to Hughes Avenue. The site comprises six land parcels and is known as 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington.

Address	Lot	Existing Structures
19 Hope Street	Lot G DP 369480	<ul style="list-style-type: none"> • a two-storey commercial building (former Tomola Motors Building) • a large power transmission line and stanchion that occupies and runs through the northeast portion of the site
69 Hughes Street	Lot A DP 356298	<ul style="list-style-type: none"> • vacant
71 Hughes Street	Lot B DP 356298	<ul style="list-style-type: none"> • two storey attached dual occupancy
73 Hughes Street	Lot D DP 369480	<ul style="list-style-type: none"> • two storey dwelling and a detached garage
75 Hughes Street	Lot E DP 369480	<ul style="list-style-type: none"> • two storey dwelling and a detached garage
77 Hughes Street	Lot F DP 369480	<ul style="list-style-type: none"> • single storey dwelling and a detached garage and shed

Table 2: Site Details



Figure 1: Aerial (Source: NearMap)

There is minimal vegetation located on the site with low shrubbery on the Tomola portion of the site and a few mature trees located within the residential properties fronting Hughes Avenue.

A large Ausgrid high voltage power transmission line, stanchion and associated easement occupies the site and runs through the north-east portion of the site as shown below.

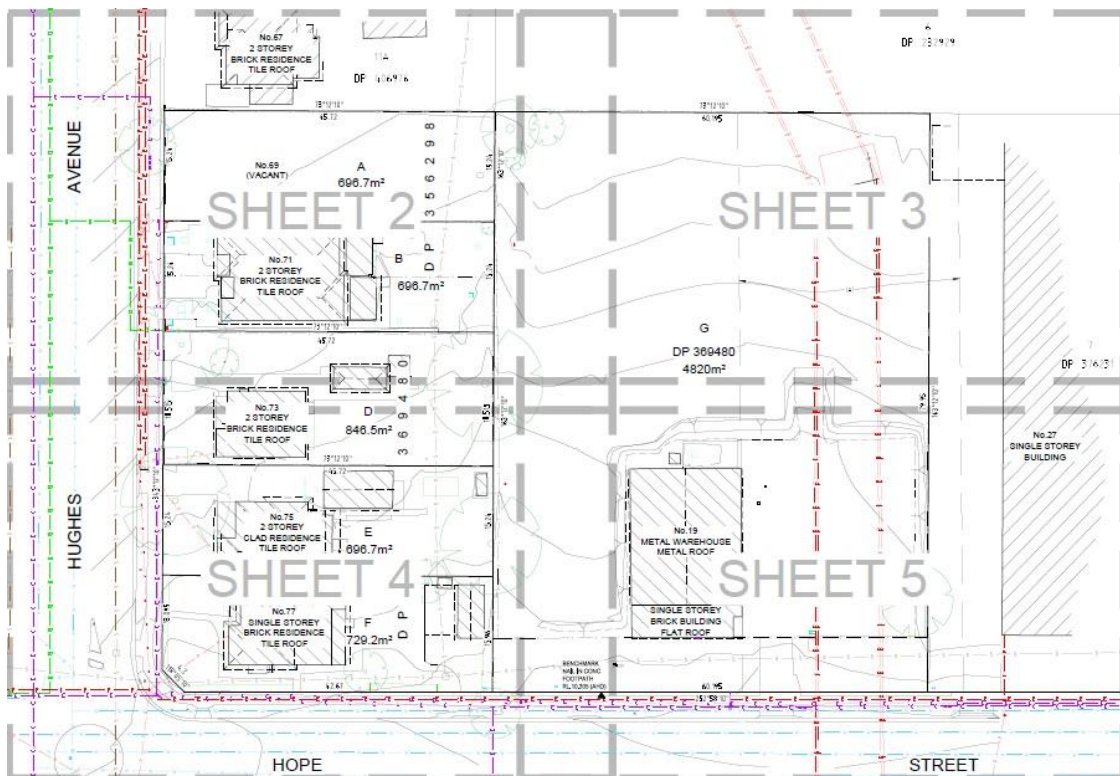


Figure 2: Extract of site survey (Source: LTS)



Figure 3: Former Tomola Motors Site at 19 Hope Street (Source: Google)



Figure 4: 73, 75 and 77 Hughes Avenue (Source: Google)



Figure 5: 69 and 71 Hughes Avenue (Source: Google)

Locality

The Site is within close proximity to Victoria Road, identified as a key strategic transport corridor between Parramatta CBD and Sydney CBD. The Parramatta CBD is approximately 5.8km west from the Site.

The immediate locality is characterised as low density residential development to the west with the remainder of the Melrose Park Industrial Area (including Melrose Park North and South) to the north, south and east. As discussed throughout this report, Melrose Park North and South are subject to Planning Proposals which will see the precinct transition into a high density mixed use development.

The Site is located approximately 2.2km from Meadowbank and West Ryde Railway Stations and approximately 1.2km from the nearest village/small village on Betty Cuthbert Avenue in Ermington. The West Ryde Town Centre is also located close by (approximately 2.2km), which offers a larger mix of retail, commercial and community uses.

Sydney Olympic Park and its associated open space, sport, recreation and entertainment facilities are easily accessed by car from the Site (15 minute drive), however, currently less accessible by public transport. Parramatta is approximately a 15 minute drive from the Site and is accessible within 30 minutes via bus from a stop located at the northwest corner of the Hope Street and Hughes Avenue intersection.

Melrose Park Precinct

The Melrose Park Precinct is an identified growth precinct in Council's strategic policies and will support significant housing development over the next twenty years. The entire precinct is 55 hectares in size, and is divided into Northern and Southern sub precincts. The site is situated within the north precinct.

Council's consideration of land within the Melrose Park Precinct has resulted in a number of significant Council resolutions and Department of Planning and Environment (DPE) determinations to guide the urban renewal transformation of the Precinct. These determinations include the following:

- On 11 July 2016, Council adopted the *Employment Lands Strategy* subject to conditions including a Structure Plan Principles Document for Melrose Park
- On 22 August 2016, Council resolved that Melrose Park be subject to 2 Structure Plans – Northern and Southern Structure Plans subject to minor amendments.
- In December 2016, Council adopted the *Northern Structure Plan for Melrose Park*. The Structure plan intends to act as a guide for future development in the precinct and is based on the recommendations of Council's *Employment Land Strategy* (adopted by Council in July 2016), which identifies the Melrose Park precinct as being suitable for redevelopment for non-industrial uses.
- On 16 December 2019 Council endorsed the Southern Structure Plan for Melrose Park.



Figure 6: The Northern and Southern Precinct for Melrose Park (Source: City of Parramatta)

Melrose Park North Planning Proposal (Sekisui & Deicorp, EGT, 8 Wharf Road)

The Melrose Park North Planning Proposal applies to land at 8 Wharf Road, Melrose Park (Wharf Road Site), 38-42, 44 & 44A Wharf Road and 27-29 Hughes Avenue, Melrose Park (Deicorp & Sekisui Site), and 15-19 Hughes Avenue and 655 Victoria Road, Ermington (Ermington Gospel Trust Site). The Planning Proposal covers a significant part of the Melrose Park North precinct.

These sites are owned by three separate landowners and their respective planning proposals were combined to form the Melrose Park North Planning Proposal. The largest landholding is owned by Sekisui & Deicorp, which prior to June 2023 was owned by Payce.

The Melrose Park North Planning Proposal will facilitate a total of 5,500 dwellings. Most of the new dwellings (5000) will be delivered on the Sekisui & Deicorp site.

The Planning Proposal was finalised by the Department of Planning on 24 June 2022 as Amendment 59 to the Parramatta LEP 2011 (now Parramatta LEP 2023). The amendment contains a deferred commence clause. The site-specific Development Control Plan will then be included within the Melrose Park section of the Parramatta DCP 2023 (DCP 2023).

The Sekisui & Deicorp Local Planning Agreement was executed in July 2023. The Planning Agreement is valued at approximately \$96M. The Sekisui/Deicorp Planning Agreement includes the following items:

- Land dedication for public open space and its embellishment.
- Social and community benefits including affordable rental housing, smart cities,

Ermington Community Hub and a shuttle bus service; and

- Road infrastructure benefits.

Council officers are currently negotiating Planning Agreements for the remaining two sites within the Planning Proposal area at 8 Wharf Road and 15-19 Hughes Avenue & 655 Victoria Road.

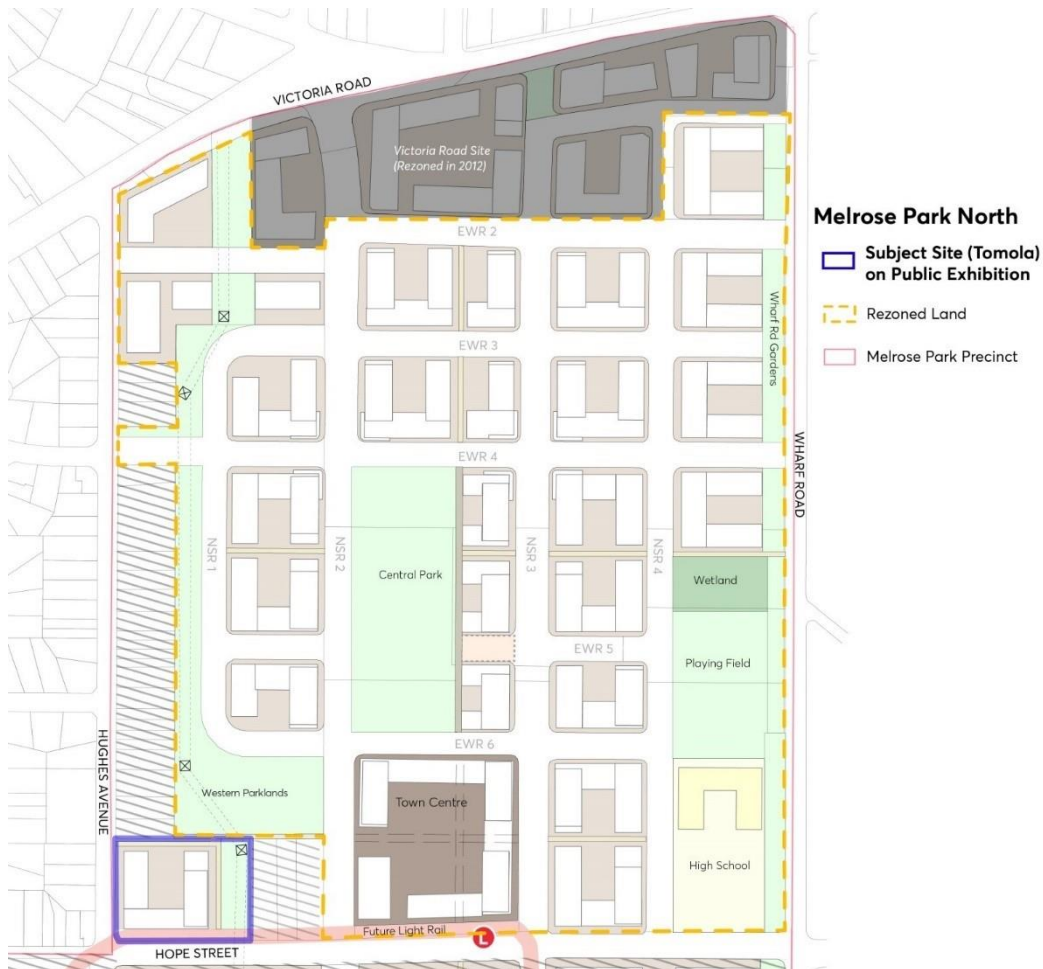


Figure 7: The site in the context of the wider Melrose Park Precinct (Source: City of Parramatta)

Melrose Park South Planning Proposal (Holdmark)

This Proposal applies to two separate sites owned by Holdmark at 112 Wharf Road and 30 & 32 Waratah Street, Melrose Park (East site) and 82 Hughes Avenue, Ermington (West Site).

The Holdmark Melrose Park South Planning Proposal will facilitate a total of 1,925 total dwellings (835 units on the East site, 1090 units on the West site).

The Holdmark Planning Proposal was finalised by the Department of Planning on 16 December 2022 as Amendment 67 to the Parramatta LEP 2011 (now Parramatta LEP 2023). The new planning controls came into effect on 30 June 2023. A site-specific DCP for Melrose Park will be included within the Parramatta DCP 2023.

The Holdmark Planning Agreement was executed in early 2023 and has been registered on title. The Planning Agreement has a value of approximately \$37 million. The Planning Agreement includes the following items:

- Affordable rental housing (24 units with a minimum of 34 bedrooms) dedicated to Council in perpetuity (\$16,169,411).
- Dedication of land at no cost to Council and embellishment of land to be used as public open space (\$21,077,414).



Figure 8: Land subject to the Melrose Park South Planning Proposal (Source: City of Parramatta)

Constraints and Opportunities

An Opportunities and Constraints analysis has been undertaken to inform the development of the planning proposal. This work informed the proposed landuses, and indicative built form and landscape outcomes as illustrated in the Urban Design Report and Landscape Concept Plan (Appendix 8). Opportunities include:

- the site identified in strategic policies as appropriate for non-industrial uses:
 - adopted Northern Structure Plan for Melrose Park
 - adopted Employment Land Strategy
- avoids site isolation from other industrial sites
- adjacent to Melrose Park North and South Precincts, complimenting the emerging character of the area
- opportunity to connect and integrate a previously closed-off industrial site with the existing residential neighbourhood
- opportunity for urban renewal to activate the Site and broader Precinct that is complementary to the existing residential land uses directly adjoining the Site and surrounding context
- single ownership to ensure certainty of delivery
- the traffic generation can be accommodated in the Stage 1A Melrose Park Precinct TMAP
- remediation of existing industrial land
- located within close proximity of existing and future public transport, noting Stage 2 of the Parramatta Light Rail will front the site on Hope Street
- addition commercial use to improve the vitality and mix of land uses in the local area
- increased housing availability for general residential
- increase in short and long term jobs
- it comprises the following public benefits:
 - through site links connecting residents to Melrose Park Town Centre and the wider Precinct
 - activates Hope Street and Hughes Avenue
 - transitions in built form to the adjoining low density residential properties
 - provides new dwellings and jobs adjacent to public transport Site Constraints
- existing easement for Ausgrid High Voltage transmission lines
- approximately one-third of the site cannot be built upon due to the high voltage power lines and the 18m required setback from the lines
- the Light Rail Line on Hope Street requires a setback of 9m plus an additional 3m to the building alignment
- need for a proposed 6m setback from the Hughes Avenue front boundary to align the proposal with the existing houses in Hughes Avenue

- the above substantial setbacks restrict the building footprint to a relatively small area of the site and consequently a range of building heights are required to resolve the built form in relation to the surrounding proposed built form
- existing low density residential development to the north and west of the Site
- noise impacts generated by the proposal on adjoining residential, industrial and commercial properties during and post construction
- potential overshadowing of properties in a southern direction of the site including the park and residential developments
- need to provide an appropriate transition from the Melrose Park North Precinct and the 'Bulla Cream Dairy' (heritage item no. 164) under the PLEP 2023.

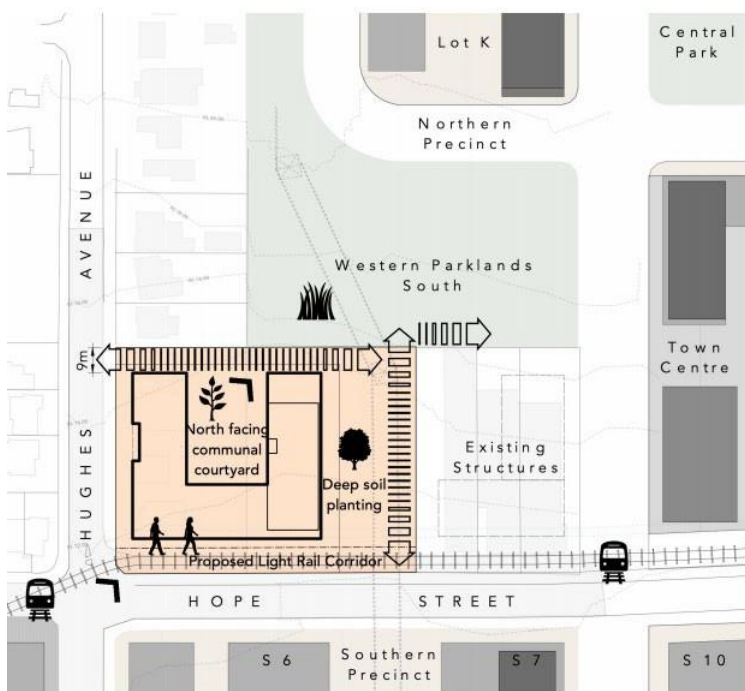


Figure 9: Site Opportunities (Source: Olsson)

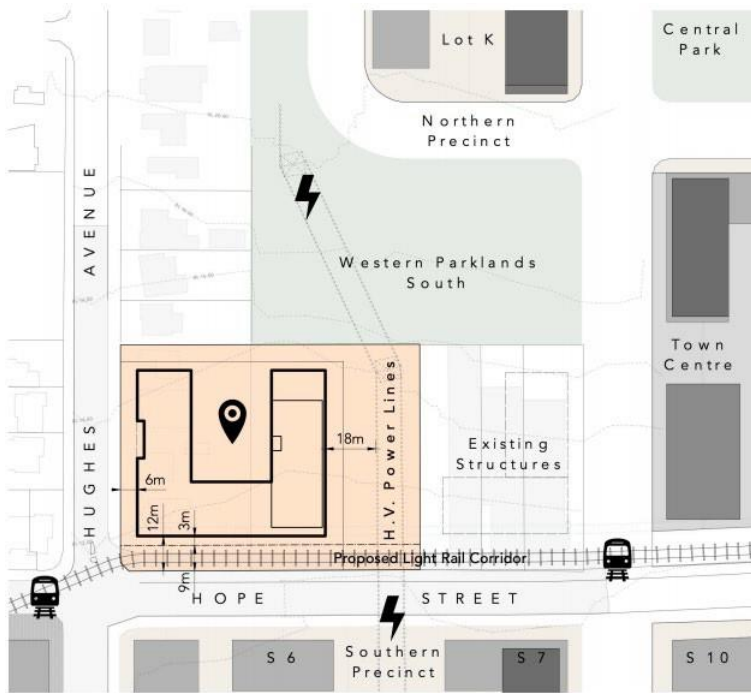


Figure 10: Site Constraints (Source: Olsson)

Part 1: Objectives and Intended Outcomes

The primary objective of the Planning Proposal is to facilitate a mixed used development comprising 1,400m² of commercial floor space and approximately 161 residential apartments. The proposed scheme involves a single U-shaped building that ranges in height from 4 to 14 storeys.

Further objectives of the Planning Proposal are to:

- support a Greater Parramatta (and the metropolitan area) through the urban renewal of the Site to create a vibrant mixed use
- provide high quality development accommodating a mixture of dwelling configurations
- provide commercial floor space to provide for new jobs and increased economic activity
- integrate into the surrounding community through sound planning and environmental considerations.

The intended outcomes of the Proposal are to:

- increase housing diversity and availability of housing within the precinct
- provide employment opportunities suitable to the wider Melrose Park precinct
- complement and support the redevelopment of the Melrose Park Precinct
- improve pedestrian connectivity through the provision of through site links
- complement and support centres in West Ryde, Meadowbank and Ermington
- improve the public domain

<p>Revitalise isolated industrial site</p>	<ul style="list-style-type: none"> • Redevelopment of an existing industrial site that will become isolated considering the emerging character of Melrose Park
<p>Contribute to urban renewal of Melrose Park</p>	<ul style="list-style-type: none"> • Support the urban renewal of Melrose Park through redevelopment of the site • Facilitate active and vibrant spaces through an appropriate mix of uses and placing development in the right places • Contributing to the development of an active frontage on Hope Street and Hughes Avenue
<p>Create employment opportunities</p>	<ul style="list-style-type: none"> • Additional employment generating floor space contributes to job creation both within the site and the wider local economy • Future residents will utilise and support the neighbouring Melrose Park Town Centre
<p>Contribute to housing targets</p>	<p>Contribute to the housing supply targets for the City of Parramatta LGA, consistent with the Greater Sydney Region Plan, Central City District Plan and the Parramatta LSPS</p>
<p>Better connectivity</p>	<ul style="list-style-type: none"> • Future Paramatta Light Rail Stage 2 located on Hope Street • Victoria Road Transport Corridor located approximately 500m north of the site • Encourage active transport to Melrose Park Town Centre • Potential north-south link connecting the western parklands to Hope St • Potential east-west link linking western parklands to the southern end of Hughes Av
<p>Appropriate built form</p>	<ul style="list-style-type: none"> • Provision of well design buildings maintaining a low FSR across the site • Appropriate building height transition from the high density Melrose Park Town Centre to the east and low density residential on the western side of Hughes Avenue • Active Hope St and Hughes Avenue while respective neighbouring heritage items
<p>Minimise environmental impacts</p>	<ul style="list-style-type: none"> • Protect and respect adjoining residential development and future open space • Respect surrounding low density residential development by minimising overshadowing through stepped, slender buildings
<p>Public domain improvements</p>	<p>Contribute to streetscape upgrades, including street tree planting that will reinforce and contribute to the character of the locality</p>

Figure 11: Key Planning Principles for the Site

Part 2: Explanation of provisions

The Planning Proposal seeks to amend the *Parramatta Local Environmental Plan 2023* (PLEP 2023) for land at 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington (the Site).

The primary purpose of this Proposal is to rezone the Site from *E4 General Industrial* zone and *R2 Low Density Residential* zone to *R4 High density residential* and *RE1 Public Recreation* to facilitate the urban renewal of the Site. The Proposal seeks more appropriate built form controls as detailed in the table below.

Summary of Proposed LEP Amendments		
Provision	Current LEP Provision	Proposed
Zoning	E4 General Industrial R2 Low Density Residential	MU1 Mixed Use & RE1 Public Recreation
FSR	1:1 0.5:1	Overall FSR of 1.85:1 – equates to an FSR of 2.67:1 on MU1 land (no FSR on RE1 land)
Height of buildings	12m 9m	47m (14 storey)

Table 3: Summary of proposed LEP amendment

Furthermore, the Proposal seeks to insert a site-specific provision in PLEP 2023 and amend the Additional Local Provisions map to ensure a minimum of 1,400m² of non-residential floor space is to be provided within the site to serve the local retail and commercial.

The Proposal also seeks to amend the Land Reservation Acquisition map to reflect the areas of open space to be dedicated to Council.

It is proposed that the Site be identified in the Melrose Park chapter of the DCP.

Parramatta Local Environmental Plan 2023

The PLEP 2023 sets out the legislative framework for land use and development in the LGA through the application of land use zones and development controls. This Planning Proposal seeks to rezone the site and increase building height and FSR controls for the site by way of an amendment to the PLEP 2023.

In summary, the Planning Proposal seeks to:

- rezone the site to MU1 Mixed Use and RE1 Public Recreation
- amend the height of building control to a maximum of 14 storeys (48 metres)
- amend the FSR control to 2.67:1 on MU1 land (equivalent to an overall FSR of 1.85:1)
- insert a site specific provision to require 1,400m² of non-residential floor space

- amend the Land Reservation Acquisition map to reflect the open space to be dedicated
- Land Zoning



Figure 12: Existing Zoning (Source: PLEP 2023)



Figure 13: Proposed Zoning for Tomola site

The site is currently zoned R2 Low Density Residential and E4 General Industrial. These zones are inconsistent with the immediately adjoining sites that to the north and east that are zoned R4 High Density Residential (part of the Melrose Park North Planning Proposal).

The proposed MU1 Mixed Use and RE1 Public Recreation zones are therefore consistent with the emerging character of the area.

Height of Buildings

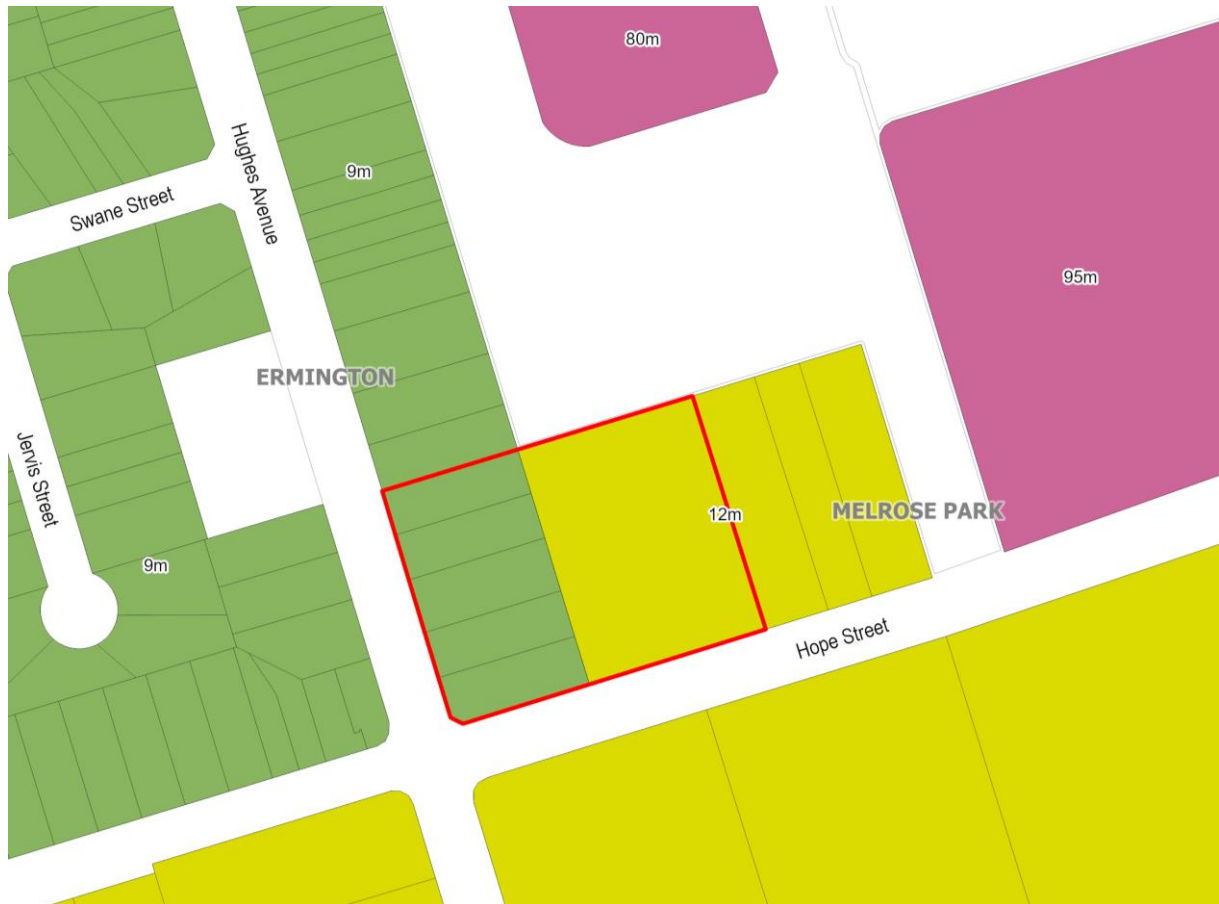


Figure 14: Existing Height of Buildings controls (Source PLEP 2023)



Figure 15: Proposed Height of Building controls for Tomola site

The site currently has a maximum building height of 12m on the E4 portion of the site and 9m on the R2 portion of the site.

The adjoining sites (part of the Melrose Park North Planning Proposal) to the north and east have maximum building heights of 49 metres and 60 metres respectively. The nearby Melrose Park South sites have maximum building heights of 34m, 45m and 77m.

The proposed maximum building height of 48 metres (14 storeys) for the MU1 zoned area of site will provide an appropriate transition in height from the taller buildings located to the east and the low density residential to the west.

Floor Space Ratio



Figure 16: Existing Floor Space Ratio controls (Source: PLEP 2023)

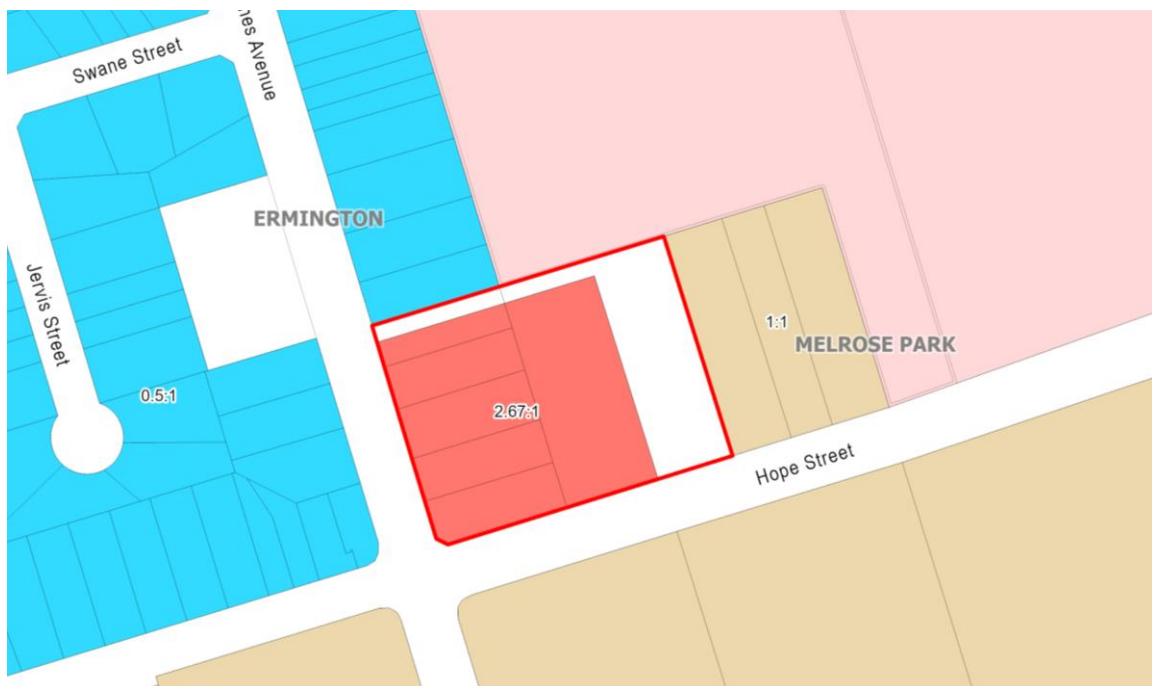


Figure 17: Proposed Floor Space Ratio controls for Tomola site

The site has an existing maximum floor space ratio (FSR) of 1:1 on the E4 portion of the site and 0.5:1 on the R2 portion of the site under the PLEP 2023. The adjoining sites (part of the Melrose Park North Planning Proposal) to the north and east have an overall maximum FSR of 1.85:1. The nearby Melrose Park South sites have an overall maximum FSR of 1.79:1.

The proposed overall FSR for the site is 1.85:1, which translates to an FSR of 2.67:1 on the MU1 land and a FSR of 0 on the RE1 land.

The future detailed design of the site will ensure that an appropriate transition of bulk and scale is provided to the adjoining low density residential developments.

Heritage

The site does not comprise any heritage items and is not located within a heritage conservation area under the PLEP 2023.

The site is located opposite to a local heritage item known as the Bulla Cream Dairy item (164). The heritage item is located on intersection of Hope Street and Hughes Avenue (refer to the figure below).

The Planning Proposal is unlikely to have any adverse impacts on the heritage item as the item is shielded behind dense vegetation along both the Hope Street and Hughes Avenue frontages. Furthermore, the proposal will provide an appropriate transition in height towards the heritage item to minimise overshadowing impacts. Any heritage impacts will be addressed as part of a future detailed development application.



Figure 18: Heritage Map Extract (Source: PLEP 2023)

Other Provisions

The Proposal seeks to insert a site-specific provision in PLEP 2023 and amend the Additional Local Provisions map to ensure a minimum of 1,400m² of non-residential floor space is to be provided within the site to serve the local retail and commercial.

The Proposal also seeks to amend the Land Reservation Acquisition map to reflect the areas of open space to be dedicated to Council.

The site is identified as being Class 5 Acid Sulfate Soils. The PLEP 2023 requires that

development consent be obtained for works within land identified as comprising Class 5 Acid Sulfate Soils where works are within 500m of adjacent Classes 1, 2, 3 or 4 land below the 5m AHD and may lower the watertable below 1m AHD.

Any impacts to acid sulfate soils as a result of the proposal will be addressed as part of a future detailed development application.

Paramatta Development Control Plan 2023

The Parramatta Development Control Plan 2023 (DCP 2023) applies to land within the Parramatta LGA. The Melrose Park chapter of DCP 2023 establishes the built form controls for the precinct. The DCP will be amended to include site specific controls for Tomola.

Voluntarily Planning Agreement

The Planning Proposal includes a Letter of Offer to enter into a Voluntary Planning Agreement (VPA) with Council. The draft VPA proposes to dedicate 2600m² of open space (including pedestrian links) and one affordable housing unit to Council.

The site is also located adjacent to the Melrose Park North Precinct, which is subject to an executed \$96 million Planning Agreement.

Rationale for Proposed Land Use Controls

This Planning Proposal and supporting reports make the case for change to rezone the Site from *E4 General Industrial* zone and *R2 Low Density Residential* zone to *MU1 Mixed Use* zone and *RE1 Public Recreation*.

The consideration of appropriate zones and key built form controls (height and FSR) follows an evidence-based approach which investigated in detail the economic, environmental (including traffic and transport) and social impacts of a new mixed use development of the Site.

A planning justification and rationale for these proposed land use zones and key built form controls is detailed below.

Proposed Land Uses

The proposed zone for the Site is considered the most appropriate to deliver the desired future outcomes. The Site is surrounded by residential zones to the west and industrial zones to the east. However, the land surrounding the site is subject to recent Planning Proposals and is summarised as:

- north and east of the site – Melrose Park North seeks to rezone the site to E1 Local Centre, R4 High Density Residential and RE1 Public Recreation.
- land to the south of the site – Melrose Park South seeks to rezone the site to R4 High Density Residential and RE1 Public Recreation

Council's Local Strategic Planning Statement (LSPS) identifies Melrose Park as:

- a Growth Precinct and is forecast to provide 6,330 of those dwellings and 2,600 jobs
- under investigation for alternate uses reflecting the changing demand within the precinct

The Parramatta Economic Lands Strategy (2016) and the Employment Land Strategy Review and Update (2020) also identifies Melrose Park for urban renewal.

This Planning Proposal is consistent with the LSPS as it provides:

- up to 82 additional dwellings
- additional jobs
- the site with opportunity for urban renewal

The MU1 and RE1 zones are the most appropriate zones for the site given the context of the surrounding mixed use high density land uses.

An overview of the proposed built form controls for the site and planning justification is detailed below.

Proposed Built Form Controls (Height & FSR)

The Urban Design and Landscaping Report prepared by Olsson Architects (Appendix 8) outlines the guiding principles, opportunities and constraints, urban design principles, landscaping and public domain. This report investigates the site and considers potential impacts on adjoining properties and the evolving character of the precinct.

The indicative figures below demonstrate that the Melrose Park Precinct is transitioning into a high density mixed use precinct as summarised below:

- Melrose Park North precinct comprises building heights ranging from 28m to 90m (approximately 8 storeys to 27 storeys) and a FSR of 1.85:1.
- Melrose Park South precinct comprises building heights of 34m, 45m and 77m (approximately 8, 12 and 22 storeys) and a FSR of 1.66:1 for the east site and 1.79:1 on the west site.
- The VRS comprises building heights ranging from 6 to 12 storeys and an FSR of 2:1. The VRS is currently under construction.

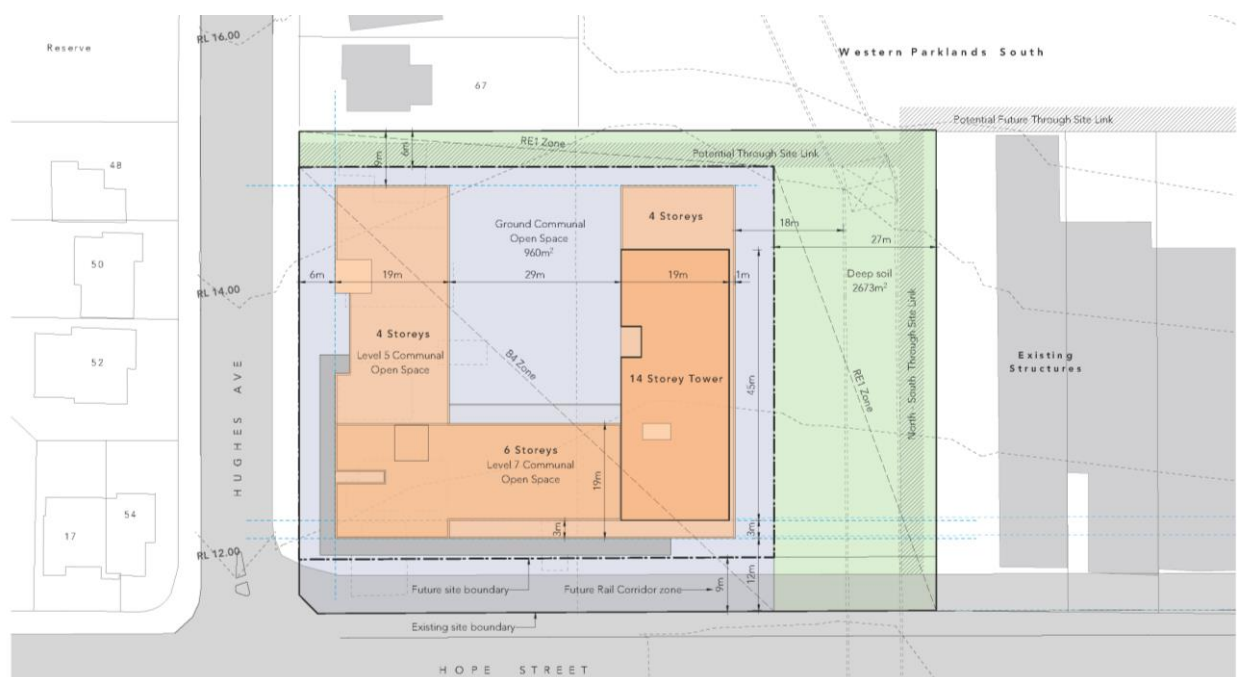


Figure 19: Site Plan (Source: Olsson)

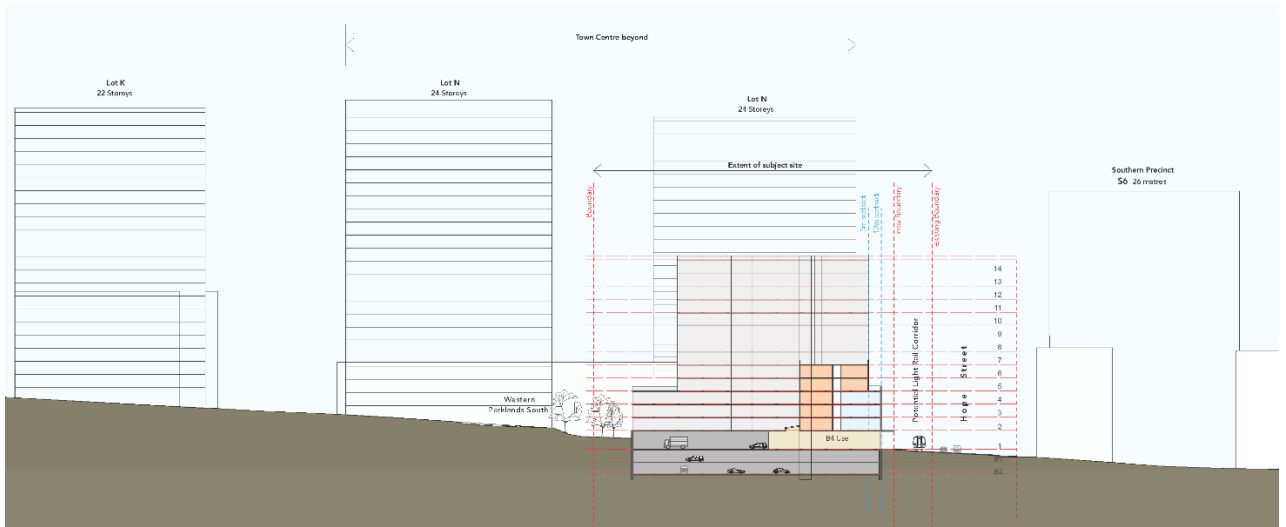


Figure 20: Section through site and Melrose Park North Precinct (Source: Olsson)

This proposal comprises building heights ranging from 4 storeys to 14 storeys. The tallest portion of the development is cited in the eastern section of the site. This ensures overshadowing and visual impacts of the proposal is minimised.

The proposal provides an appropriate building height transition from the adjoining 24 storey buildings in Melrose Park Town Centre down to the 2 storey buildings on the western side of Hughes Avenue. The proposed 14 storey building creates a gradual transition of heights which visually ties the Site into the overall built form of the Melrose Park Masterplan.

The 6 storey built form at the corner of Hope Street and Hughes Avenue creates a prominent entry to the Melrose Park North Precinct. The built form is also sympathetic to the 2 storey dwelling houses in Hughes Avenue. The proposed 9m setback from Hughes Avenue is an appropriate built form outcome as it minimises the scale of the proposal from the dwelling houses.

This proposal seeks an overall FSR of 1.85:1 across the site, which translates to an FSR of 2.67:1 on the MU1 land (no FSR on RE1 land). This FSR is appropriate for the desired built form outcomes given the size and opportunities to provide significant areas of deep soil zone and landscaping (refer to indicative Figures below).

The building height and density are justified in this location based on the following:

Distribution of Building Height

- building heights range between 4 and 14 storeys with the tallest building located towards the eastern section of the site. This portion of the site is adjacent to the Melrose Park North Planning Proposal which comprises a building height of 70 metres to 90 metres (approximately 21 storeys to 27 storeys) immediately adjoining the site.
- the low rise portion of the site is proposed on the northern, southern and western portions of the site to assist with the sensitive transition of the site to the neighbouring residential developments.

- the taller portion of the building comprises a slender form, rather than a lower and bulkier building. This will minimise impacts on surrounding residential properties in terms of overshadowing, overlooking, bulk and scale visual impacts
- the proposal will avoid a monotonous height across the site resulting in a poor urban design outcome

Building Orientation

- to ensure a variety of apartment typologies are proposed the buildings are orientated north-south and east-west
- the proposal addresses Hughes Avenue and Hope Street, encouraging passive surveillance and active frontages

Solar Access and Overshadowing Impacts

- the proposal reduces the impacts of overshadowing on residential properties
- the proposed built form ensures the proposal achieves at least 2 hours of direct solar access in mid-winter as per the ADG



Figure 21: Indicative built form of the site and surrounds from the northwest (Source: Olsson)

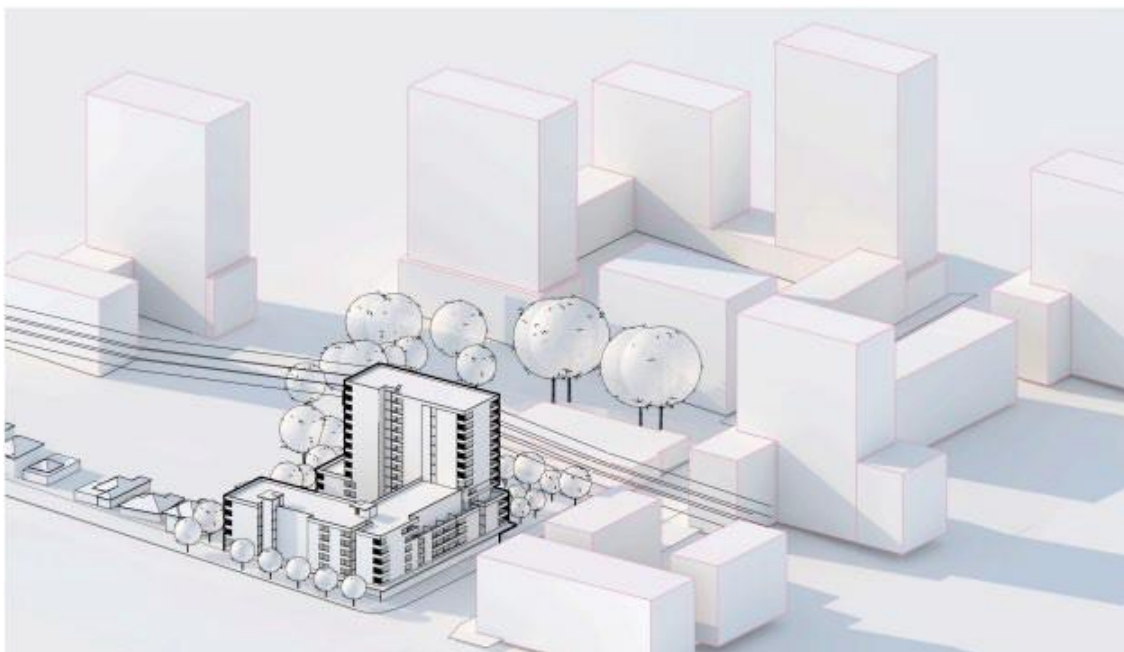


Figure 22: Indicative built form of the site and surrounds from the southwest (Source: Olsson)

Part 3: Justification

Section A: Need for a Planning Proposal

Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

This Planning Proposal is the result of several strategic studies and reports and is supported by a wide range of technical reports. These technical reports include traffic and transport, urban design and environmental reports. The key studies that underpin the Site's transition are the economic studies undertaken by the AEC Group and the adopted LSPP and ELS prepared by Council.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of the Site. As demonstrated in this Proposal, the current zoning and built form controls do not allow the Site to be redeveloped in a manner that will deliver a sustainable urban framework, built form outcomes or compliment the new Melrose Park Town Centre.

The current zoning and landuse controls sterilises the Site for future mixed use and residential outcomes to meet the future population demands of the LGA and broader region.

The existing planning controls do not adequately address the required landuses to deliver new mixed high-density uses or the required built form controls to allow for redevelopment of the site.

Accordingly, the proposed rezoning of the Site through an amendment to the PLEP 2023 is considered the most appropriate method to deliver the desired outcomes.

Section B: Relationship to Strategic Planning Framework

Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan

The *Greater Sydney Region Plan* (Region Plan) outlines how Greater Sydney will manage growth and change in the context of social, economic and environmental matters. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans.

The Planning Proposal is consistent with the Region Plan as detailed in the Table below.

Direction	Response
A City supported by infrastructure	The Planning Proposal strongly aligns with this Direction by providing: <ul style="list-style-type: none"> the provision of residential and non-residential floor space in a location that can utilise existing and future transport infrastructure new housing in close proximity to the future Melrose Park Town Centre encouraging walkable neighbourhoods
A collaborative City	The Planning Proposal strongly aligns with this Direction. Council will work with the applicant, TfNSW and other state agencies
A City for people	The Planning Proposal strongly aligns with this Direction by providing: <ul style="list-style-type: none"> housing in close proximity to the future Melrose Park Town Centre encouraging walkable neighbourhoods new commercial space
Housing in the City	The Planning Proposal strongly aligns with this Direction as follows: <ul style="list-style-type: none"> provides high density housing increases housing diversity satisfies the criteria for 'urban renewal' given its location on a regional transport link, proximity to strategic centres with connections to walking and cycling routes

Direction	Response
A City of great places	<p>The Planning Proposal strongly aligns with this Direction as it:</p> <ul style="list-style-type: none"> • contributes to and compliments the urban renewal of the Melrose Park Precinct • contributes to the character of the area by activating the ground floor with commercial uses and further activation Hope Street and Hughes Avenue providing a mix of land uses and activities that provide opportunities for social connection in walkable, human scale, fine grain neighbourhoods • is sensitive to heritage items within the vicinity of the site
A well-connected City	<p>The Planning Proposal strongly aligns with this Direction as follows:</p> <ul style="list-style-type: none"> • the Site is within walking distance of Victoria Road Major Transport Corridor and can be totally integrated with the Parramatta Light Rail Stage 2 Corridor • contributes to the key outcome of population within 30 minute public transport access to the metropolitan cluster of Parramatta • improves pedestrian connectivity through the provision of through site links
Jobs and skills for the City	<p>The Planning Proposal strongly aligns with this Direction as it:</p> <ul style="list-style-type: none"> • provides additional commercial floor space and employment opportunities in close proximity to the future Melrose Park Town Centre • provides additional residential floor space in close proximity to the future Melrose Park Town Centre facilitating people to live and work nearby • supports the continued economic development and diversity of Greater Parramatta
A City in its landscape	<p>The Planning Proposal strongly aligns with this Direction as it:</p> <ul style="list-style-type: none"> • provides for an appropriate development within an urban area • is a significant increase in deep soil and landscaping areas on site

Direction	Response
An efficient City	<p>The Planning Proposal aligns with this Direction as it:</p> <ul style="list-style-type: none"> • is in close proximity to major transport corridors (Victoria Road and future Parramatta Light Rail) • is consistent with the current TMAP with regards to the efficient operation of surrounding roads and reduced reliance on private transportation • supports investment into neighbouring Strategic and Local Centres providing additional jobs and labour force development within these centres • will incorporate ESD principles to reduce waste and energy usage at detailed design stage
A resilient City	<p>The Planning Proposal aligns with this Direction as redevelopment of the</p> <p>Site can be designed to adapt to the impacts of urban and natural hazards.</p>

Table 4: Alignment with the Greater Sydney Region Plan

Central City District Plan

The *Central City District Plan* (District Plan) reinforces the key planning directions and objectives outlined in the Greater Sydney Region Plan.

The District Plan provides broad strategic directions to support the Central City. The District Plan consists of key planning priorities and actions for achieving a liveable, productive and sustainable future for the Central City.

The District Plan places a significant focus on productivity, including the recognition of the importance of *Greater Parramatta and the Olympic Peninsula Area* (GPOP).

The proposal is consistent with the key planning priorities of the District Plan as it promotes new housing and commercial space close to the Melrose Park Town Centre which is in an accessible location with easy access to the Metropolitan Centre of Parramatta.

The District Plan places emphasis on the management of industrial and urban services land and classifies this land as either review or retain.

Importantly, the site is located within a '**Review and Manage**' region, allowing for flexibility in the use of undeveloped industrial land. The review is required to consider the current level of industrial and urban services land supply, the changing nature of industries and the transformation in the sector due to the impact of changing demand for land.

Critically, the District Plan also recognises that conversion of industrial land to other uses may be appropriate as detailed below:

"In limited cases, conversion to other uses may be appropriate. In some locations, such as GPOP, specifically Camellia, Rydalmere and Silverwater, the safeguarding of industrial activities will be a starting objective. The Greater Sydney Commission will collaborate with other State agencies and councils and seek input from stakeholders as part of the review. This approach applies to the Cumberland, The Hills and City of Parramatta local government areas and the established areas of Blacktown Local Government Area".

The District Plan identifies that opportunities for urban renewal need to be considered by location and by capacity of existing and proposed infrastructure. In older more established parts of Greater Sydney, urban renewal opportunities may exist around regional transport and strategic centres where links for walking and cycling promote a healthy lifestyle and contribute to liveability.

Where there is significant investment in mass transit corridors, both existing and proposed, urban renewal may best be investigated in key nodes along the corridor. Corridor investigations can provide a longer term strategic context while the development of precincts within the corridor is sequenced over time.

Locational criteria for urban renewal investigation opportunities including alignment with investment in regional and district infrastructure which acknowledges the catalytic impacts of infrastructure such as Sydney Metro Northwest, NorthConnex, WestConnex and Parramatta Light Rail.

Further, the District Plan also states several locational criteria for urban renewal investigation opportunities to ensure urban renewal is appropriately serviced by infrastructure. The locational criteria are as follows:

- alignment with investment in regional and district infrastructure which acknowledges the catalytic impacts of infrastructure such as Sydney Metro Northwest, NorthConnex, WestConnex and Parramatta Light Rail
- other possible future investments such as Sydney Metro West and opportunities created by enhancements to existing infrastructure such as upgrades to schools, open space including sporting facilities and transport
- accessibility to jobs, noting that over half of Greater **Sydney's** jobs are generated in metropolitan and strategic centres
- accessibility to regional transport, noting that high frequency transport services can create efficient connections to local transport services and expand the catchment area of people who can access regional transport
- catchment areas within walking distance (10 minutes) of centres with rail, light rail or regional bus transport
- areas of high social housing concentration where there is good access to services, transport and jobs
- distance from special land uses such as ports and airports

The urban renewal of the site is consistent with the above criteria as the site is located nearby to the Victoria Road corridor, is adjacent to the planned Parramatta Light Rail Stage 2 and is highly accessible to several strategic centres. The site is currently able to access the metropolitan centre of Parramatta by bus in 30 minutes.

The Planning Proposal comprehensively demonstrates the case for transition of the site from residential and industrial zones to MU1 Mixed Use and RE1 Public Recreation zones. The Planning Proposal is supported by an evidence-based analysis to deliver:

- redevelopment of an isolated industrial site which reflects the emerging future character of Melrose Park
- increased residential and employment floorspace within close proximity to existing and future transportation services
- a catalyst project for the transition of employment lands that directly adjoin residential uses
- an innovative solution for a heavily constrained redundant industrial site

The key planning priorities of the *Central City District Plan* relevant to the proposal as summarised below.

Planning Priority	Comment
Infrastructure and collaboration	
C1: Planning for a city supported by infrastructure	<p>The proposal will increase the quantum of residential and non-residential floorspace contributing to the mix of uses and development of the wider Melrose Park Precinct.</p> <p>The site is in close proximity to the Victoria Road Transport Corridor and future Parramatta Light Rail giving residents and workers access to variety transport services.</p>
C2: Working through collaboration	Council will continue ongoing consultation with the applicant and state agencies as part of the process.
Liveability	
C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>This Planning Proposal will facilitate 161 new high quality dwellings within the Site.</p> <p>The dwellings will range from 1 to 3 bedrooms providing a diverse unit mix and contributing towards the wider housing market.</p> <p>The site has a strong strategic location within close proximity to the future Melrose Park Town Centre. Further, the site is within the GOPP indicating good access to jobs.</p> <p>The urban renewal of the site is consistent with the relevant criteria within the District Plan as the site</p> <ul style="list-style-type: none"> • is located close to the Victoria Road corridor • aligns with the planned Parramatta Light Rail Stage 2 • is highly accessible to several strategic centres • is accessible to the metropolitan centre of Parramatta by bus in 30 minutes

Planning Priority	Comment
C6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>Melrose Park was historically characterised by industrial uses; however it is now identified for urban renewal. The proposal will contribute to and compliment the high density mixed use precinct.</p> <p>The proposal responds to the Bulla Cream Dairy heritage item (I64) by providing an appropriate transition in building height from the high density Melrose Park Town Centre to the east, ensuring a suitable interface.</p>
Productivity	
C7: Growing a stronger and more competitive Greater Parramatta	<p>The Site is located nearby to Greater Parramatta and the proposal will strengthen the area by providing additional housing and employment generating floor space that is easily accessible to Parramatta.</p>
C8: Delivering a more connected and competitive GPOP Economic Corridor	<p>The Site will benefit from and contribute to the development of a more connected GPOP Economic Corridor.</p>
C9: Delivering integrated land use and transport planning and a 30- minute city	<p>The proposal promotes integrated land use planning by providing housing in close proximity to the proposed Melrose Park Town Centre creating a walkable neighbourhood.</p> <p>Further, the site is located in a strategic position nearby to the metropolitan centre of Parramatta.</p> <p>As part of the 30-minute city vision it is aimed that people will be able to access their nearest strategic centre and metropolitan centre in 30 minutes by public transport.</p> <p>The site is currently able to access Parramatta CBD by bus in roughly 30-40 minutes.</p>
C10: Growing investment, business opportunities and jobs in strategic centres	<p>This proposal will support investment into and development of neighbouring Strategic centres, supporting job creating and labour force development</p>

Planning Priority	Comment
	within these centres.
C11 Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land	<p>The proposal was developed in response to Action 49 which tasked Council with reviewing and managing its industrial and urban service land. This process was undertaken through the <i>Parramatta Employment Lands Strategy 2016</i>.</p> <p>The strategy identified that the key industries within Melrose Park were looking to leave and that the precinct is ideal for urban renewal. The urban renewal of Melrose Park, including the site, will still facilitate new employment through the development of a new town centre.</p>
Sustainability	
C15. Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes	<p>The Site is not identified on the Natural Resources – Biodiversity Map, nor the Natural Resources – Riparian Land and Resources Map in the PLEP 2023. Therefore, no adverse biodiversity impacts are anticipated.</p> <p>Notwithstanding, the proposal will provide significant landscaping within the site, which will positively contribute to the biodiversity within the site.</p>
C16: Increasing urban tree canopy cover and delivering Green Grid connections	<p>The proposal seeks to increase the deep soil zones and landscaped area on the site as detailed in the Landscape Concept Plan (Appendix 8).</p>
C17: Delivering high quality open space	<p>The Planning Proposal provides a high quality north facing area of communal open space. In addition, the proposal facilitates increase permeability from Hope Street to the Western Parklands South.</p>
C19: Reducing carbon emissions and managing energy, water and waste efficiently	<p>Energy efficiency and sustainable measures will be incorporated to ensure compliance with BASIX and resultingly reduce the carbon footprint of the development.</p>

Planning Priority	Comment
C20: Adapting to the impacts of urban and natural hazards and climate change	Measures to reduce waste and energy usage will be incorporated at detailed design at later stages.

Table 5: Consideration of key planning priorities of the Central District Plan

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The Planning Proposal is also assessed against a number of Council's strategies and plans as discussed in this report including the LSPS, Community Strategic Plan and the Employment Lands Strategy.

Parramatta 2038 Community Strategic Plan

The *Parramatta 2038 Community Strategic Plan* is a 25 year Plan for the City of Parramatta. The Plan contains 6 strategic objectives and formalises several big and transformational ideas for Parramatta and Western Sydney.

Parramatta is the second fastest growing LGA in NSW, growing at 3% per annum. The Plan identifies ways in which the City will manage this growth and maintain its liveability, including the plan to provide an additional 50,000 jobs by 2038.

The Planning Proposal will support these goals through the provision of an appropriate mix of residential and non-residential uses located adjacent to the Melrose Park Precinct with future public transport, shops and community facilities in close proximity. The proposal will help to activate the street with commercial uses on the ground floor. The development will also allow for the concentration of housing around transport nodes and contribute towards dwelling targets for NSW.

City of Parramatta Local Strategic Planning Statement

The LSPS predicts Parramatta will require 87,900 more dwellings by 2036 and be home to 198,000 more people. Melrose Park is identified as a Growth Precinct and is forecast to provide 6,330 of those dwellings and 2,600 jobs. The proposed development will help achieve these targets.

The LSPS identifies the strategic direction for the LGAs industrial areas as either 'metropolitan significant', 'strategic employment' or 'under investigation'.

Melrose Park including the site has been categorised 'under investigation' for alternate uses, reflecting the changing demand within the precinct. This reflects the *Parramatta Economic Lands Strategy* (2016) and the *Employment Land Strategy Review and Update* (2020) which also identify Melrose Park for urban renewal.

Further, Melrose Park is identified as a growth precinct and a proposed local centre. The site is partially located within the Melrose Park Growth Precinct and in very close proximity to the proposed local centre.

The LSPS provides several Planning Priorities that are of particular relevance to the Proposal and these are addressed in the table below.

Planning Priority	Comment
Local Planning Priorities	
P1: Expand Parramatta's economic role as the Central City of Greater Sydney	The Site is located nearby to Greater Parramatta and the proposal will strengthen the area by providing additional housing and additional employment generating floor space that is easily accessible to Parramatta.
P2: Grow Parramatta as a Smart City	Smart City initiatives, including technological innovation and improved liveability and sustainability will be incorporated at detailed design at later stages.
P3: Advocate for improved public transport connectivity to Parramatta CBD from the surrounding district	The Site is located in close proximity to the Victoria Road Transport Corridor and future Parramatta Light Rail on Hope Street. Future residents and workers will have access to a variety transport services, providing connectivity to and from Parramatta CBD.
P4: Focus housing and employment growth in the GOP and Strategic Centres; as well as stage housing release consistent with the Parramatta Local Housing Strategy	The proposal will provide additional residential and employment generating floorspace within the GOP and in close proximity to the Sydney Olympic Park strategic centre. The site is also located within the Melrose Park Growth Precinct.
P5: Preserve and enhance the low- scale character and identity of suburban Parramatta outside of the GOP area and Epping Strategic Centre	The proposal will provide an appropriate transition from the future taller buildings within Melrose Park North and South Precincts to the lower-scale suburban character on the western side of Hughes Avenue.

Planning Priority	Comment
P6: Provide for community infrastructure and recreation opportunities	<p>Community infrastructure and recreation opportunities will be provided within the wider Melrose Park Precinct.</p> <p>Notwithstanding, the proposal will provide increased permeability between Hope Street and the Western Parklands South via a through site link.</p>
Liveability Planning Priorities	
P7: Provide for a diversity of housing types and sizes to meet community needs into the future	<p>This Planning Proposal will facilitate approximately 161 new high quality dwellings within the Site.</p> <p>The dwellings will range from 1 to 3 bedrooms providing a diverse unit mix, contributing towards the wider housing market.</p>
P8: Incentivise affordable rental housing delivery and provide for permanent affordable housing	<p>Affordable housing is not proposed. Notwithstanding, the proposal includes a diverse unit mix providing, contributing to the availability of housing in the local area.</p>
P9: Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs	<p>Heritage item I64, the Bulla Cream Dairy, is located at the opposite corner of the Hope Street and Hughes Avenue intersection. The proposal will provide an appropriate transition from the future taller buildings within Melrose Park to Hughes Avenue, ensuring a suitable interface within this heritage item is provided.</p>

Planning Priority	Comment
<p>P10: Improve active walking and cycling infrastructure and access to public and shared transport</p>	<p>The proposal will increase the quantum of both residential and non-residential floorspace for a site that is within close proximity to the Victoria Road Transport Corridor and future Parramatta Light Rail, giving residents and workers access to variety transport services.</p> <p>The Planning Proposal promotes integrated land use planning by providing housing within close proximity of the future Melrose Park Town Centre creating a walkable neighbourhood.</p> <p>The proposal includes a north-south through site link, which improved permeability between Hope Street and the Western Parklands South, thereby improving active walking and cycling infrastructure within the locality.</p>
Productivity Planning Priorities	
<p>P11: Build the capacity of the Parramatta CBD, Strategic Centres, and Employment Lands to be strong, competitive and productive</p>	<p>As discussed, the proposal will provide additional residential and non-residential floorspace in a strategic location with good access to existing and future public transport. The proposal will therefore support and positively contribute to the development of Parramatta CBD, the GOP and neighbouring strategic centres.</p>
<p>P12: Retain and enhance Local Urban Service Hubs for small industries, local services and last-mile freight and logistics</p>	<p>The site is not identified as a Local Urban Service Hub.</p>
Sustainability Planning Priorities	
<p>P13: Protect and improve the health and swimmability of the Parramatta River, its waterways and</p>	<p>The proposal includes large areas of landscaping and deep soil planting, ensuring the site is permeable limiting runoff.</p>

Planning Priority	Comment
catchment	
P14: Protect and enhance our trees and green infrastructure to improve liveability and ecological health	The proposal seeks to increase the deep soil and landscaped areas within the site as detailed in the Landscape Concept Plan (Appendix 8).
P15: Reduce emissions and manage energy, water, and waste efficiently to create better buildings and precincts and solve city planning challenges	<p>Energy efficiency and sustainable measures will be incorporated within the detailed design to ensure compliance with BASIX and resultingly reduce the carbon footprint of the development.</p> <p>Measures to reduce waste and energy usage will be incorporated at detailed design at later stages.</p>

Table 6: Consistency with LSPS Planning Priorities

Parramatta Employment Lands Strategy 2016

The ELS provides a consolidated set of land use planning actions and recommendations to guide the future of Parramatta's 21 Employment Lands Precincts.

The recommends that given size and significance of the Melrose Park Precinct, and also the changing nature of the pharmaceuticals industry, that a Structure Plan be prepared for Melrose Park, which considers future uses in the precinct and opportunities for urban renewal, including space for smaller biotech firms and also specialised research infrastructure.

Council adopted the *Parramatta Employment Land Strategy Review and Update* in July 2020. The update is to be read in conjunction with the ELS. In relation to the North Precinct, the update highlights the planning work undertaken to date on the Melrose Park North Planning Proposal and states the strategic direction and zone type for the growth precinct as a new mixed use commercial & residential area.

The ELS 2016 identifies 11 Actions that have been developed to guide the future of employment lands. The Planning Proposal is consistent with the relevant Actions and Directions of the ELS as detailed in the table below.

Action	Direction	Comment
A1 – Protect Strategically Important Employment Lands Precincts	Protect strategically important employment lands precincts that provide industrial activities linked into broader metropolitan and global markets and supply chains and those serving the local population catchment area through the provision of urban services.	<p>The Proposal is consistent with this Direction.</p> <p>The Site is not considered to be located within a strategically important employment or industrial precinct considering its existing or future employment potential, location to existing markets and provision of urban services.</p> <p>The AEC report outlines the changing face of the existing industrial uses on the Site and makes the case for change to a mixed uses development with specific allocation for new commercial employment and retail areas.</p>

Action	Direction	Comment
A2 - Allow for a net reduction (10-15%) of existing employment lands	Allow for a net reduction of 10- 15% of existing zoned industrial/employment lands over the long term, going from 665 hectares down to 565-598 hectares.	The Proposal is consistent with this Direction. The Site accounts for only very minor portion of existing industrial / employment land in the Parramatta LGA. As per the findings of the AEC reports, the changing nature of the pharmaceutical industry and the rezoning of approximately 25 ha of industrial land at Melrose Park to a mixed use zoning to include employment opportunities for a minimum of 15,000m ² of commercial and 15,000m ² of retail space is well within the proposed net reduction of 10-15% of existing industrial / employment lands in the Parramatta LGA.
A3 - Rezoning to zones that facilitate higher employment densities	When considering rezoning of industrial zoned lands, rezoning to B5 Business Development, B6 Enterprise Corridor or B7 Business Park must first be considered to facilitate higher employment densities and an increased range of services and economic activities, rather than zones that permit residential uses. This includes consideration of office/service based employment to meet the additional 51,640 jobs forecast for the Parramatta LGA by 2041.	The Proposal is consistent with this Direction. Consideration of the proposed B5, B6 and B7 zones has been undertaken as detailed below. The proposed MU1 Mixed Use and RE1 zones are the most appropriate to deliver housing and employment outcomes.

Action	Direction	Comment
A4 - Facilitate renewal of isolated industrial precincts	Facilitate the rezoning of smaller, isolated industrial precincts that are wholly surrounded by residential development and are no longer viable to alternate, complementary uses.	The Proposal is consistent with this Direction. The Site is surrounded by mixed uses including low density residential uses. The site will become isolated from other industrial sites if it is not rezoned.
A5 - Use of light industrial zone to facilitate increased range of employment uses	Facilitate an increased amount of light industrial zoned land, to provide for an increase in the range of high employment uses, including offices.	Not applicable.
A6 - Prepare Structure Plans for Key Employment Precincts which are undergoing economic change	Prepare Structure Plans for key employment lands precincts, including Camellia/Rosehill, Rydalmere, South Granville/Chester Hill and Melrose Park, which are undergoing economic change, restructuring of key industries and are of significant scale and size to support urban renewal and increased employment densities.	The Proposal is consistent with this Direction. The Structure Plan was prepared to support the Melrose Park North Precinct consistent with the Structure Plan principles, Directions and Actions in the ELS. This Structure Plan remains relevant to the proposal.
A7 - Prepare Structure Plans for Key Employment Precincts located on key arterials	Prepare Structure Plans for key employment lands precincts which are located on key arterials on Parramatta Road and Woodville Road and need significant urban renewal.	Not applicable.

Action	Direction	Comment
A8 - Structure Plan precincts will not result in a decrease to employment density	Prepare Structure Plans for key employment lands precincts which are located on key arterials on Structure Plan precincts will not result in a decrease to the employment density within the precinct as identified in the Precinct recommendations to ensure that the resulting land use outcomes at the very least will not reduce existing employment levels. This will ensure that future development will continue to contribute towards Metropolitan and Sub-Regional employment targets.	<p>The Proposal is consistent with this Direction.</p> <p>The Melrose Park North Precinct is supported by the Northern Structure Plan as adopted by Council as part of a 2 part structure plan process for the Melrose Park Precinct. While not specifically located within the Melrose Park North Precinct, the site immediately adjoins it.</p> <p>The Northern Structure Plan nominates the location of the new Town Centre in close proximity to the site facilitating a walkable neighbourhood.</p>
A9 - Investigate potential for business park around UWS	Investigate the potential for a business park around the University of Western Sydney at Rydalmere linked to the specialisations of the University.	Not applicable.
A10 - Advocate to State Government for infrastructure improvements	Advocate to State Government for infrastructure improvements which will facilitate improved access to Council's employment lands, including for freight and employees.	The site is located adjacent to the future Parramatta Light Rail Stage 2.
A11 - Proposed rezoning must be supported by an Economic	Proposed rezoning of industrial land must be supported by an Economic Impact Study, which as a minimum, addresses the following	<p>The Proposal is consistent with this Direction.</p> <p>This Planning Proposal is supported by a</p>

Action	Direction	Comment
Impact Study	Industrial Lands Strategic Assessment Checklist	comprehensive and evidence based Economic analysis including the following reports prepared by the AEC Group (Appendix 9).

Table 7: Response to the actions within the ELS

Local Housing Strategy

The Council's Local Housing Strategy provides guidance about when and where future housing growth will occur in the LGA. The Local Housing Strategy is consistent with the Greater Sydney Region Plan and the Central District Plan.

The relevant key objectives of the Local Housing Strategy to the Proposal include:

"Staged precinct release in line with infrastructure delivery (e.g. Sydney Metro West and the Parramatta Light Rail Stage 2 or equivalent projects) which are at early planning or business case stages are key to unlocking further capacity."

The Local Housing Strategy nominates Melrose Park North and South as growth precincts. The site is located immediately adjacent to these sites and the Parramatta Light Rail Stage 2 line. As discussed throughout this Planning Proposal, the proposal will achieve additional jobs, housing and will facilitate urban renewal.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

SEPP (Biodiversity and Conservation)

The Proposal is fully land-based and is located just north of the foreshore area of the Parramatta River under the deemed SEPP as shown in the figure below. The Site does not adjoin the Harbour and will not affect any foreshore access or natural systems. There are provisions within SEPP which outline principles within the wider catchment and waterway area. The Proposal is consistent with these principles.

Given the proposed building height for the Site, the future development will be visible from parts of the Harbour/waterway. However, such impact will not be immediate and will be within an urban backdrop. Given the separation from the Harbour waters the design aspects can be considered at development stage.

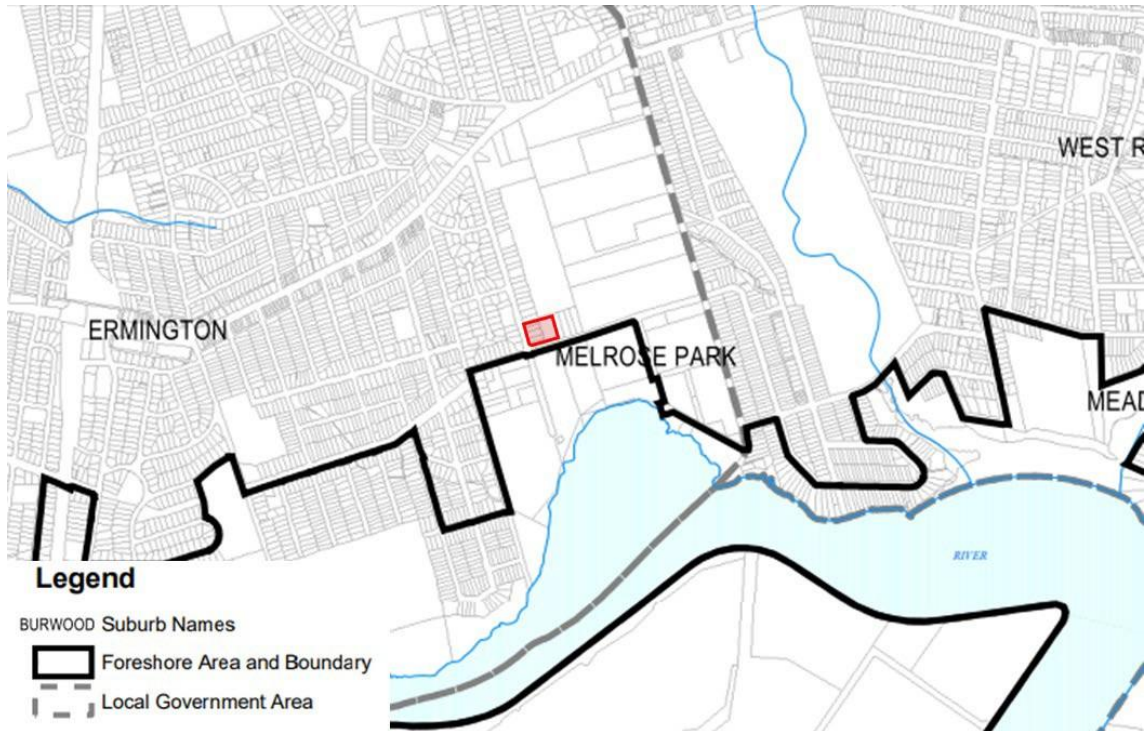


Figure 23: Foreshores and Waterways Map (SEPP)

The Site is not zoned open space and is not identified as having biodiversity significance. As outlined in the Flora and Fauna report by UBM Ecological Consultants (Appendix 4), the report identified no flora species listed as threatened or vulnerable under the NSW *Threatened Species* or Commonwealth *Environment Protection & Biodiversity Conservation Acts*. As the site has been used for the purposes of light industrial since at least early 1950, the grounds have been extensively landscaped, the presence of any such threatened flora species is highly unlikely.

There is the possibility of some habitat by fauna. Overall, this is likely to be low due to the nature of past development of the Site and lack of overall vegetation.

Where trees exist on the Site, they are generally in the landscaped setback area. The Planning Proposal, in-principle, is consistent with the SEPP.

Building Sustainability Index: BASIX SEPP

The requirements of BASIX will be met in the development phase of the Proposal.

Design Quality of Residential Apartment Development SEPP 65

The proposal is generally consistent with the ADG. It is believed the matters relevant in SEPP 65 will not be problematic at the DA stage. Naturally, details and provisions will need to be carefully considered as the Proposal continues to develop.

Housing SEPP

The proposal will contribute to housing diversity and affordability within the Parramatta LGA through the provision of additional dwelling types.

Planning Systems SEPP

At this stage, it is not envisaged that any development applications for the Site would be considered as State Significant.

Resilience and Hazards SEPP

The SEPP requires the Council to consider whether a Site is contaminated and whether the Site is suitable for the proposed use (before or after remediation).

Preliminary Site Investigation (PSI) prepared by ADE Consulting Group accompanies the Planning Proposal (Appendix 5). The PSI assesses the potential for contamination at the site.

ADE Consulting Group considers there is a moderate potential for contamination to have occurred on-site as a result of the past and present land-uses. The PSI recommends that a Stage II Detailed Site Investigation (DSI) with the inclusion of sampling for soil and groundwater should be conducted in accordance with the NSW OEH 2023. The Stage II DSI can be prepared as part of any future Development Application for the site.

The PSI concludes that it is likely that the site can be determined or made suitable for the proposed development, pending a Stage II DSI and remediation (if required).

Transport and Infrastructure SEPP

The SEPP requires the referral of the application to the relevant electricity supply authority if works are carried out within or adjacent to an easement for electrical purposes. Future development applications will therefore require referral to Ausgrid.

The SEPP also identifies the capacity or size of developments that should be to TfNSW. The proposal does not exceed any of the threshold criteria and therefore referral to TfNSW is not required.

In terms of noise considerations, the site is approximately 500 metres south of Victoria Road and is not subject to aircraft noise limitations. Noise considerations to and from the proposed development can be addressed through the detailed design stage as part of the DA process and would not be a determinative factor in rezoning the Site.

Acoustic advice prepared by White Noise accompanies the Planning Proposal (Appendix 10). The advice indicates that the site can be acoustically designed to achieve compliance with all relevant acoustic requirements for a mixed-use development. The advice confirms that the future detailed design of the residential units can be adequately designed to comply with the Australian Standard AS2107:2016, the Department of Planning Development Near Rail Corridor and Busy Roads – **Interim Guideline and Council's DCP**.

In addition, the proposal can achieve compliance with the standard operational noise limitations for the development. A detailed *Noise Impact Assessment* can be undertaken at the DA stage.

Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 directions)?

Yes. The Planning Proposal is consistent with the Directions issued by the Minister for Planning and Public Spaces under section 9.1 of the EP&A Act (formerly section 117). The Directions that are relevant to the Planning Proposal are addressed in the table below.

Relevant Ministerial Direction	Consideration
Direction 1.1: Implementation of Regional Plans	The Greater Sydney Region Plan is addressed in this report and the proposal is considered to be consistent with the plan. The proposal is consistent with this direction.
Direction 1.2: Development of Aboriginal Land Council Land	The site is not in the ownership of the Aboriginal Land Council nor are there any known Aboriginal objects or places of heritage significance within the site.
Direction 1.3: Approval and Referral Requirements	The Planning Proposal does not include consultation, concurrence or referral above and beyond the existing provisions of the PLEP 2023. The Planning Proposal is consistent with this Direction.
Direction 1.4 Site Specific Provisions	The Planning Proposal seeks to insert a site-specific provision in PLEP 2023 and amend the Additional Local Provisions map to ensure a minimum of 1,400m ² of non-residential floor space is to be provided within the site to serve the local retail and commercial.

Relevant Ministerial Direction	Consideration
Direction 1.7: Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The site is not identified within the Greater Parramatta Priority Growth Area.
Direction 3.2: Heritage Conservation	<p>The site does not contain any heritage items nor is it located within a heritage conservation area. An item of local heritage significance known as the Bulla Cream Dairy item (I64) is located opposite the site. The proposed height and bulk sought will provide an appropriate transition from the future taller buildings within Melrose Park to Hughes Avenue, ensuring a suitable interface within this heritage item is provided.</p> <p>The proposal therefore complies with this objective.</p>
Direction 4.1: Flooding	<p>The site is above the 1 in 100 year flood level and there are no flooding maps for the site in the PLEP 2023. The site is not known to be flood affected resultingly, the proposal complies with this direction.</p> <p>Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage. The Planning Proposal seeks to adopt the Concept Stormwater Strategy developed for the wider Melrose Park North Precinct which includes both stormwater quantity and quality strategies (Appendix 12).</p>
Direction 4.3: Planning for Bushfire Protection	The site is not identified as being bushfire prone land.

Relevant Ministerial Direction	Consideration
Direction 4.4 Remediation of Contaminated Land	<p>The PSI prepared by ADE Consulting Group finds that there is a moderate potential for the site to be contaminated due to past and present land-uses.</p> <p>The PSI recommends that a Stage II Detailed Site Investigation (DSI) with the inclusion of sampling for soil and groundwater should be conducted in accordance with the NSW OEH 2023. The Stage II DSI can be prepared as part of any future Development Application for the site.</p> <p>The PSI concludes that it is likely that the site can be determined or made suitable for the proposed development, pending a Stage II DSI and remediation (if required).</p>
Direction 4.5: Acid Sulfate Soils	<p>The Site has a low Classification of 5. The soil type and likely groundwater is such that this issue is not critical and able to be managed with future DAs.</p>
Direction 5.1: Integrating Land Use and Transport	<p>The Proposal is consistent with this Direction and meets the objectives as it:</p> <ul style="list-style-type: none"> • provides new dwellings in close proximity to existing public transportation links on Victoria Avenue • provides new dwellings adjacent to the future Parramatta Light Rail • permits residents to walk or cycle to work if employed within the future Melrose Park Precinct • provides and support additional commercial premises in proximity to existing and future transport links • improves use of space and infrastructure by increasing densities on an underutilised site <p>Further details are provided in the Traffic and Transport analysis in this report.</p>
Direction 5.2: Reserving Land for Public Purposes	<p>The Proposal seeks to amend the Land Reservation Acquisition map to reflect the areas of open space to be dedicated to Council.</p>

Relevant Ministerial Direction	Consideration
Direction 6.1: Residential Zones	<p>The Planning Proposal is consistent with these objectives as it:</p> <ul style="list-style-type: none"> • provides additional residential floor space adjacent to the Melrose Park Precinct within close proximity to public transport, shops and community facilities • contributes to the redevelopment of underutilised industrial lands • will not adversely impact on the environment.
Direction 7.1: Business and Industrial Zones	<p>The proposed urban renewal of the Site is consistent with the objectives of the zone as follows:</p> <ul style="list-style-type: none"> • The Proposal seeks to rezone the site to MU1 Mixed Use and will contribute 1400m² of employment generating land uses • The proposal will support the new Town Centre at Melrose Park and the growth of nearby strategic centres <p>This Planning Proposal provides the opportunity to redevelop industrial land that will become isolated given the emerging character of the Melrose Park Precinct.</p> <p>On 11 July 2016, The City of Parramatta Council adopted the <i>Employment Lands Strategy 2016</i> (ELS). The ELS 2016 identifies all industrial zoned land in Melrose Park, including the subject site, as Precinct 11. The ELS 2016 recognises the Melrose Park Precinct as unique in Parramatta's employment lands as it previously contained a significant concentration of some of the world's largest pharmaceutical companies but notes that these have recently moved overseas.</p> <p>The ELS 2016 recommends that given size and significance of the Melrose Park Precinct, and also the changing nature of the pharmaceuticals industry, that a Structure Plan be prepared for Melrose Park, which considers future uses in the precinct and opportunities for urban renewal, including space for smaller biotech firms and also specialised research infrastructure (BOLD our</p>

Relevant Ministerial Direction	Consideration
	<p>emphasis).</p> <p>On 22 August 2016, Council resolved that Melrose Park be subject to two Structure Plans – a Northern and a Southern Structure Plan. Council adopted the Melrose Park Northern Structure Plan on 12 December 2016, in accordance with the recommendations of the ELS 2016.</p> <p>The subject site is situated within the Melrose Park Northern Structure Plan and from a strategic planning perspective has been identified by Council to undergo urban renewal. The proposal seeks to act upon this to facilitate the redevelopment of industrial land that would otherwise become isolated</p> <p>The Proposal is justified by several studies to support the rezoning of the Site from E4 General Industrial and R2 Low Density Residential to MU1 Mixed Use including an Economic Impact Assessment for the wider Melrose Park North Precinct prepared by AEC Group.</p> <p>The economic modelling conducted for this report indicates that the Planning Proposal for the Melrose Park North Precinct will make a significant contribution to the Parramatta LGA economy through its construction phase and the ongoing activities of the redeveloped Site. Furthermore, once the redevelopment is completed and fully operational it will continue to provide a strong ongoing contribution to the Parramatta economy.</p> <p>As the subject proposal is located adjacent to the Melrose Park North Precinct and it is therefore considered that the redevelopment of the site will support and contribute to the development and renewal of the area and will result in positive economic impacts to the Parramatta LGA.</p>

Table 8: Section 9.1 Directions by the Minister

Section C: Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

There is no known critical habitat or threatened species, populations or ecological communities, or their habitats likely to be adversely affected as a result of the Proposal.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal includes a detailed consideration of a range of relevant issues which demonstrates that it will have minimal environmental impact and is an appropriate response to the site and its context. These issues include:

Built Form and Amenity

The site is strategically located within the Melrose Park Growth Area. The proposal transitions appropriately between the emerging high density mixed use development in the VRS, the adjoining Melrose Park North and South Planning Proposals and the surrounding density residential properties on Hughes Street and Hope Street.

The proposal is generally consistent with SEPP 65 and the ADG. The proposal is designed to minimise impacts to adjoining properties and ensures high levels of residential amenity.

Key areas of the built form that respond to SEPP 65 and the ADG are detailed below.

Appropriate Height Relative to High Density Mixed Use Development and Low Density Residential Development

- the taller portion of the building is placed adjacent to the eastern boundary
- the taller portion of building is orientated on a north south axis to minimise overshadowing of surrounding residential development
- appropriate building separation is achieved with adjoining buildings
- apartment size, the apartment mix and car parking will be provided in accordance with Council's DCP

A key consideration for the development of the Site is the impact on the surrounding properties. In relation to built form, the size and nature of the Site combined with careful urban design and Site planning ensure no unacceptable impacts on surrounding properties in particular the surrounding residential and heritage item located opposite the site in Hope Street.

The proposal provides for an appropriate level of solar access for surrounding properties. This is achieved through the siting and built form, focusing the taller building height adjacent to the **western boundary**. This design ensures the development's shadow moves quickly across the surrounding sites and minimises the extent of shadow cast.

The overshadowing analysis in the Architectural Package reveals that overshadowing impacts on adjoining properties is reasonable.

The Urban Design Report (Appendix 8) provides an analysis of the 14 storey building and its potential shadow impact on the building envelopes in the Melrose Park South Precinct and surrounding properties. This analysis demonstrates that all properties on the southern side of

Hope Street obtain more than 3 hours direct sun in mid-winter on the buildings' northern facades.

Contamination

Preliminary Site Investigation (PSI) prepared by ADE Consulting Group accompanies the Planning Proposal (Appendix 5). The PSI assesses the potential for contamination at the site.

ADE Consulting Group considers there is a moderate potential for contamination to have occurred on-site as a result of the past and present land-uses. The PSI recommends that a Stage II Detailed Site Investigation (DSI) with the inclusion of sampling for soil and groundwater should be conducted in accordance with the NSW OEH 2023. The Stage II DSI can be prepared as part of any future Development Application for the site.

The PSI concludes that it is likely that the site can be determined or made suitable for the proposed development, pending a Stage II DSI and remediation (if required).

Flora and Fauna

There is minimal vegetation located on the site with low shrubbery on the Tomola site and a few mature trees located within the residential properties fronting Hughes Avenue. The Site is not identified on the Natural Resources – Biodiversity Map, nor the Natural Resources – Riparian Land and Resources Map in the PLEP 2023.

A Preliminary Ecological Report has been prepared by UBM Ecological Consultants for the wider Melrose Park North Precinct (Appendix 4). This report makes reference to the Office of Environment & Heritage mapping (OEH 2013) which identifies areas of native vegetation (bushland) in the locality and region. This mapping does not identify any vegetation within Melrose Park or the site.

Attachment 2 within the Preliminary Ecological Report provides a list of threatened or vulnerable fauna species known for the locality. The report notes several of the listed species are aquatic or migratory species known for the Parramatta River foreshores, and thus are unlikely to be found in Melrose Park or the site.

The report notes that large mature trees within Melrose Park are likely to support arboreal mammals (possums), birds, and possibly microbats, and seasonally, macrobats such as the Grey headed Flying-fox. At least five (5) microbat species known for the Locality are listed under the legislation. The report recommends that prior to future development applications, it would be prudent to undertake a nocturnal fauna survey.

Given the lack of significant trees within the site, there is very little possibility of the site containing habitat for fauna. This is likely due to the current lack of overall vegetation within the site.

The proposal will significantly increase the extent of landscaping, tree canopy cover and deep soil zones within the site, resulting in an improved environmental outcome.

Flooding

The Section 10.7 Certificates for the site do not identify it as containing flood prone land. Furthermore, the Site is not known to be flood-affected.

Geotechnical

A Preliminary Geotechnical Assessment Report prepared by ADE Consulting Group accompanies the Planning Proposal (Appendix 6). This report concludes that the proposed development is considered feasible from a geotechnical perspective. Provided appropriate site investigation, design assessments, and construction monitoring normally associated with this type of development are carried out, the risks to adjacent structures and services are found to be manageable.

A land survey prepared by LTS Lockley accompanies the Planning Proposal and details the levels, contours, built improvements and retaining walls across the Site (Appendix 3). This survey demonstrates that the site has a fall from north to south by approximately 3.3 metres and from west to east by 1.8 metres.

Heritage - Aboriginal

The site is not known to have any archaeological potential for items of Aboriginal significance given the respective lots which form the site have been previously developed. The site is also not known to be a site of Aboriginal significance. As such, no further assessment of Aboriginal heritage has been undertaken.

Heritage - European

The site does not contain any items of European heritage, nor is it located within a heritage conservation area.

A heritage item of local significance is located at the opposite corner of the Hope Street and Hughes Avenue intersection, at **64 Hughes Avenue, Ermington**. This item is known as the '**Bulla Cream Dairy**' (I64) under the PLEP 2023. This site contains a single storey residential dwelling with a single storey warehouse to the rear and fronting Hope Street.

Servicing and Survey Report

An Engineering Services Desktop Due Diligence Report prepared by Integrated Group Services accompanies the Planning Proposal (Appendix 2). This report outlines the servicing capability of the site relating to potable water, wastewater, electricity, gas and telecommunications.

The existing infrastructure in both Hope Street and Hughes Avenue are insufficient for proposed potable water requirements. An upgrade will be required to access the nearest suitable water main for connection at the intersection of Hope Street and Waratah Street, approximately 220 metres to the east of the site. The report confirms that it is unlikely that there will be any issues with servicing the site from the Sydney Water infrastructure in the vicinity of the site.

There are 150mm and 225mm sewer mains reticulating within the site that will require diversion or coordination with the development design. The 225mm sewer main in the vicinity of the site is identified as being sufficient to connect to the proposed future development.

Based on infrastructure plans provided by Endeavour Energy, existing High Voltage infrastructure is located on the southern side of the site within Hope Street which will most likely be the point of connection for the new on-site substations. The capacity of this feeder will be determined once an application for connection has been lodged to the authorities. However, it is envisaged that the High Voltage feeders will have the capacity to service the

projected development load.

The Ausgrid high voltage transmission lines and towers reticulating through the site will remain in place "as is" and the future detailed design will be planned around these assets.

Jemena have sufficient infrastructure in the vicinity of the site and can easily cater for gas requirements of the new development. The existing 32mm 210kPa Natural Gas main is the most likely point of connection, subject to Jemena approval.

The response received from the respective Telecommunication suppliers and NBN shows a 100mm pit and pipe fibre services extending on Hope Street fronting the proposed development. The telecommunications services identified in the vicinity of the site are expected to have the carrying capacity to suit the needs of the proposed development.

Transport and Traffic

A Transport Management Accessibility Plan (TMAP) was prepared in consultation and agreement with Council, TfNSW and the RMS as part of the Melrose Park North Planning Proposal.

The TMAP comprehensively assesses demand management and transport linkages, as well as traffic infrastructure augmentations and considerations in response to the adopted Structure Plan and Planning Proposal for Melrose Park North as well as the aspirations of the re-development of Melrose Park South Precinct. The TMAP has been developed to encourage and develop initiatives to maximise public transport use.

The Melrose Park TMAP identifies staging trigger points for associated road works on Victoria Road at Wharf Street and Kissing Point Road. The site is located within the Melrose Park precinct in the TMAP. The first identified trigger point for upgrades (Stage 1A) would occur at 1,100 dwelling and is currently being proposed as part of the VRS development. The next trigger point for road works identified in the Melrose Park TMAP (Stage 1B) is at 1,800 dwellings.

A TIA prepared by VIAE Consulting, accompanies the Planning Proposal (Appendix 7) and identifies the following:

- The site would generate 75 car trips in the morning peak hour and 89 car trips in the evening peak which is considered minor.
- A total of 225 parking spaces will be required to accommodate the proposed development yield as per the DCP 2023, based on the indicative mix of 1, 2- and 3-bedroom dwellings.
- The critical infrastructure projects planned by the NSW Government within Melrose Park and Greater Parramatta and Olympic Park (GPOP). These infrastructure projects will support the Planning Proposal and future residents.
- The traffic impacts associated with the Tomola site are accommodated by the Melrose Park TMAP Stage 1A road works package and the surrounding road network along Hope Street and Hughes Avenue. No works beyond TMAP Stage 1A works are required to accommodate the additional traffic generated by the proposed development.

The TIA finds that the traffic generated by the development would be minimal and can be easily accommodated under the works required for Stage 1A of the Melrose Park Precinct. A detailed traffic and transport assessment will accompany the future DA.

Project	Transport Mode	Status	Estimated Completion
Parramatta Light Rail 1	Light Rail	Stage 1 – Construction	2023
Parramatta Light Rail 2	Light Rail	Stage 2 – Planning and Design / Business Case	2026
Gateway Bridge (Melrose Park to Wentworth Point)	Bus / light rail	Investigation and Planning	2026
Victoria Road BRT	Bus	Planning and Design	2026
WestConnex	Road / Freight	Stage 1 - Completed Stage 2 - Construction Stage 3 - Construction	2023
Sydney Metro West	Metro	Planning and design / Business Case	2028
Melrose Park Bus Shuttle Service	Bus	Shuttle currently provides key connections to Meadowbank Ferry and Meadowbank Station	2019 – currently operating

Figure 24: Transport Projects for Melrose Park and GOP (Source TIA)

Has the Planning Proposal Adequately Addressed Any Social and Economic Effects?

Economic Impact Assessment

The urban renewal and transformation of the site will result in significant economic benefits for the new communities within the site, existing and future communities within Melrose Park and the surrounding neighbourhood. These public benefits include:

- contribute to the urban renewal of the wider Melrose Park Precinct through the redevelopment of what would become an isolated and unfeasible industrial site
- direct investment and jobs in the local area:
 - during construction the project is projected to generate the following economic impacts (total direct and flow-on) for Parramatta LGA:
 - \$117 million in output
 - \$43 million contribution to Gross Regional Product (GRP)
 - \$26 million in wages and salaries paid to local workers
 - 300 FTE jobs
 - following the completion of construction, the project is estimated to support the following annual economic activity through direct and indirect (flow-on) impacts associated with operations on the Site:
 - \$19 million in output
 - \$10 million contribution to GRP
 - \$5 million in incomes and salaries paid to households
 - 76 FTE jobs (including 56 FTE directly related to activity on the Site).

This is a key investment in the local community:

- +2600m² of RE1 Public Recreation dedicated to Council

- provides pedestrian links north-south and east-west through the site improving connectivity to Melrose Park Town Centre and the wider Melrose Park Precinct

Social Impact Assessment

A SIA for the wider Melrose Park North Precinct was undertaken by Urbis and outlines the potential benefits and impacts from the Melrose Park North Planning Proposal (Attachment 12). In particular, the identified benefits include:

- development of a new Local Town Centre within the development allowing for opportunities for childcare facilities, community marketplace, provision of open space areas and development of retail and commercial businesses
- public benefits of over \$200 million, comprising provision of open space and public infrastructure, affordable housing, provision of land for a new school and contributions to Melrose Park Public School, contributions and dedication of infrastructure including roads and future assessments for transport and power in Melrose Park and contributions to smart cities provision within the development.
- the increased supply of modern accommodation options to create a more even and mixed housing market for the community
- under existing conditions, the number of jobs have and will continue to decrease on the Site without change. Once the redevelopment is completed, the Site will provide between 1,538 – 1,932 jobs, with the provision of a minimum 15,000m² dedicated for commercial and employment uses and 15,000m² in retail uses. The development will create jobs during the construction phase and additional jobs in the supply chain during construction and operation which will support employment outcomes for the community (as outlined in the EIA).

The subject proposal will support and expand upon the achievement and delivery of these social benefits as:

- it provides approximately 161 residential dwellings to supply the growing suburb with a diverse housing choice
- future residents of the development will support the Melrose Park Local Town Centre and associated commercial and retail businesses
- improve and encourage active modes of transport through the provision of through site links (east-west and north-south)
- it will contribute to the urban renewal of the wider Melrose Park Precinct through the redevelopment of what would become an isolated industrial site

Section D - Infrastructure (Local, State and Commonwealth)

Is there Adequate Public Infrastructure for the Planning Proposal?

Future development on the site will make use of existing public infrastructure and services including connections to water, sewerage, electrical and telecommunications infrastructure.

Section D – State and Commonwealth interests

Is there Adequate Public Infrastructure for the Planning Proposal?

Future development on the site will make use of existing public infrastructure and services including connections to water, sewerage, electrical and telecommunications infrastructure.

What are the views of State and Commonwealth Public Authorities Consulted in Accordance with the Gateway Determination?

Consultation with State and Commonwealth public authorities will be carried out at the Gateway determination stage.

Part 4: Mapping

The indicative Land Use Zone map, Height of Building map, and Floor Space Ratio map are shown below.

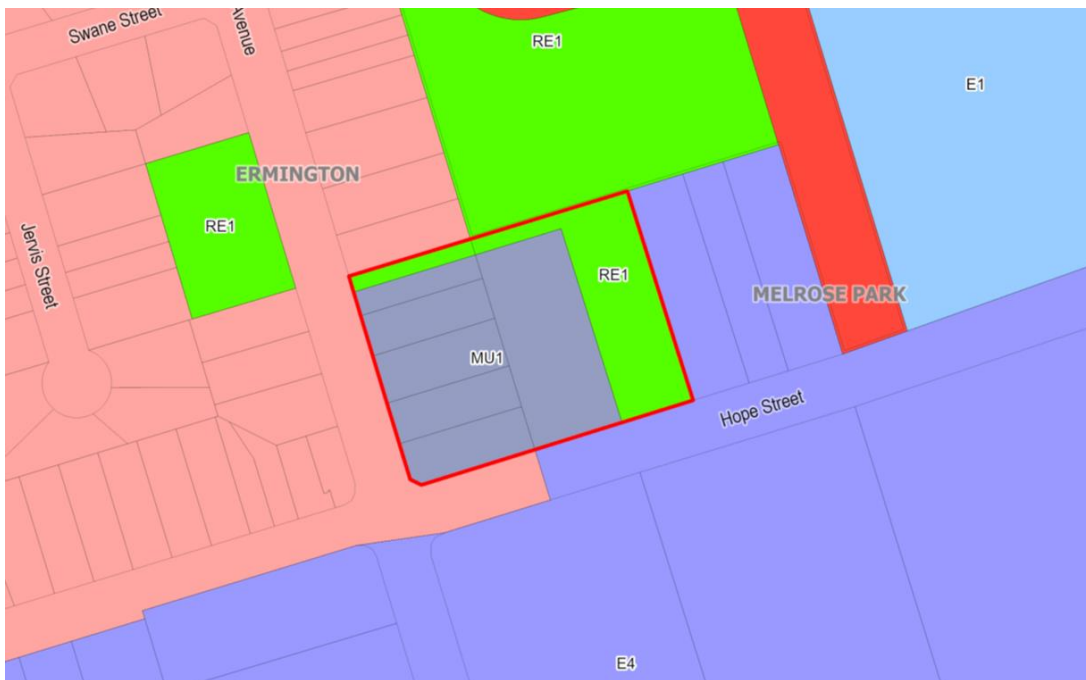


Figure 25: Proposed Land Use Zoning for Tomola site

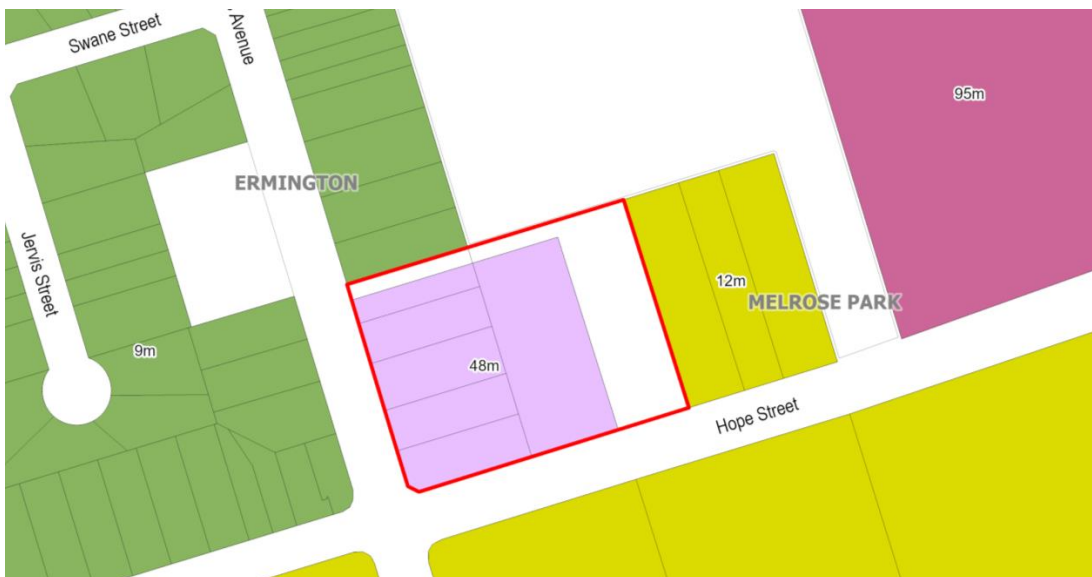


Figure 26: Proposed Height of Building controls for Tomola site

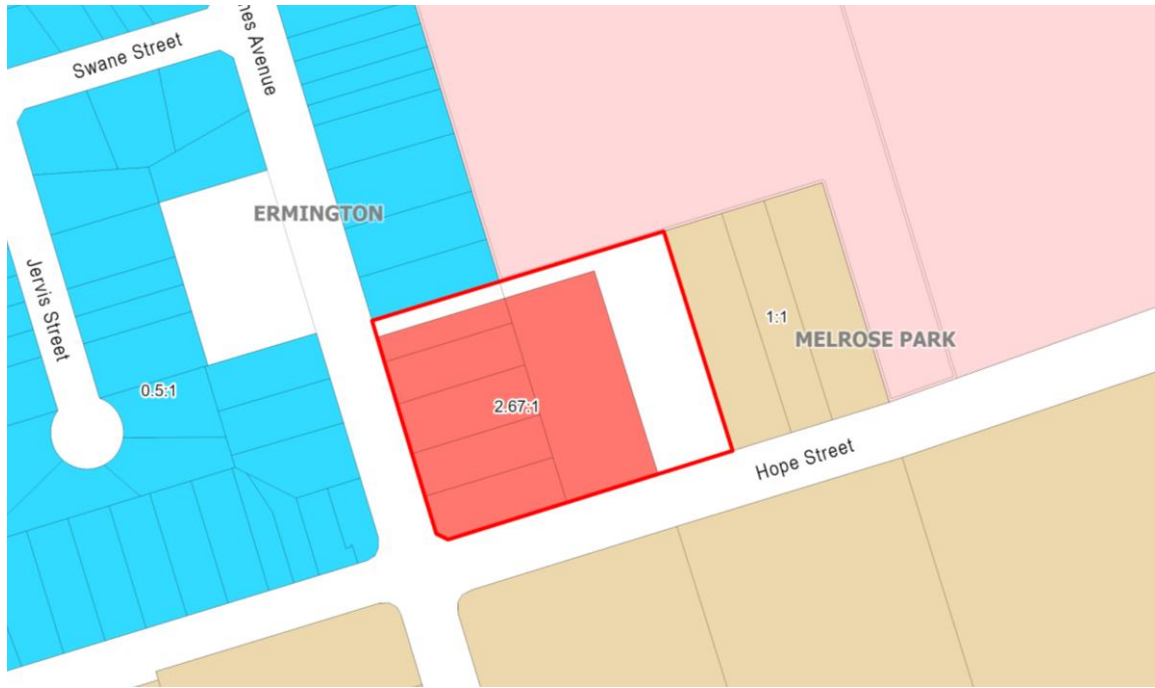


Figure 27: Proposed Floor Space Ratio controls for Tomola site

Part 5: Community consultation

The Planning Proposal (as revised to comply with the Gateway determination) was publicly exhibited from 16 June to 16 July 2024.

Part 6: Project Timeline

Table 9 below outlines the anticipated timeframe for the completion of the Planning Proposal.

MILESTONE	TIMEFRAME
Report to the Local Planning Panel on the assessment of the Planning Proposal	17 May 2022
Report to Council on the assessment of the Planning Proposal	14 June 2022
Submission to the Department of Planning and Environment for review of Gateway determination	11 August 2023
Gateway determination issued	5 October 2023
Commencement and completion dates for public exhibition period	16 June – 16 July 2024
Consideration of submissions	July 2024
Consideration of Planning Proposal and associated report post-exhibition by the Local Planning Panel	October 2024
Consideration of Planning Proposal post-exhibition and associated report by Council	December 2024
Submission to the Department of Planning and Environment to finalise the LEP amendment	Late 2024
Notification of instrument	Late 2024

Table 9: Anticipated timeframe to Planning Proposal process

Appendix 1 – Community Engagement Strategy

Appendix 2 – Engineering Services Due Diligence Report

Appendix 3 – Survey Plan

Appendix 4 – Flora & Fauna Report

Appendix 5 – Detailed Site Investigation Report

Appendix 6 – Preliminary Geotechnical Assessment Report

Appendix 7 – Preliminary Traffic Impact Assessment

Appendix 8 – Urban Design and Landscaping Report

Appendix 9 – Economic Impact Assessment

Appendix 10 – Acoustic Advice

Appendix 11 – Social Impact Assessment

Appendix 12 – Concept Stormwater Strategy

Appendix 13 – Hazard Analysis

Appendix 14 – Site Sustainability Statement

Appendix 15 – Melrose Park TMAP

8.2 LOCAL CENTRES

This Section contains development controls for areas identified as Local Centres in Council's [Local Strategic Planning Statement 2036](#). They are identified as being a focal point of neighbourhoods, are diverse, vary in size, with essential access to day-to-day goods and services. These centres are best served by and are generally in close proximity to public transport, public open spaces, schools, shops, and other community and commercial services. Local Centres' low-scale character and identity of suburban Parramatta are to be preserved and enhanced, while their mixed use business zones are to promote diverse and active uses at the street level to encourage lively neighborhoods with interest and vitality. Figure 8.2.1 illustrates each of the Local Centres across the City.

Where there are inconsistencies between the controls contained within this Section and other controls within this DCP, these controls prevail to the extent of the inconsistency.

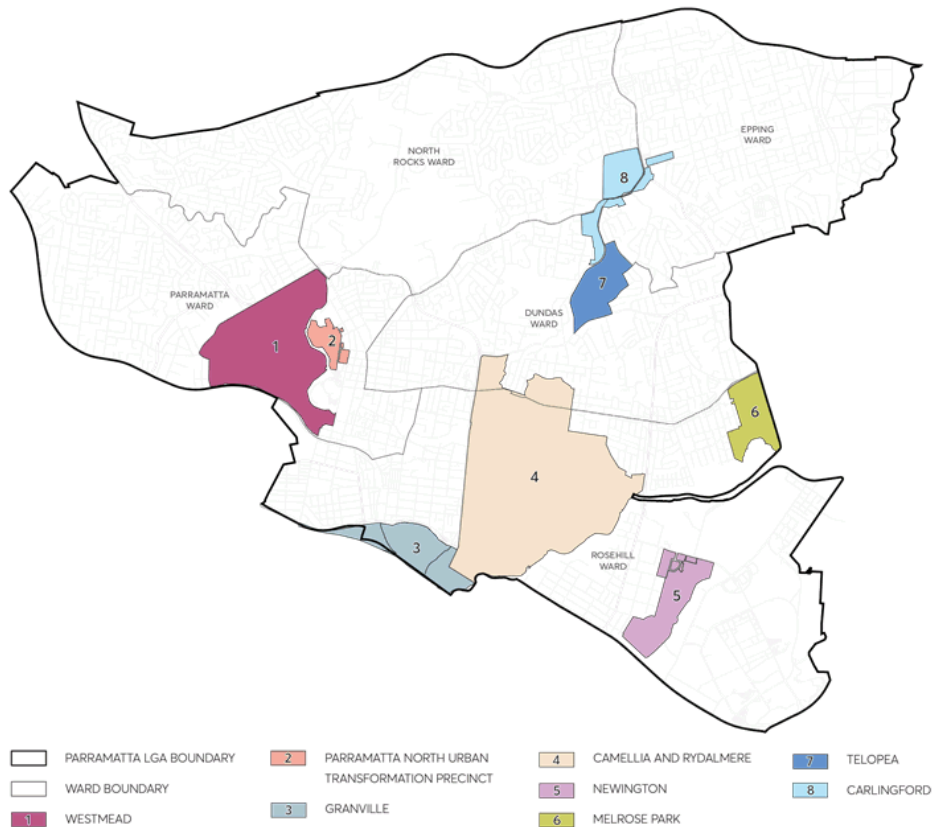


Figure 8.2.1 – Local centres

8.2.6 MELROSE PARK URBAN RENEWAL PRECINCT

8.2.6.1 INTRODUCTION

The Melrose Park precinct is made up of two sub-precincts, Melrose Park North and Melrose Park South. The development controls of this Section apply to certain land in Melrose Park as shown in Figure 8.2.6.1.1.1 – Land Application Map and must be read in conjunction with any relevant Parts of the Parramatta DCP 2023. Where there are inconsistencies between the controls contained within this Section and any other controls within this DCP, the Melrose Park Urban Renewal Precinct provisions will prevail to the extent of the inconsistency. Furthermore, Section 8.2.6.6 SITE SPECIFIC CONTROLS prevails over other controls within this Section to the extent of any inconsistencies.

Section 8.2.6 – Melrose Park Urban Renewal Precinct is to be used in conjunction with the *Parramatta Local Environmental Plan 2023* (PLEP 2023) and in consideration of the following documents:

- Melrose Park North Structure Plan
- Melrose Park South Structure Plan
- Council's Standard Construction details
- Melrose Park Public Domain Guidelines

While a DCP generally does not apply to Development Applications lodged prior to its commencement, given this DCP was endorsed by Council on 11 October 2021 but came into effect on 1 December 2023, this DCP therefore applies to Development Applications lodged prior to its commencement.

8.2.6.1.1 DESIRED FUTURE CHARACTER

City of Parramatta Council aims to foster the development of a lively, diverse, and healthy Local Government Area, one which celebrates a sense of place and local character.

Situated to the east of the Parramatta City Centre, the Melrose Park precinct is being developed on rezoned industrial land located between Victoria Road and the Parramatta River. The precinct falls south to the river and is surrounded by low-density detached housing on the east and the west.

The DCP is underpinned by and relates to the Melrose Park Structure Plan. The Structure Plan has been prepared by City of Parramatta Council and responds to the topography and the street context of the precinct.

The streets are organised to optimise connectivity for people and vehicles, minimise perceived density, address water management, enable canopy planting and support the proposed built form. Buildings are organised to define the streets and open spaces, provide deep soil, and create a legible public domain with amenity and spatial complexity. The building envelopes provide the opportunity for high quality architectural resolution.

The clarity and quality of public spaces are essential to this conception of a place centered on people. The public spaces – streets, and parks – will be the basic and enduring structuring spaces of Melrose Park, of which streets are the most prevalent. The interaction of buildings and public spaces is critical in shaping the way the place is experienced, particularly at the lower levels where detailed design plays an important part in the creation of a stimulating pedestrian environment.

LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

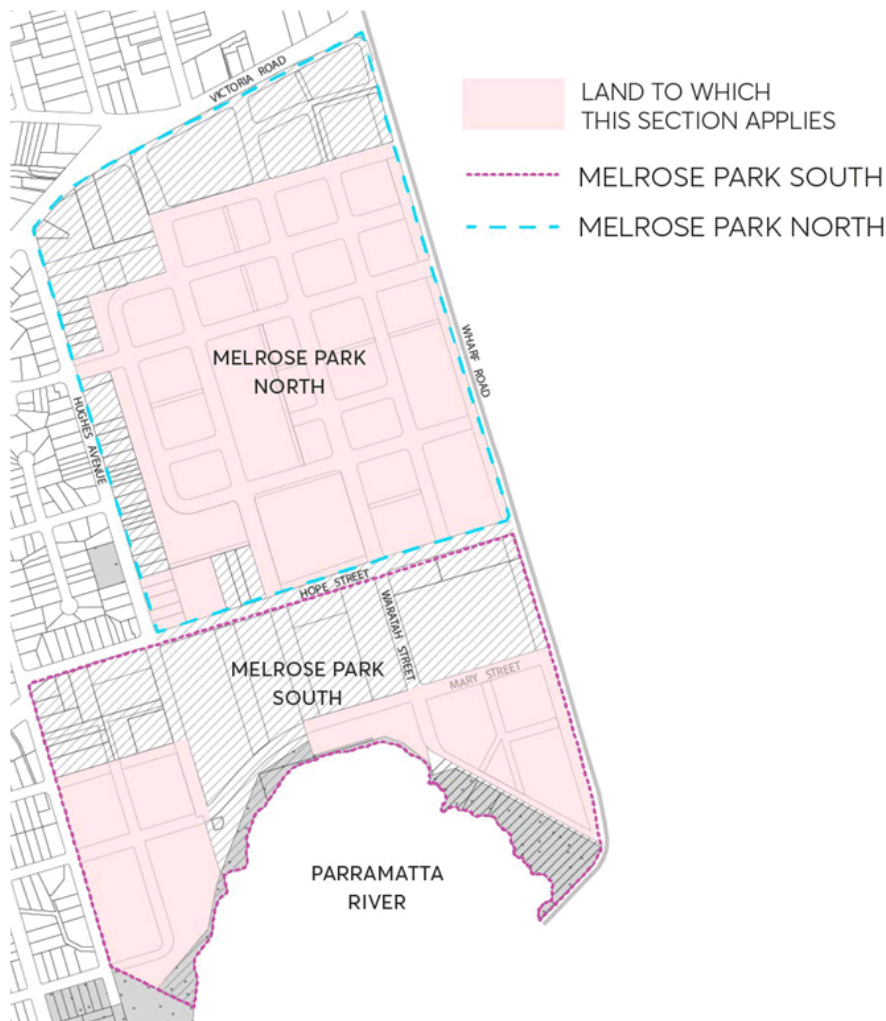


Figure 8.2.6.1.1.1 – Land Application Map

Objectives

- O.01 Create a legible, coherent, and attractive suburb characterised by generous, diverse streets and public spaces reinforced by the built form and vegetation.
- O.02 Organise the buildings so that they form a coherent outcome; address and define the streets, pedestrian connections, courtyards, and special places.
- O.03 Ensure that the spaces of the public domain - streets, squares, and parks are of high quality and amenity.
- O.04 Facilitate sustainable, resilient buildings that address climate, topography, energy consumption, urban heat, pedestrian scale, and internal amenity.
- O.05 Protect and improve the natural environment and biodiversity.
- O.06 Provide sufficient detail of Council requirements and expectations to enable Development Applications to be easily assessed.

- O.07 Safely manage overland flow and stormwater through the site and broader precinct, and design buildings and landscape accordingly.
- O.08 Ensure that infrastructure is delivered in accordance with the staging plan and TMAP Implementation Plan.

Controls

- C.01 An infrastructure Development Application (Development Application) is required to be lodged for the entire precinct upfront prior to individual Development Applications being lodged on a site-by-site basis, detailing the following:
- The proposed lot boundaries.
 - Site levels, including cut and fill and retaining wall locations.
 - The design of the roads, including drainage.
 - Public open space provision.
 - Demonstrate how the obligations under the Planning Agreement will be addressed.

8.2.6.1.2 DESIGN EXCELLENCE

The promotion of good design in the built environment is an objective of the *Environmental Planning and Assessment Act 1979*, and good design is a central aim for all development in the Local Government Area.

Design is a complex synthesis of multiple factors - technical, social, environmental, historic, aesthetic, and economic. It responds to the context – physical as well as cultural – and generates sustainable living and working environments. It is concerned not only with how buildings look but includes fundamental considerations of amenity for occupants and how buildings contribute to the development of quality urban places.

Good design generates spaces with a sense of appropriateness in which people naturally feel comfortable. It has detail and material quality, is long lasting, and creates financial return through the making of places that people value.

Good design also incorporates an understanding that individual buildings should relate to each other as well as contribute to a larger whole. This conception of the importance of collective urban form is an underlying principle of the DCP and informs design quality processes in the Local Government Area.

Melrose Park is a predominantly high-density environment and design quality is therefore paramount. Careful definition of the spaces between the buildings in plan and section, and preservation of all views to the sky and discrete modulation of the buildings are required to ensure variety and interest in the public domain and amenity in the apartments.

Objectives

- O.01 Ensure that development individually and collectively contributes to the architectural and overall urban design quality of Melrose Park.
- O.02 Incorporate design quality in public and private development as a central consideration through all stages of the process from design to completion.
- O.03 Ensure that the integrity of design quality is carried through to the construction and completion of developments.
- O.04 Incorporate overall coherence of the architecture within the whole precinct with variety in the detailed architectural resolution.

Controls

- C.01 All Design Competition briefs must contain a reference to the objectives and controls in this DCP and be prepared in accordance with Council's Design Excellence Competition Manual.
- C.02 Architectural Reference Designs developed as part of a Design Competition brief should use this DCP as the basis for building envelopes.
- C.03 This DCP should form the primary basis of assessment of all Design Excellence Competition winning schemes.
- C.04 For all Development Applications in Melrose Park that are not subject to a Design Competition, the Architect should provide sufficient detailed documentation for the building façades and external areas to form part of the consent documents. These should include fully annotated 1:20 scale cross-sections and partial plans of façades, details of typical and important junctions, and details and materials specification of all external works.
- C.05 The Landscape Architect and Civil Engineer for all Development Applications must provide fully coordinated Public Domain Alignment Drawings (refer to Section 8.2.6.3 – Public Domain).
- C.06 A variety in the detailed design of individual buildings shall be provided.

8.2.6.1.3 WATER MANAGEMENT

As a result of development, the overland flow paths have been considerably altered from their natural state. Water management aims to reverse any negative environmental impacts that have arisen because of these changes so that a sustainable water environment can be recreated.

Despite the precinct being located within close proximity to Parramatta River it is not affected by riverine flooding. However, it is still considered to be at high risk of potentially polluting the river. The precinct is subject to overland flow flooding, reflecting the two historical watercourses that once traversed the precinct from north to south-east (and from north-west to south).

Principles

- P.01 The pre-development (natural) overland flow paths and flow regimes are to be acknowledged in water management planning, while recognising this is a substantially changed urban environment requiring complex water management systems.
- P.02 Post-development run-off must not result in a harmful impact on surrounding properties or the environment.
- P.03 Water management practices must be sustainable.
- P.04 The Water Management Control Plan governs water aspects of development and infrastructure, and landscape and environment in the precinct, and includes:
- a) Flooding and overland flow management;
 - b) Road and public domain piped drainage;
 - c) Flood reduction using public and private water detention systems;
 - d) WSUD - Environmental management of private and public low flows with Water Sensitive Urban Design to reduce pollutant loads and create habitats; and
 - e) Rainwater harvesting and use.

Objectives

- O.01 Ensure that overland water flows are to be managed and conveyed safely across the precinct within the roads, reserves and identified public open space areas.
- O.02 Ensure that post-development run-off does not result in a net negative impact on surrounding properties or the environment, resulting in damage to public and private assets.
- O.03 Ensure that sustainable water management practices are applied, where practicable.
- O.04 Acknowledge and safely accommodate with design, the overland flow flooding and stormwater conveyance in residential and ground floor frontage treatments.

Controls

- C.01 A Water Management Control Plan shall be submitted in accordance with the Principles, Objectives and Controls contained in this section and Section 8.2.6.7 – Water Management Control Plan. It must address:
- a) Flooding and overland flow management;
 - b) Road and public domain drainage;
 - c) Flood reduction using public and private water detention systems;
 - d) WSUD – environmental management of private and public low flows with Water Sensitive Urban Design to reduce the pollutant loads and create habitats; and
 - e) Rainwater harvesting and use.
- C.02 For a building that is part of or adjacent to an overland flow path or flood storage area:

- a) In the 1% AEP event with 100% blockage, Council will require minimum finished floor levels of habitable rooms to be 500mm freeboard above the adjacent 1% AEP water surface level as mapped in the 2 Dimension (Tuflow) overland flow model accepted by Council. This level may vary along the site/building boundary with changing water levels.
- C.03 For a building that is not part of an overland flow path or flood storage area:
- a) Finished floor levels at the boundary adjacent to a road that is accepted by Council as not being an overland flow path or flood storage area, in a 1% event including 100% blockage, must be a minimum of the adjacent top of kerb levels plus 2% rising grade to the boundary.
 - b) Where a building is not part of or adjacent to an overland flow path or flood storage area, in a 1% event including a 100% blockage, surface levels must fall away from the building entrances and openings to the adjacent drainage/WSUD system at a minimum of 2%, or greater if necessary, to ensure adequate surface drainage.
- C.04 A piped drainage reticulation system capable of carrying the 5% AEP stormwater flows is to be provided throughout the precinct for all roads, public domain areas and private lots. This system must be designed and constructed to Council standards and specifications and reasonable satisfaction. This drainage infrastructure is to be dedicated to Council at appropriate stages in the development process for ongoing operation by Council.
- C.05 Excess peak flows are to be detained in both on-site and collective detention systems.
- C.06 Excess peak flows from private lots, public roads and public domain are to be detained in both on-site and collective detention systems. Detention systems are to be integrated into a sustainable overall water management plan for the site which may include WSUD and rainwater harvesting.
- C.07 Peak flows are to be limited throughout the catchment in a 1% AEP storm event to estimated peak flows under 1999 conditions, regardless of whether future redevelopment within the catchment occurs which improves the quantity of overland flow entering the precinct.
- C.08 Lower flows are to be managed within the landscape and directed through landscape water quality biotreatment systems (Water Sensitive Urban Design) including deep soil.
- C.09 On-site detention (OSD) systems are to be integrated into a sustainable overall water management plan for the site, where possible.
- C.10 Subject to maintaining environmental flows and irrigation of the public domain landscapes, rainwater must be captured and used on site wherever feasible.

8.2.6.2 BUILT FORM

Objectives

The following principles apply to all development in Melrose Park:

- O.01 The floor space is generally consistent with the Gross Floor Area (GFA) as derived from the Floor Space Ratio (FSR).
- O.02 The street network and building locations shall be consistent with the Masterplan to be designed to enable deep soil planting, reinforce the human scale of the streets, and enable views to the sky in streets and public places.
- O.03 Building depth, bulk, and separation protects amenity, daylight penetration, and privacy between adjoining developments, and minimises the negative impacts of buildings on the amenity of the public domain.
- O.04 Buildings should align with the streets so that positive spaces are formed within the streets and the lots.
- O.05 Towers are to be appropriately proportioned and maximise their slender form.
- O.06 The design and materials selection of buildings and the public domain are to contribute to a high quality, durable, and sustainable urban environment.
- O.07 Buildings are organised to create spatially defined streets and courtyards that are well proportioned, comfortable, safe, functional, and attractive.
- O.08 The collective built form should reinforce the variety evidenced in the topography and the spatial organisation of the streets and open spaces.
- O.09 Variety within the precinct is to be derived from the detailed resolution of the buildings and not from excessive differences in the form of the buildings and/or the selection of materials.

8.2.6.2.1 ALLOCATION OF GROSS FLOOR AREA

Objectives

- O.01 Regulate the density of development identifying a maximum GFA for lots, resulting from the maximum floor space ratio in the PLEP 2023.
- O.02 Ensure development floor plate sizes and building footprints are not excessive.

Controls

- C.01 The maximum GFA for any development lot is to be generally consistent with the GFA as shown in Figure 8.2.6.7.2.1 – Maximum Gross Floor Area.
- C.02 The GFA attributed to each lot results from the FSR controls in the PLEP 2023 or as otherwise nominated in a Notice of Development Consent granted by a relevant consent authority.

- C.03 The indicative allocation of the total floor space relates to the Masterplan and is based on the capacity of the building envelope on each lot. The GFA is calculated at 75% of the building envelopes and the Gross Building Area (GBA) for residential development.
- C.04 The maximum GFA is approximate for each lot and includes all buildings accommodated on a development lot.
- C.05 The floor space is to be generally distributed as shown in the setback, building height, and street hierarchy figures. The perimeter-block is to be retained and floor space is not to be redistributed into towers where heights would enable greater height.
- C.06 Development applications must submit supporting plans that demonstrate the GFA outcome on the development lot is consistent with PLEP 2023 or as otherwise nominated in a Notice of Development Consent granted by a relevant consent authority.
- C.07 Should a maximum GFA not be able to be achieved for a development lot, or where there are minor variations, that amount of GFA may potentially be transferred to another development lot under the same ownership subject to consideration against the relevant provisions in this DCP and maintaining the gross permitted FSR across the development lots.

8.2.6.2.2 STREET, BLOCK, OPEN SPACE, AND BUILDING LAYOUT

Objectives

- O.01 Optimise the internal and external connectivity.
- O.02 Provide views to sky and views that are not blocked by buildings at the ends of streets.
- O.03 Reveal the topography.
- O.04 Minimise perceived density.
- O.05 Define a street hierarchy considering the landform, street widths, and built form.
- O.06 Enable generous canopy tree planting.
- O.07 Enable all road users to move safely.
- O.08 Provide access to parking basements.
- O.09 Enable streets to be dedicated to Council.
- O.10 Accommodate passive and active recreational needs of the residents and workers.
- O.11 Manage overland floodwater as well as local stormwater drainage, water sensitive urban design (WSUD), and ground water.
- O.12 Minimise non-permeable surfaces.
- O.13 Enable buildings to achieve setbacks, solar access, and separation requirements, optimise the amenity of the apartments, define the public domain and minimise perceived density.

Controls

- C.01 The street network, pedestrian connections, block layout, and location of buildings shall be generally consistent with Figure 8.2.6.6.1 – Masterplan, Figure 8.2.6.7.8.1 – Street Hierarchy, and Figure 8.2.6.7.9.1 – Public Domain Plan.
- C.02 All streets are to be at ground level and public streets are to be dedicated to Council.
- C.03 Pedestrian connections that are above basements and privately owned should be publicly accessible 24/7.

8.2.6.2.3 THE BUILDING ENVELOPE

The building envelopes resulting from the setbacks, floor plate, and height constitute a three-dimensional volume within which, together with all other applicable controls, should result in a coherent built form. The envelope heights in the Masterplan are generous and designed to enable a well-considered architectural response rather than 'filling' the envelope.

The building envelopes have been located to reinforce view corridors, create a layered spatial network, and minimise perceived density. The taller towers are located strategically with generous separation. The building envelopes are designed to enhance the topography and have been tested for separation distances and overshadowing of public parks.

Objectives

- O.01 Provide a coherent spatial and built form structure for the precinct.
- O.02 Create meaningful variety related to street character and topography.
- O.03 Define the streets, intersections, and open spaces in plan and in section.
- O.04 Enable the resolution of quality architecture within the building envelopes.
- O.05 Optimise the number of units with outlook to open spaces, courtyards, and views.
- O.06 Minimise overshadowing on open spaces and residential development.
- O.07 Minimise perceived density.
- O.08 Provide view corridors within the site and to the surrounding context.
- O.09 Enable satisfactory resolution of the slope and the water management of the precinct.

Controls

- C.01 The building envelopes as defined in Figure 8.2.6.6.1 – Masterplan are to form the basis of the architectural resolution.
- C.02 All view corridors as defined by the streets and pedestrian connections in Figure 8.2.6.6.1 – Masterplan are to be retained.
- C.03 The floor space is to be distributed as shown in Figure 8.2.6.7.2.1 – Maximum Gross Floor Area.

- C.04 The perimeter block residential buildings up to 6 storeys must extend for the full frontage of lots within the nominated street setbacks and except where there are courtyards of pedestrian connections.
- C.05 The maximum length of all residential buildings 10 storeys and above must be no greater than 50 metres.

8.2.6.2.4 STREET SETBACKS

The purpose of establishing street setbacks is to ensure an appropriate interface with the street, ground floor usage, and building separation.

There are two principal categories for the ground floor:

- a. The buildings that have a residential ground floor frontage.
- b. The buildings that have an active/commercial ground floor frontage.

On lots with residential ground floors, the buildings should be set back from the street alignment allowing an arrangement which balances the need for residential privacy as well as engagement with the street. The setback provides the necessary space for deep soil, and landscaping and amenity, both for residents and the street.

Due to the sloping topography of the precinct, issues of residential amenity may also be addressed by raising the building ground floor levels relative to the site topography where residential uses are located adjacent to a pedestrian connection or public boundary.

On lots that have active frontages and no set back, the ground floor design of the buildings is the part of the development that has most impact on the street and public domain experience as it defines and articulates the street with appropriate scale and detail.

Objectives

- O.01 Reinforce the appropriate spatial definition of streets and public spaces.
- O.02 Emphasise the importance of the street as a distinct spatial entity and design the street interface and street wall with an appropriate human scale and sense of enclosure for the street.
- O.03 Ensure consistent street frontages with buildings having common setbacks and alignments.
- O.04 Provide building forms that achieve comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale, and adequate mitigation of wind effects on tower buildings.
- O.05 Create a clear delineation between public and private space.
- O.06 Provide a landscape interface between residential buildings and streets, with room for street trees.
- O.07 Emphasise the courtyard spaces as a distinct spatial entity and design with an appropriate human scale and sense of enclosure and landscaping.

- O.08 Reinforce important elements of the local context including public spaces, key intersections, public and heritage buildings, and landscape elements.
- O.09 Provide space on residential sites for ground level residents to engage appropriately with the street and for landscape that contributes to the public domain.

Controls

- C.01 Building setbacks from the streets should comply with those shown in Figure 8.2.6.7.6.1 – Street Setbacks.
- C.02 A 400mm articulation zone is permitted forward of the setback, in which building elements such as bay windows, balconies, and shading devices may occupy a maximum of approximately one third of the area of the façade. Services or lift shafts are not permitted in the articulation zone.
- C.03 Setbacks should be measured perpendicular to the boundary to the outer faces of the building. Elements in the articulation zone are excluded.
- C.04 Above the 4-6 storey component and the Town Centre podium, buildings are to be set back as shown in Section 8.2.2.6.10 – Indicative Application of Building Envelopes.
- C.05 The ground floor, first and second floors of the NSR 2 and EWR 4 intersection and the NSR 3 and EWR 4 intersection may extend into the front setback a maximum of 3 metres measured from the front building line. Refer to Figure 8.2.6.2.4.1 – Street Wall Heights at Key Intersection. In plan the decreased street setback can extend for a distance of up to 25 metres along each street. Refer to Figure 8.2.6.2.4.2 – Indicative Corner Activation at Key Intersections, Plan (NSR 2 and EWR 4 Highest Priority and EWR 4 Second Highest Priority).
- C.06 All buildings with the decreased setback at the NSR 2 and EWR 4 intersection and the NSR 3 and EWR 4 intersection are to relate to each other and define the space of the intersection up to a height of 3 levels. The corner design is to incorporate a building form such as a splayed setback, orthogonal recess to address the intersection. The levels above the ground floor are to relate to the ground floor resolution.
- C.07 Setbacks should be measured perpendicular to the boundary to the outer faces of the building. Refer to Figure 8.2.6.2.4.3 – Street Wall Height in Town Centre. Elements (such as awnings and signage) in the articulation zone are excluded.

LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

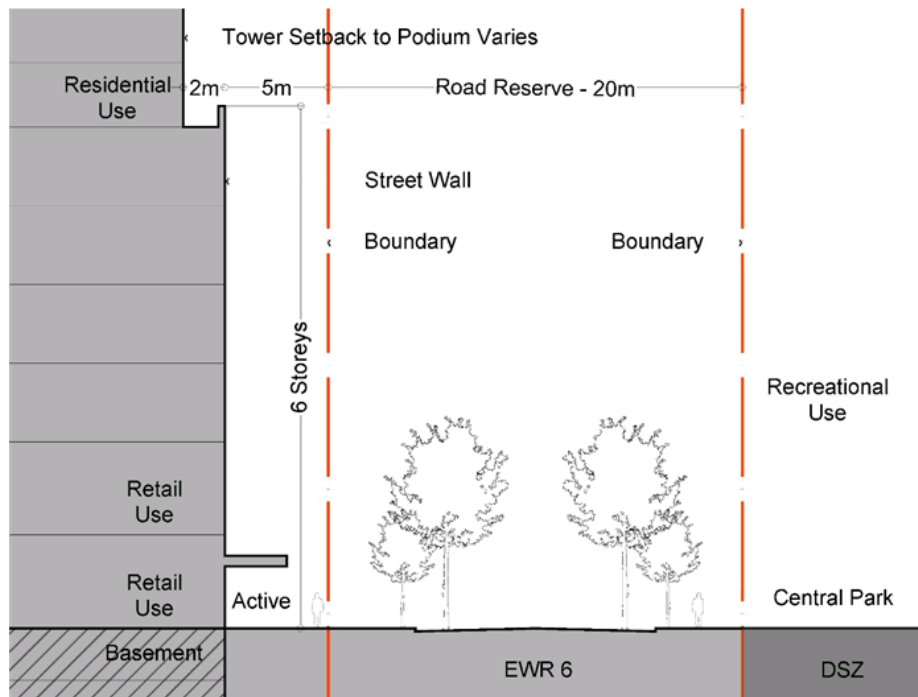


Figure 8.2.6.2.4.3 – Street Wall Height in Town Centre

8.2.6.2.5 BUILDING SEPARATION

Building separation for residential buildings is based on the proportions of the pedestrian connections, courtyards and streets, and overshadowing. Issues of privacy and surveillance are to be resolved in the architectural resolution.

Objectives

- O.01 Protect and manage the impact of development on the public domain and neighbouring sites.
- O.02 Protect the amenity of streets and public places by providing a healthy environment for street trees and allowing adequate daylight and views to the sky.
- O.03 Ensure a pattern of built form and spatial definition that contributes to the character of the suburb.
- O.04 Provide access to light, air, and outlook for the occupants of buildings, neighbouring properties, and future buildings.

Controls

- C.01 The separation distances of buildings across courtyards are 24 metres minimum building to building and is to be appropriately landscaped.

- C.02 The separation distances of buildings across any pedestrian connections shall be 12 metres building to building. Within this space, a straight pedestrian path of a minimum 4 metres in width is to be located. Private gardens and entrances to apartments are permitted from these pedestrian paths. Refer to Figure 8.2.6.2.5.1 – Pedestrian Connections.
- C.03 Issues of visual and noise privacy are to be addressed in the design of the buildings.
- C.04 Separation distances should be measured perpendicular to the boundary to the outer faces of the building. Elements in the articulation zone are excluded.

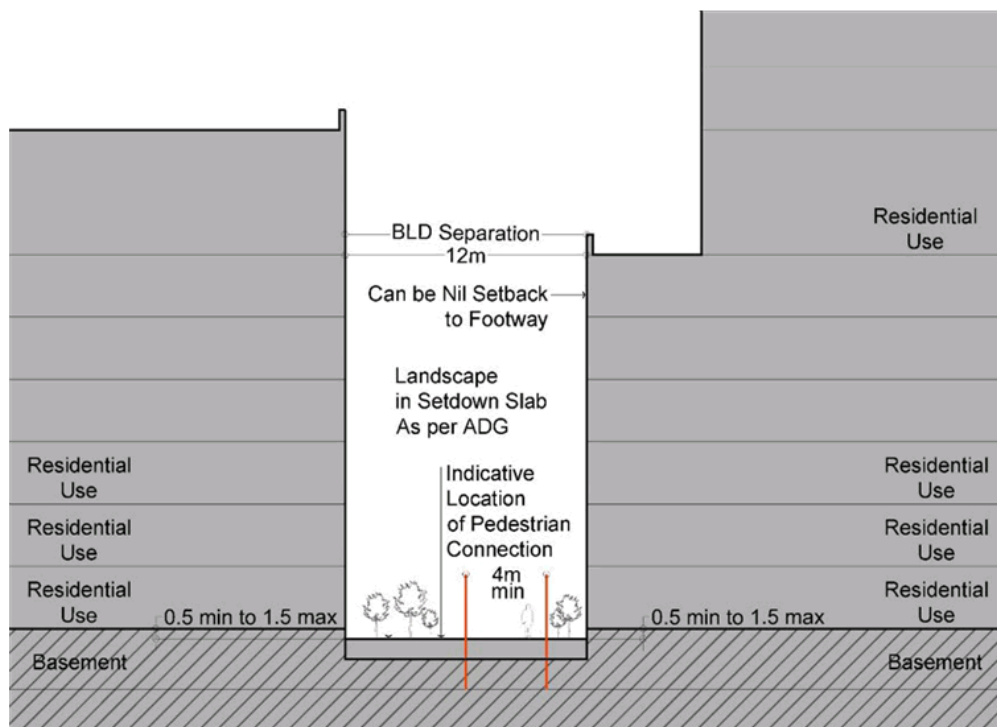


Figure 8.2.6.2.5.1 – Pedestrian Connections

8.2.6.2.6 TOWER DESIGN AND SLENDERNESS

The slenderness of towers is important both to achieve elegance of form as well as to minimise the perceived density and maximise amenity and environmental performance. Plan area, plan proportion, alignment, and height are contributing factors in the perception of slenderness. Their design needs to respond to context, climate, and views, and to provide a continuity of built form but with subtle differences.

The silhouettes of many buildings are significant and contribute to the identity of the place and its skyline. The massing and arrangement of the skyline and building silhouettes should be carefully considered and proposed development should be designed so that its appearance complements the broader skyline.

Objectives

- O.01 Towers have slender proportions.
- O.02 Towers are well-proportioned, reflect their orientation and address the public domain.
- O.03 Minimise the potential adverse effects that buildings may have on the public domain.
- O.04 Achieve living and working environments with good internal amenity.
- O.05 Minimise the need for artificial heating, cooling, and lighting.

Controls

- C.01 The maximum floorplate for a residential tower over 8 storeys should be 1,000m² (the floorplate shall be measured to the outside face of the building inclusive of balconies, vertical and horizontal circulation, internal voids, and external walls).
- C.02 The maximum length of the part of a building above 8 storeys should be 50m. In Melrose Park South the tower component height should be approximately double the height of the podium component (e.g. an 18-storey building where 12-storey minimum tower sits on 6-storey maximum podium).
- C.03 No tower forms should be 'L' shaped in plan.
- C.04 Upper levels of towers should not extend over the lower levels and create under-croft spaces.
- C.05 The higher building forms are to be integrated with the lower levels and should define positive spaces for streets, open spaces, and courtyards.
- C.06 Towers should meet sustainability measures.
- C.07 Tower design should respond to context, climate, and views.

8.2.6.2.7 BUILDING HEIGHTS

Objectives

- O.01 Recognise the variation of podium heights in perimeter-block buildings that respond to topographical features.
- O.02 Minimise adverse wind, reflectivity, glare, and urban heat impacts.
- O.03 Minimise solar impacts to streets, open spaces, and neighbouring buildings.
- O.04 Form a balanced composition of built form when viewed from within the street, neighbouring areas, and the river.

Controls

- C.01 The number of storeys must be consistent with the number of storeys shown in the number of storeys in Figure 8.2.6.7.4.1 – Building Storeys.
- C.02 The perimeter-block residential buildings are to be 8 storeys maximum.

8.2.6.2.8 FLOOR TO FLOOR HEIGHTS

Objectives

- O.01 Provide adequate amenity for buildings.
- O.02 Ensure that floor heights support a range of uses and enable a change of use over time.

Controls

- C.01 Minimum floor to floor heights shall be provided in accordance with Table 8.2.6.2.8.1 – Minimum floor to floor heights.

Table 8.2.6.2.8.1 – Minimum floor to floor heights

Use	Minimum Floor to Floor Height
Commercial	3.6m
Residential floor to floor heights from level 1 and above. Floor to ceiling heights greater than the minimum 2.7 metres are encouraged.	3.1m
Ground floor active street frontage	4.5m
Residential floor to floor heights for ground floor	3.6m
Residential floor to floor heights for ground and first floor	7.6m

8.2.6.2.9 THE PERIMETER BLOCK BUILDINGS AND PODIUM

Together with the public domain, the perimeter-block residential building frontages and the retail podium are the built elements that shape the way most of Melrose Park is experienced.

As the primary means of providing definition and spatial enclosure to the streets and other public spaces, they are the principal architectural component of collective civic intent. That is, they should operate in concert with other buildings to form a satisfyingly rich experience for the public spaces of the town, and its modulation, articulation and character should be guided by this understanding of its role. The design of the lower parts of the building should be derived from the attributes that generate successful streets – human scale, expressed detail, and tactile material quality.

The lower levels of all buildings should complement each other. The buildings that are lower in height act as a mitigating element for the tower building, able to define the street at the appropriate height, and protect the street from the wind effects of the tower. The perimeter buildings and podiums are set to address the street setbacks, building separation, and the proportions of the street and overshadowing.

Erosions of the lower levels of towers and the podium in the form of undercrofts are not appropriate.

For U-shaped buildings where the courtyards are located with the ends of the U to the street, the landscaping in the courtyard is to relate to the street interface but allow for a reading of the built form and open space from the street.

Objectives

- O.01 Define the space of the street, pedestrian connections, parks, and courtyards by articulating their edges with perimeter-block buildings and podiums.
- O.02 Create visual interest and variety in the streetscape within an overall framework of consistency in the definition of the street and its character.
- O.03 Reveal the topography and provide rhythm.
- O.04 Provide a façade design that enhances the walking experience.
- O.05 Optimise active frontages in the Town Centre and at key intersections.

Controls

- C.01 The perimeter-block buildings and the podiums should:
 - a) Be built to align with the street along their full frontage as generally shown on the Masterplan. Minor recesses in the profile for modulation and articulation, and to accommodate building entrances are permissible.
 - b) Be modulated in vertical increments to provide rhythm to the street.
 - c) Be articulated horizontally to reveal the topography.
 - d) Be articulated horizontally to address any negative impacts of wind from the taller buildings.

- e) Be of predominantly masonry character with no lightweight panel construction or curtain walling.
 - f) Be articulated with depth, relief, and shadow on the street façade. A minimum relief of 150mm between the masonry finish and glazing face should be achieved.
 - g) Utilise legible architectural elements and spatial types – doors, windows, loggias, reveals, pilasters, sills, plinths, frame, and infill, etc. – not necessarily expressed in a literal traditional manner. Horizontal plinths are particularly encouraged in Melrose Park so that the topography is emphasised.
- C.02 Under-crofts or other interruptions of the street wall that expose the underside of towers and amplify their presence on the street are not encouraged.
- C.03 All Development Applications should include a streetscape analysis and provide details of the street wall and perimeter-block. Submissions should include:
- a) The street wall elevation at 1:200 scale in context showing existing buildings on the block.
 - b) A detailed street wall elevation at 1:100 scale including immediately adjacent buildings accurately drawn.
 - c) Sections through the street wall and awning at 1:50 scale including the public domain.
 - d) Detailed façade plans/sections at 1:20 scale including ground floor active frontage and awning details.
- C.04 Above ground car parking is only permitted for 3 levels in the Town Centre. It is to be sleeved by other uses on the East/West frontages EWR 6 and Hope Street. On the North/South frontages, it is to be screened.

8.2.6.2.10 RETAIL GROUND FLOOR FRONTAGE

Objectives

- O.01 Enable retail uses at key locations.
- O.02 Ensure retail frontages have comfort and shelter for pedestrians.
- O.03 Provide visual interest.
- O.04 Enable retail uses along the streets in the Town Centre and at key intersections.

Controls

- C.01 Ground floor commercial uses should be located to activate the public domain.
- C.02 Service frontages should be minimised.
- C.03 The internal tenancy widths, foyers, and lobbies should create a fine grain frontage.
- C.04 Ground floor commercial uses should include:

- a) A nominal 500mm interface zone at the frontage should be set aside to create interest and variety in the streetscape, to be used for setbacks for entries, opening of windows, seating ledges, benches, and general articulation.
 - b) A masonry façade that allows for fine grain tenancy widths.
 - c) A high level of expressed detail and tactile material quality.
 - d) A well resolved meeting with the ground that takes account of any slope.
 - e) A horizontal plinth, at the base of glazing to the footpath.
 - f) A clear path of travel for disability access.
 - g) Legible entrances.
 - h) Awnings in accordance with Section 8.2.6.3.5 – AWNINGS & AWNING DESIGN.
- C.05 An appropriate freeboard at ground floor level is to be provided, where required.
- C.06 Fire escapes and service doors should be designed to complement the commercial frontage and be seamlessly incorporated into the façade with quality materials.
- C.07 Colonnades are not encouraged.
- C.08 All required major services should be incorporated in the design of the ground floor frontage at Development Application stage, refer to Section 8.2.6.2.21 – Servicing and Utilities.
- C.09 Security doors or grilles should be designed to be fitted internally behind the shopfront, fully retractable and a minimum 50% transparent when closed.

8.2.6.2.11 RESIDENTIAL GROUND FLOOR FRONTAGE

Residential buildings should be set back from the street boundary or set at a different level to the street/pedestrian connections to provide amenity for ground floor residents. Setbacks are to enable a landscaped setting for buildings.

The area between the façade and the street boundary should receive attention both in design and in its material quality. The subtleties involved in the design of ground level entries, private terraces or balconies, fences, walls, level changes, and planting play an important part in the articulation of the street.

A detailed resolution of these elements is essential in contributing to an unambiguous definition of public space, good street form, pedestrian scale, clarity of access and address, and a balance of privacy and passive surveillance. These details should all be designed with the same level of care given to the building.

Objectives

- O.01 Deliver a ground floor that achieves amenity and privacy for residents as well as engagement with and passive surveillance of the street and other public places.
- O.02 Enable a landscape setting where buildings are set back from the public domain.

- O.03 Provide appropriate amenity for all residential apartments, including:
 - a) Apartments that are located below street level.
 - b) Apartments that have no setback to the public domain.
- O.04 Locate the disability access so that it relates seamlessly to the building design.
- O.05 Minimise the impact of basements.

Controls

- C.01 Basements are to be located under the footprints of the buildings. They can extend under courtyards but not into the street setbacks, refer to Figure 8.2.6.2.11.2 – Apartment below street level.
- C.02 Generally, ground floor apartment levels should be a minimum of 500mm and maximum of 1500mm above the adjacent footpath level except where the buildings front the pedestrian connections or additional height above the ground is required for privacy and/or to address the slope. Refer to Figure 8.2.6.2.11.1 – Residential ground floor.
- C.03 Where apartment have individual entries from the street, a front door with a distinct entry space within the apartment should be provided. Individual apartment entries should be understated, with post boxes and street numbers located at the common entry. Individual entries are permitted from the pedestrian connections.
- C.04 Unless easy ramp access can be provided without compromising the entrance to the building or the ground floor apartments, disability access should be provided as per AS 1428.
- C.05 Apartments cannot be located below the street level except in the following situations at Council's discretion (refer to Figure 8.2.6.2.11.1 – Residential ground floor):
 - a) Where the adjacent public road or public land is not an overland flow flood path as shown in approved flood maps included in the Water Management Strategy, or in any other flood study approved by Council.
 - b) Where the proposed apartment will not be subject to flooding in a 1%AEP flood plus 500mm freeboard as identified by Council.
 - c) Where the orientation is not south.
 - d) Where the distance of the apartment front wall is a minimum of 5 metres from the street boundary.
 - e) Where the finished floor level of the lowest apartment is not more than 1500mm below the level of the adjacent street.
- C.06 The head height of the windows is not to be more than 300mm from the underside of the slab above.
- C.07 The ground floor design is to:
 - a) Address privacy and articulation (refer to Figure 8.2.6.2.5.1 – Pedestrian Connections) for an example)
 - b) Provide a sense of address and passive surveillance along the edge of the development.

- C.08 The setback area should be designed to relate to the footpath and as common property for landscaping.
- C.09 Canopy trees can be provided within setbacks that are 5 metres or greater, contributing to the landscape character of the street and residential amenity. Canopy trees should be planted in this area, a minimum 3.5 metres from any structure. Trees are to achieve greater than 13 metres mature height and spread, at the rate of 1 canopy tree for every 15 lineal metres of frontage.
- C.10 Establish lower scale planting including hedges at street boundary for a minimum of 1 metre in street setback zone.
- C.11 Establish canopy planting in courtyards to achieve amenity and privacy for residents as well as contributing to the street.
- C.12 Co-locate the deep soil planting with the courtyard planting where the courtyards face the street setback.
- C.13 Minimise impervious surfaces at ground level in the setback areas.
- C.14 All required major services should be incorporated in the design of the ground floor frontage at Development Application stage, refer to Section 8.2.6.2.21 – Servicing and Utilities.
- C.15 A fully illustrated and coordinated ground floor design, showing all the necessary levels and detail, should accompany applications. Drawings should include the following:
- a) A detail ground level plan and sections as part of the architectural submission that illustrates the relationships between the interior and the exterior spaces of the setback area, including the landscape and hydraulic detail, and extends into the public domain.
 - b) Any required services should be discreetly integrated into the frontage design.
 - c) The architectural drawings should be fully coordinated with the landscape and hydraulic drawings.
 - d) Elevations and sections at minimum 1:50 scale of all built elements in the setback area should be provided.

LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

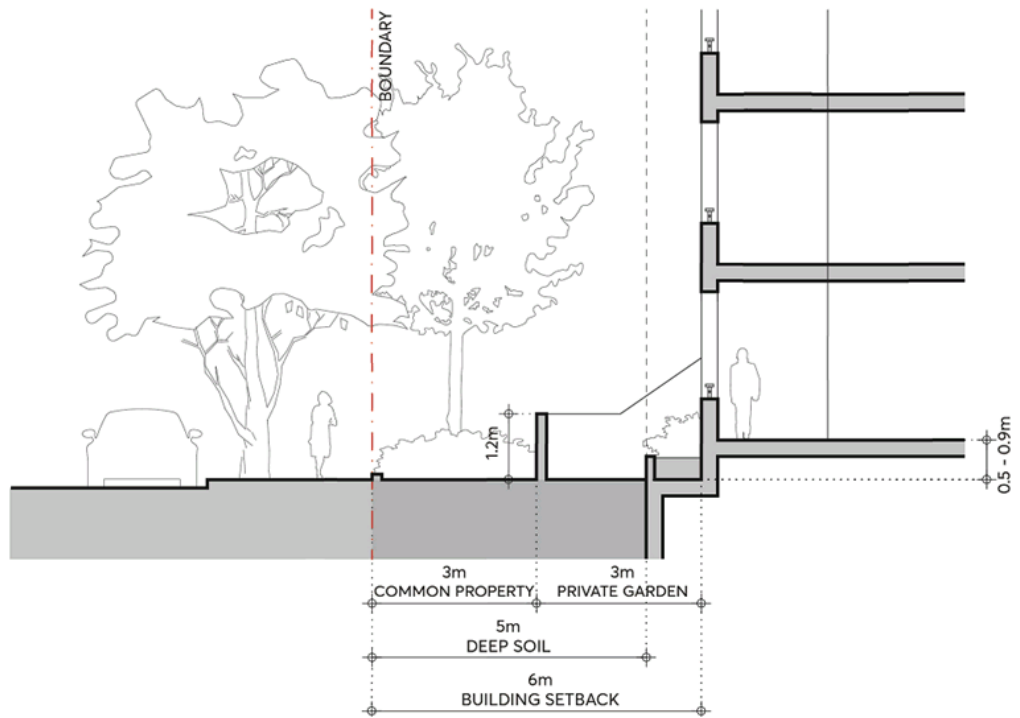


Figure 8.2.6.2.11.1 – Residential ground floor

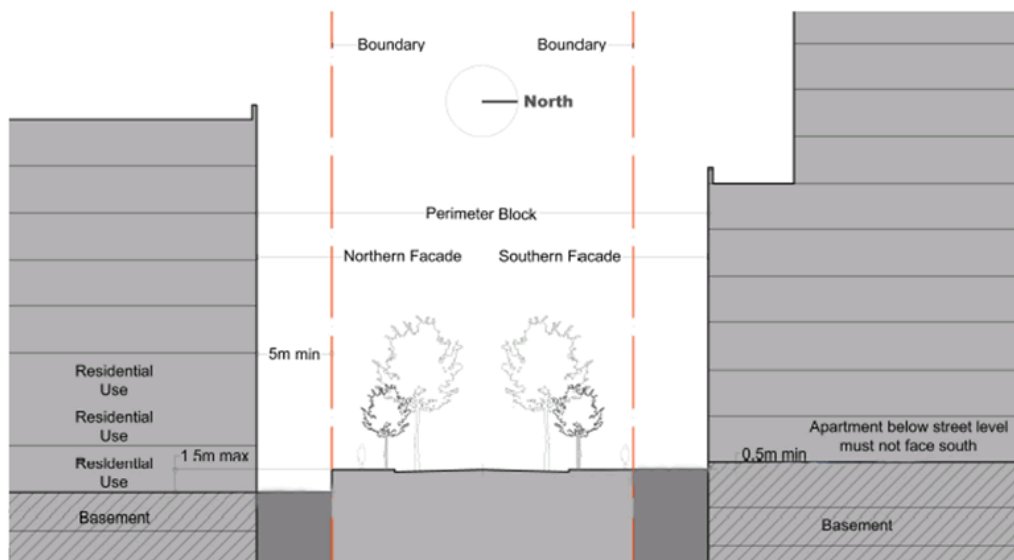


Figure 8.2.6.2.11.2 – Apartment below street level

8.2.6.2.12 RESIDENTIAL APARTMENT DESIGN QUALITY

Objectives

- O.01 Ensure development achieves good amenity standards for residents.

Controls

- C.01 Upper levels of buildings should not extend over the lower levels.
- C.02 Building floor plates and sections should define positive spaces for streets, open spaces, and courtyards.
- C.03 Building indentations providing light and ventilation to apartments should have a minimum width to depth ratio of 2:1.
- C.04 High-level windows should not be used as the primary source of light and ventilation for habitable rooms.
- C.05 Where practicable, balconies should be rectangular in shape with the longer side parallel to the façade of the building.
- C.06 Divisions between apartment balconies should be of solid construction and extend from floor to ceiling.
- C.07 Common open space should include a unisex WC, seating, solid sun shading, and a BBQ and food preparation area with a sink.
- C.08 Balustrades should take account of sightlines to balance the need for privacy within apartments and views out of apartments. A proportion of solid or translucent material should be used, which will vary according to outlook and height relationships.
- C.09 The following details should be resolved in principle and shown on drawings at Development Application stage so as not to compromise amenity, built form, and aesthetics at a later stage:
- a) HVAC equipment should be grouped within designated plant areas either on typical floors or on rooftops. If HVAC equipment is located on rooftops of lower buildings, it is to be screened as necessary to minimise impacts of heat buildup and noise to neighbouring units.
 - b) Wall mounted equipment (and associated pipework) should be concealed into wall cabinets and ducts.
 - c) The above items should be positioned so that they are not visible from common areas or the public domain adjacent to the development.
 - d) If equipment is located on private balconies, additional area above Apartment Design Guide (ADG) minimums should be provided.
 - e) Rainwater downpipes should be integrated into the building fabric and coordinated with stormwater drawings.
- C.10 Apartment design should consider incorporating suitable spaces that can be utilised as a work from home space.

8.2.6.2.13 SOLAR ACCESS (RESIDENTIAL)

Objectives

- O.01 Development should be designed to maximise the solar access of neighbouring properties.

Control

- C.01 Where residential development cannot strictly comply with the design criteria of the ADG, it should demonstrate how solar access is maximized to the living rooms and private open space of neighbouring properties taking account the site constraints and orientation of the site.

8.2.6.2.14 WINTERGARDENS

Objectives

- O.01 Improve amenity of balconies in high-rise apartments above 8 storeys and apartments fronting noisy environments.
- O.02 Provide acoustic attenuation for internal living areas.
- O.03 Improve thermal environment.
- O.04 Balance ventilation and wind impacts in high-rise apartment balconies.
- O.05 Maximise daylight access, views, and comfort of balconies.

Controls

- C.01 Wintergardens are only permitted above 8 storeys or where there are negative external impacts such as high levels of noise.
- C.02 Wintergardens should:
 - a) Be designed and constructed as a private external balcony with drainage, natural ventilation, and finishes acceptable to an outdoor space and should not be treated as a conditioned space or weatherproof space.
 - b) Have 75% of the external walls (excluding balustrade) fully operable louvres or sliding glass panels. Casement or awning windows are not permitted.
- C.03 All wintergardens are to have a balustrade less than 1.4m above finished floor level and a contiguous and permanently openable area between the balustrade and the ceiling level of not less than 25% of this area. This restriction shall apply to all elevations if the wintergarden has multiple elevations.
- C.04 A generous opening should be provided between the wintergarden and any adjacent living area to allow connection of the spaces when ambient conditions are suitable.
- C.05 Acoustic control for living areas and bedrooms should be provided on the internal façade line between the wintergarden and the living area or bedroom.

- C.06 Glazing in the external façades of a wintergarden should have a solar absorption of less than 10% glass so as not to have solar heat absorption greater than what a clear float glass might be of the same composition.
- C.07 The flooring of the wintergarden should be an impervious finish and provide exposed thermal mass.
- C.08 Air conditioning units should not be located on wintergarden balconies.
- C.09 Wintergarden areas able to be excluded from Gross Floor Area should be limited to a depth of 3 metres.

8.2.6.2.15 CLIMATE CONTROL AND PRIVACY

The precinct of Melrose Park experiences high temperatures and will be subject to urban heat impacts resulting from the density of buildings. Most towers and many of the perimeter-block buildings have east and west facing façades so it is essential that climate control measures are included on the façades.

Climate control devices should also be used to assist in protecting both visual and acoustic privacy.

Objectives

Climate control devices are to:

- O.01 Enhance the:
 - a) Amenity of the balcony and interior spaces.
 - b) Design of the building façades.
- O.02 Provide:
 - a) Individual apartment owners with the ability to moderate external impacts from climate, noise, and overlooking.
 - b) Commercial tenants with the ability to moderate external impacts from climate, noise, and overlooking.
- O.03 Ensure that the design of climate control devices can:
 - a) Provide optimum control.
 - b) Be easily cleaned.
 - c) Assist in providing both visual and acoustic privacy.

Controls

- C.01 Climate control devices such as louvres or blinds should:
 - a) Have the ability to act as visual, wind and noise privacy screens.
 - b) Be used on balconies.

- c) Be used where apartment façades are subject to solar loads and there are no other mechanisms that assist in climate moderation, such as green walls.
- d) Be designed as an integral part of the building façade.
- e) Have the capacity to be adjusted to suit sun access angles and allow the passage of air.
- f) Be constructed in materials that meet the sustainability objectives.
- g) Be able to be cleaned from within the individual apartment boundary.

8.2.6.2.16 DWELLING MIX AND FLEXIBLE HOUSING

Objectives

- O.01 Ensure a range of dwelling types and size.
- O.02 Promote the design of buildings that are adaptable and incorporate flexible apartments to suit the changing lifecycle housing needs of residents over time.

Controls

- C.01 The dwelling mix identified in Table 8.2.6.2.16.1 – Dwelling Mix is to be used as a guide for the apartments in Melrose Park:

Table 8.2.6.2.16.1 – Dwelling Mix

Dwelling Type	Dwelling Mix
1 Bedroom	10 – 20% of total dwellings
2 Bedroom	60 – 75% of total dwellings
3 Bedrooms	10 – 20% of total dwellings

- C.02 A maximum 25% of the total apartments can be split into a pair of dual key apartments (which are considered to be one apartment for the purpose of dwelling mix). In all combinations the size and amenity of each dual key apartment should be consistent with the ADG.
- C.03 Dual key apartments are to be under one strata title.
- C.04 Consider the provision of apartment designs in sole occupancy units that are fully serviced but that have internal moveable walls, subject to compliance with the Building Code of Australia (BCA).

8.2.6.2.17 MATERIALS

Melrose Park proposes very high densities with towers and perimeter-block buildings in close proximity. To achieve both variety and continuity the perimeter-block buildings and towers, require consistency in both form and the selection of materials so there is an overall continuity of built form throughout the precinct.

Objectives

- O.01 Ensure that materials contribute to the coherence of the precinct so that one building does not stand out from another. Variety within the precinct is derived from the detail resolution of the buildings and not from excessive differences in the selection of materials.
- O.02 Use materials that meet sustainability objectives and requirements.
- O.03 Select a palette of materials for the buildings that enable a complementary response with the finishes in public domain.
- O.04 Employ materials that are durable, of an appropriate scale, and easily maintained.

Controls

- C.01 A selected palette of materials for buildings, fencing, and retaining walls are to be agreed in consultation with Council.
- C.02 Materials should:
 - a) Ensure that one building does not stand out one from another building.
 - b) Meet sustainability requirements of embodied energy.
 - c) Be durable, of an appropriate scale, and easily maintained.
 - d) Complement the materials in the public domain.

8.2.6.2.18 RETAINING WALLS

Melrose Park is located on sloping terrain. The retaining walls may occur adjacent to the street boundary of a lot or within the lot depending on the topographical conditions and/or the specific lot design. Because of their highly visible location adjacent to streets and pedestrian connections, the design of retaining walls should provide continuity across the precinct and a sensitive interface with the public domain.

Objectives

The retaining walls are to:

- O.01 Provide continuity across the precinct.
- O.02 Be an integral element in the design character of the precinct.
- O.03 Employ construction details and materials that are durable and appropriate for the public domain interface.
- O.04 Provide opportunities for casual seating.

Controls

- C.01 Retaining walls should:
 - a) Be located within the lot boundaries on all development lots.
 - b) Use a design and profile to meet Public Domain Guidelines in consultation with Council.
 - c) Select a limited palette of durable materials in consultation with Council.
 - d) Enable casual seating where appropriate.
 - e) Have horizontal tops and minimal stepping.

8.2.6.2.19 FENCING

Objectives

- O.01 Relate to the scale and materiality of the buildings.
- O.02 Define the public/private edge.
- O.03 Provide privacy and visibility.
- O.04 Be durable.
- O.05 Relate to and reveal the slope of the land.

Controls

- C.01 Fencing is to:

- a) Be located at the street boundary or to private terraces on ground floor units.
 - b) Provide a combination of solidity and porosity.
 - c) Reveal the slope by introducing a horizontal element such as a masonry plinth.
 - d) Be of an appropriate height and detail that reflects the scale of buildings.
 - e) Define the public edge to the property and reinforce the edge to the public domain.
 - f) Provide continuity with subtle differences across the precinct.
 - g) Use construction details and materials that are durable and appropriate for the public domain interface.
- C.02 Fencing to private terraces where ground floor units extend into the street setback are to be designed to relate to any fencing on the property boundary.
- C.03 The height of fences can vary but be no greater than 2 metres.

8.2.6.2.20 COURTYARDS

Courtyards provide communal open space for residents at ground level associated with deep soil supporting large crown canopy trees. Courtyards provide alternative, secondary entry points to the building linked to the pedestrian connections and public domain. Courtyards provide visual extension to the public domain. Courtyards provide relief to the overall physical and visual bulk of the built form and perceived density.

Objectives

- O.01 Reinforce the built form and open space structure of the precinct.
- O.02 Expand and enhance the public domain.
- O.03 Provide outlook from the apartments.
- O.04 Provide a communal space for relaxation and communal activities.
- O.05 Provide passive surveillance opportunities in public areas.
- O.06 Have generous planting.
- O.07 Assist with reducing urban heat.
- O.08 Assist with flood management.
- O.09 Provide visual separation between buildings.

Controls

- C.01 Courtyards are to be located as shown in Figure 8.2.6.7.3.1 – Courtyard Locations and have a minimum width (east – west) of 24 metres.
- C.02 Courtyards should:
 - a) Be visually and physically linked with streets, open spaces, and pedestrian connections.

- b) Be usable outdoor spaces that provide good amenity, having regard to aspect and configuration.
 - c) Include vegetation and canopy planting.
 - d) Generally, be the same level as the street to facilitate access and integration with the public domain. Where they are not level, access stairs and ramps are to be located on the private lot.
- C.03 Courtyard levels are to be designed to appropriately address flood risk management.
- C.04 Where courtyards are located over basements, canopy planting is to be set down in the slab.
- C.05 Courtyards are to be designed to respond to the street interface (Refer to Figure 8.2.6.2.20.1 – Courtyard Basement – Interface with Street).

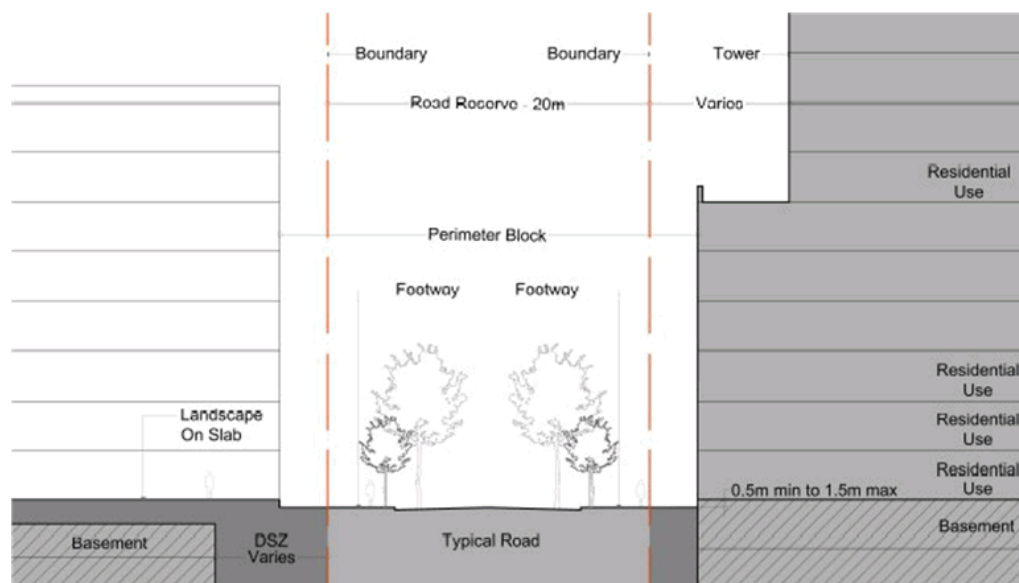


Figure: 8.2.6.2.20.1 – Courtyard Basement – Interface with Street

8.2.6.2.21 SERVICING AND UTILITIES

The location of utilities and services can adversely affect the ground floor street frontage if not properly taken account of in the initial design stage. It is also essential that building services are located and designed to be free from flooding impacts.

Objectives

- O.01 Minimise the extent of space and blank walls occupied by services, including electricity substations, fire boosters, fire doors, plant, and equipment hatches.
- O.02 Locate building services so that they are free from flooding impacts.
- O.03 Encourage design and location solutions for services and utilities that minimise adverse visual, environmental, and access impacts.
- O.04 Organise garbage collection and recycling facilities to have minimum impact on the development and public domain.

Controls

- C.01 Wherever possible, services and utilities should be located on secondary street frontages, or non-active street frontages.
- C.02 Substations are to be designed within the building.
- C.03 Services and utilities should be designed and located to minimise the length of ground floor frontage occupied.

8.2.6.2.22 TOWN CENTRE MALL INTERFACE

Objectives

- O.01 Link the external spatial network with the internal spatial network in the Town Centre.
- O.02 Improve connectivity.
- O.03 Encourage walkability.
- O.04 Maintain the number of safe routes of travel throughout Melrose Park North as shown in the Masterplan.

Controls

- C.01 Provide direct access and sight lines from the 6 metre north/south pedestrian path from the EWR2 to the Parramatta River through the Town Centre.
- C.02 Define the access internally to reflect the external space.
- C.03 Allow for pedestrian access to Hope Street during the hours of operation of the Light Rail through the Town Centre.

- C.04 Provide an east/west connection through the Detention Basin open space to the Mall. This is to be located to relate to any proposed entrances on the western site of the Mall or if entrances are not proposed to connect to the corner of EWR5 and NSR2. This connection is to ultimately connect to Hughes Avenue.

8.2.6.3 PUBLIC DOMAIN

Public spaces – streets, squares, and parks – are the most enduring spaces of the city, the shared social and cultural domain that make up the organising framework of the city. Their clarity, quality, and amenity contribute in a fundamental way to the experience and identity of Melrose Park.

This section details aspects of the design of the public domain and should be read in conjunction with the Melrose Park Public Domain Guidelines. These set out the process, design guidelines, and submission requirements for all new public domain assets in the City of Parramatta Local Government Area.

Street tree location shown in the public domain cross sections, Figures 8.2.6.3.1.1 to 8.2.6.3.1.9 are indicative. For final street tree arrangements refer to Figure 8.2.6.7.9.1 – Public Domain Plan – Melrose Park South, Figure 8.2.6.7.9.2 – Public Domain Plan – Melrose Park North, and the Melrose Park Public Domain Guidelines.

8.2.6.3.1 STREET NETWORK AND FOOTPATHS

The streets and footways in Melrose Park are accessible to the public. The elements in the street such as footpaths and paving widths, parking lanes, tree planting, and cycleways should be designed to suit the street network.

Objectives

- O.01 Provide a safe, efficient, and generous network of pedestrian, bicycle, and vehicular movements for a precinct of this density.

Controls

- C.01 The streets network, hierarchies, and widths are to be laid out as per Figures 8.2.6.7.1.1 – Masterplan and 8.2.6.7.8.1 – Street Hierarchy.
- C.02 Streets, footways, and footpath layout and widths vary for each street type and should be laid out as per the street cross sections in this section, and Figure 8.2.6.7.9.1 – Public Domain Plan – Melrose Park South, and Figure 8.2.6.7.9.2 – Public Domain Plan – Melrose Park North.
- C.03 Materials for the footpath shall be as per the Melrose Park Public Domain Guidelines.
- C.04 Street trees are to be planted as per Figure 8.2.6.7.9.1 – Public Domain Plan – Melrose Park South, Figure 8.2.6.7.9.2 – Public Domain Plan – Melrose Park North and Melrose Park Public Domain Guidelines.
- C.05 Street trees are to be planted in the parking lanes and the footway as per the Public Domain Plans. The spacing of trees in the parking lanes should aim to achieve a closed tree canopy at tree maturity – selected tree species as per Melrose Park Public Domain Guidelines.
- C.06 Street tree planting is to use best practice water sensitive urban design (WSUD) measures that provide best long-term sustainability to support that tree. The planter pit length should be no

less than the minimum car parking bay width, preferably larger, and the soil profile will be as per the Melrose Park Public Domain Guidelines and should be detailed prior to Development Application approvals to the satisfaction of Council.

- C.07 All cycleways and bike paths are to be provided and designed in accordance with Council's Bike Plan.

Melrose Park Street Type Cross-Sections

Table 8.2.6.3.1.1 – Legend for all Street Cross Sections

F	Footpath	L	Landscape
V	Vehicular Lane	LR	Parramatta Light Rail 2
B	Bike Path	B/V, BL	Lane Able to Accommodate Buses
P	Parking	SHP	Shared Path

Note:

- i) Level changes to be managed within the building footprint.
- ii) Light poles are indicative and for locations only. Lighting is subject to specialist design. Light pole and type to be confirmed.
- iii) All street cross-sections noted below should be read in conjunction with Figure 8.2.6.7.8.1 – Street Hierarchy.

TYPE 1A – MAJOR ROAD – TWO WAY (NSR 2 – TYPICAL)

- 25m-wide road corridor as typical.
- 3.2m lanes.
- 2.6m for parking both sites.
- 3.5m wide footpaths both sides.
- Trees in parking Lanes.

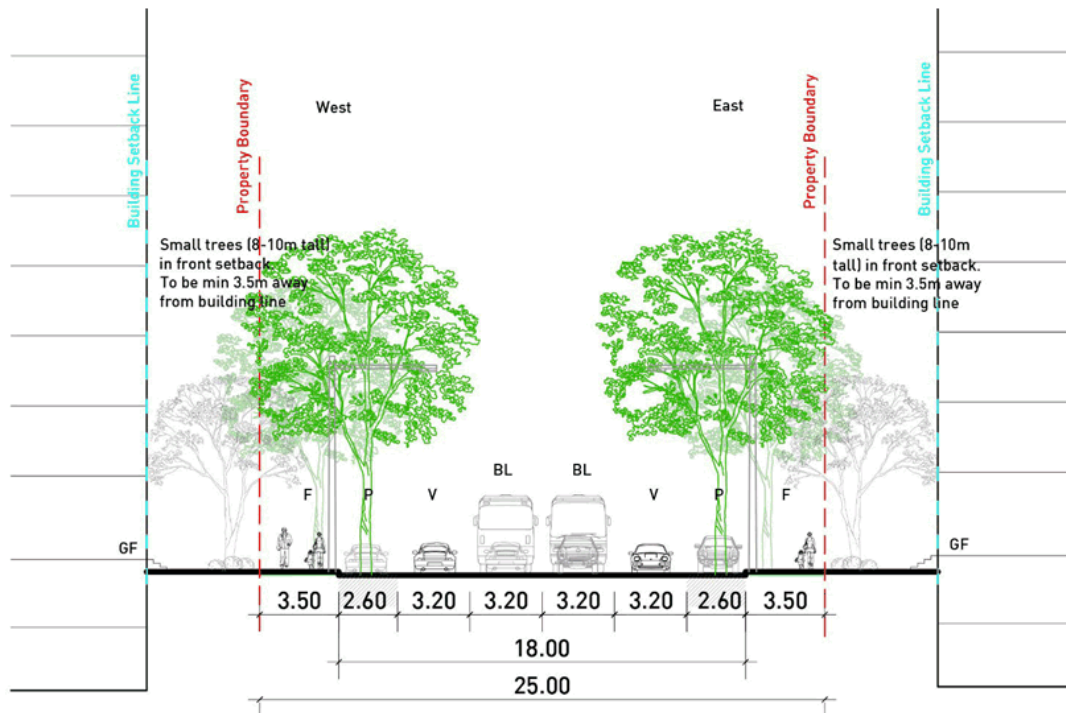


Figure 8.2.6.3.1.1 – Type 1A Major Road Building to Building (NSR 2)

TYPE 1B – MAJOR ROAD – TWO WAY (NSR 2 – BETWEEN EWR 4 & EWR 6)

- 22m-wide road corridor.
- 2.5m lanes.
- 2.6m for parking both sides.
- Minimum 2.4m wide footpaths both sides.
- Trees in footpath and/or verge.
- WSUD details to be applied.
- Trees in deep soil in the 5m front setbacks.

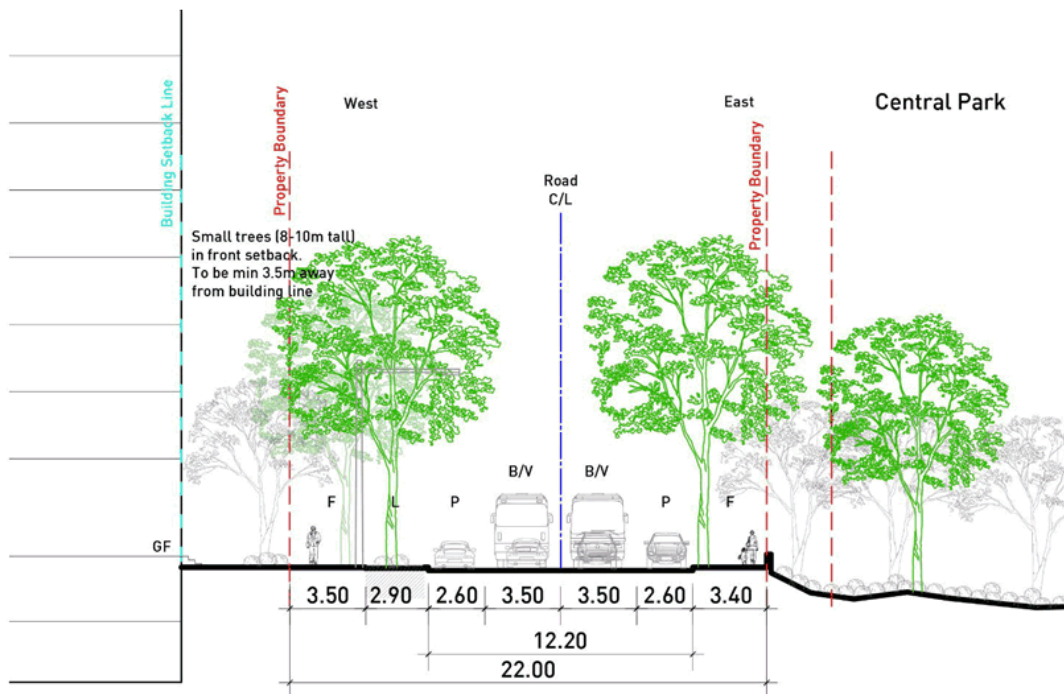


Figure 8.2.6.3.1.2 – Type 1B Major Road Central Park Interface (NSR 2 between EWR 4 and EWR 6)

TYPE 1C – MAJOR ROAD (NSR 2 – TOWN CENTRE AND WESTERN PARK INTERFACE)

- 25m-wide road corridor.
- 3.2m lanes.
- 2.6m for parking both sides.
- Minimum 3.5m wide footpaths both sides.
- Trees in footpath and/or verge.
- WSUD details to be applied.

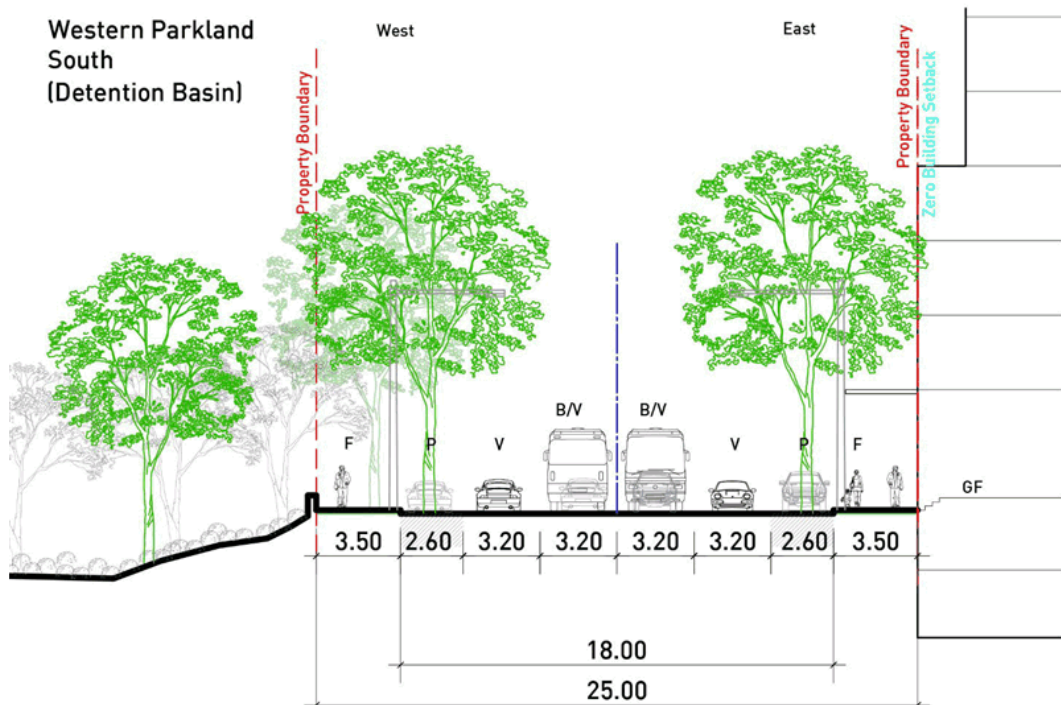


Figure 8.2.6.3.1.3 – Type 1C Major Road Town Centre and Western Park Interface (NSR 2)

TYPE 2A – MAIN ROAD – TWO WAY WITH CYCLE TRACKS (NSR 3 – TYPICAL)

- 23.5m-wide road corridor.
- 3.2m lanes.
- 2.3m parking both sides.
- 1.8m wide footpaths both sides.
- One-way paired, separated bicycle paths: 1.5m wide with an additional 1m buffer with parking lane, on both sides (2.5m corridor each side).
- Trees in parking lanes.
- WSUD details to be applied.
- Trees in open planted beds between the footpath and cycle track.
- Trees in 5m front setback.

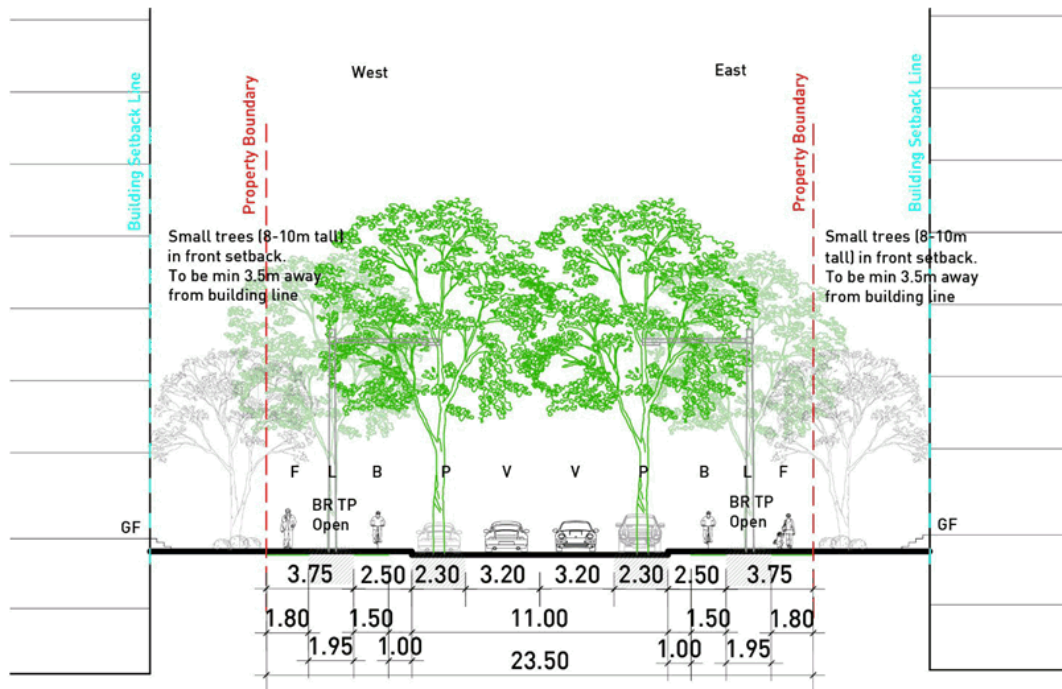


Figure 8.2.6.3.1.4 – Type 2A Main Road with Cycle Tracks (NSR 3)

TYPE 2B – MAIN ROAD WITH CYCLE TRACKS (NSR 3 – BETWEEN EWR & EWR 6)

- 26.5m-wide road corridor.
- 2m wide footpath on western side and 1.8m wide on eastern side.
- One-way Paired, separated bicycle paths: 1.5m wide with an additional 1m buffer with parking lane on both sides (2.5m corridor each side).
- Trees in parking Lanes.
- WSUD details to be applied.
- Trees in open planted beds between the footpath and cycle track.
- Vegetated area in the wider public domain on western side.
- Trees in 5m front setback.

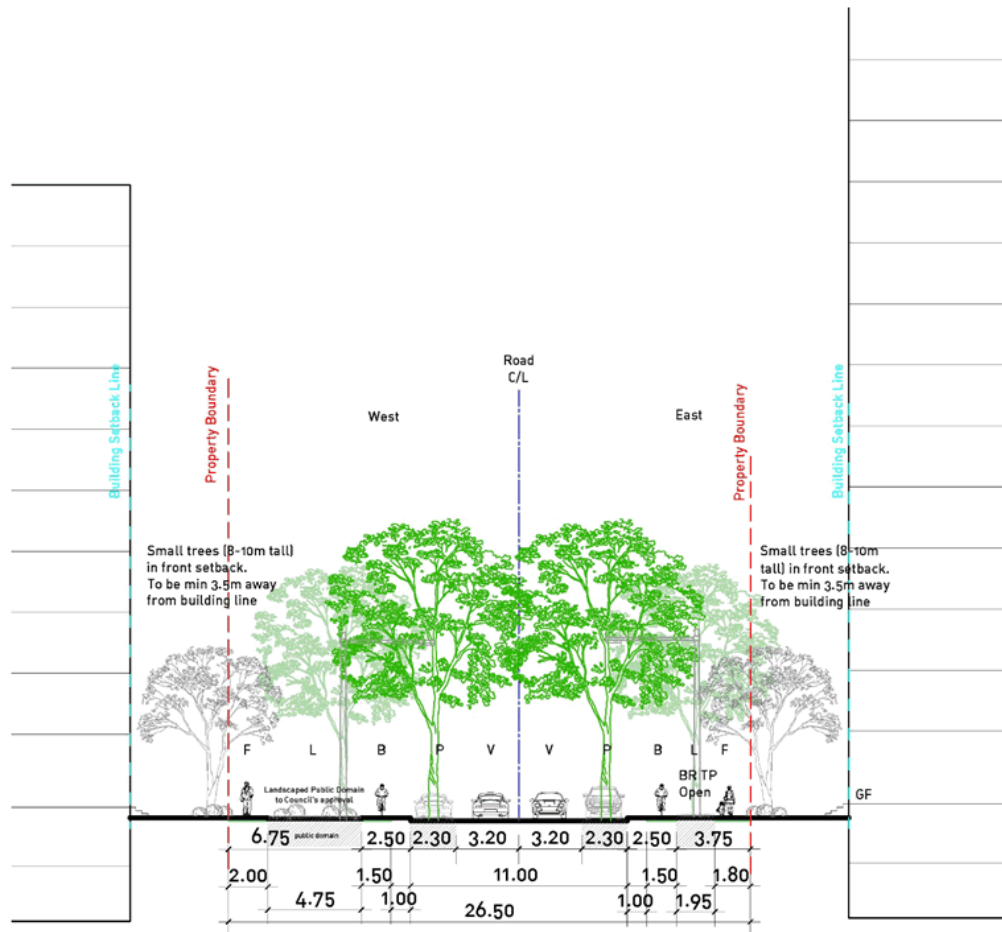


Figure 8.2.6.3.1.5 – Type 2B Main Road with Cycle Tracks between EWR 4 and EWR 6 (NSR 3)

TYPE 2C – MAIN ROAD TWO WAY WITH CYCLE TRACKS (NSR 3 – TOWN CENTRE INTERFACE)

- 23.5m-wide road corridor.
- 3.2m lanes.
- 2.3m parking both sides.
- 1.8m-wide footpaths both sides.
- One-way Paired, separated bicycle paths: 1.5m wide with an additional 1m buffer with parking lane on both sides (2.5m corridor each side).
- Trees in parking lanes.
- WSUD details to be applied.
- Trees in open planted beds between the footpath and cycle track.
- Trees in 5m front setback.

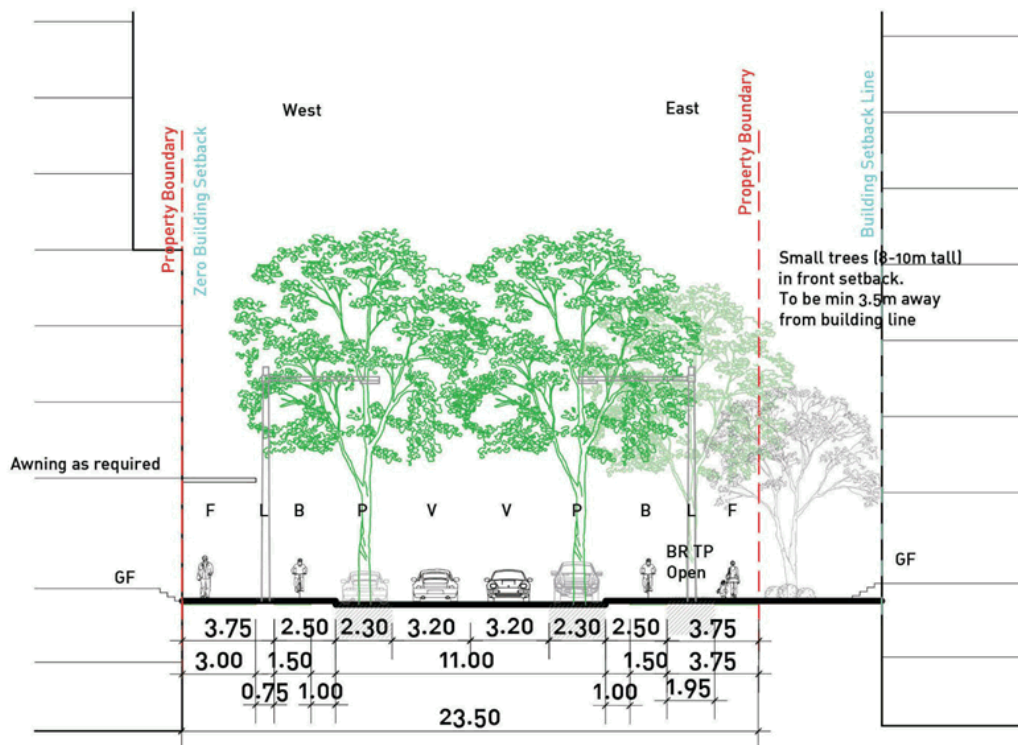


Figure 8.2.6.3.1.6 – Type 2C Main Road with Cycle Tracks Town Centre Interface (NSR 3)

TYPE 3 – MAIN EAST/WEST CONNECTOR ROAD (EWR 4 – TYPICAL)

- 20m-wide road corridor.
- 3m-wide shared path on northern side of the road.
- 2m-wide footpath on south side next to swale/rain garden.
- WSUD treatment via the continuous swale/rain garden.
- Trees in parking lanes.
- WSUR details to be applied.
- Trees in deep soil, in the 5m front setback on southern side of the road.

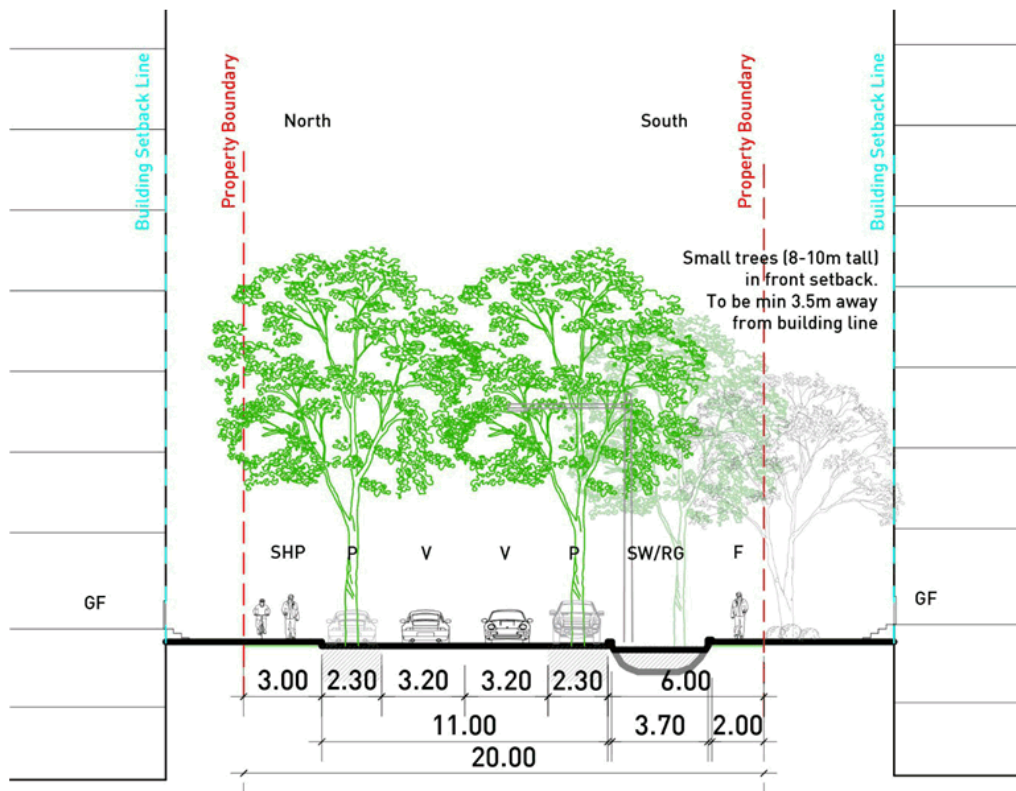
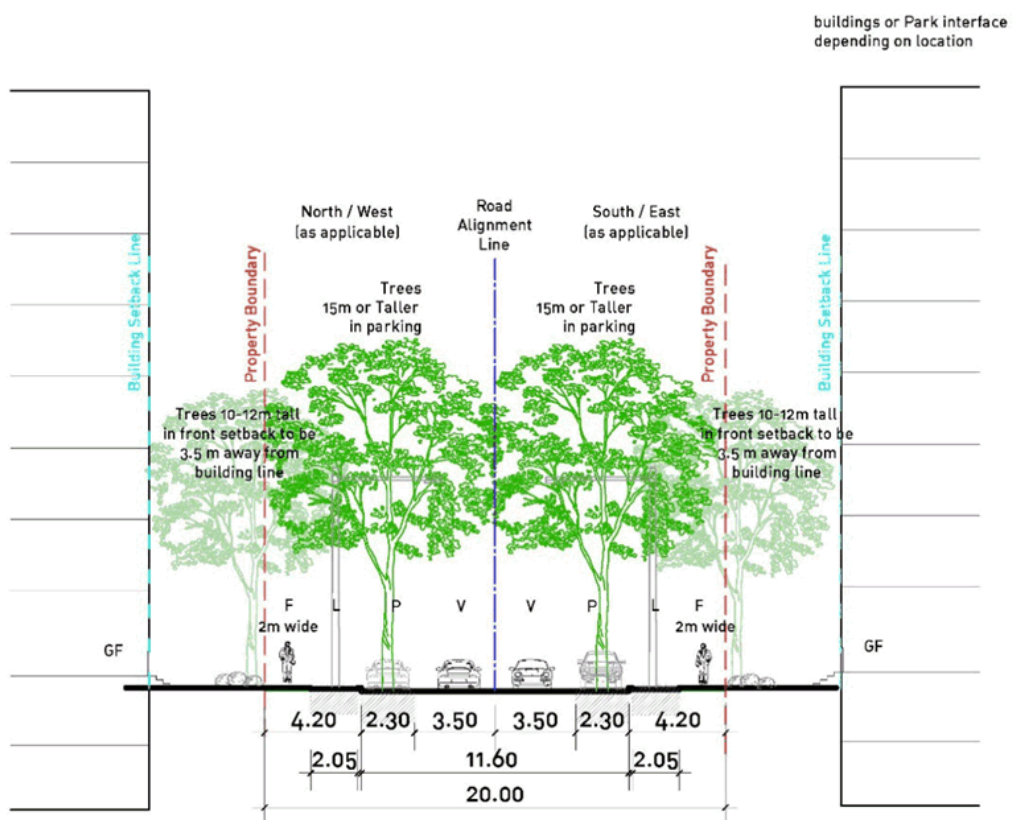


Figure 8.2.6.3.1.7 – Type 3 Main East West Connector road

TYPE 4 – LOCAL STREET, TWO-WAY (NSR 1, NSR 4, EWR 2, EWR 3, EWR 6 & EWR 8)

- 20m-wide road corridor.
- 2 x 3.5m lanes.
- 2.3m for parking both sides.
- 2m-wide footpaths both sides.
- Trees in parking lanes.
- WSUD details to be applied where possible.



TYPICAL 20m WIDE STREET – Applicable to HUGHES AVENUE & EWR 8 (Mary Street)

Note: Building setbacks vary per street, and are as per the setback drawing EWR 8 predominantly has the River Park has the river park interface on the southern side

Figure 8.2.6.3.1.8 – Type 4 Local Street (Hughes Avenue & EWR 8/Mary Street)

TYPE 5A – LOCAL STREET, TWO-WAY (NSR 5, NSR 5A, EWR 10)

- 15.8m-wide road corridor.
- 2 x 3.2m lanes.
- 2.3m for parking both sides.
- 2.4m-wide footpaths both sides.
- Tree planting in parking zone.

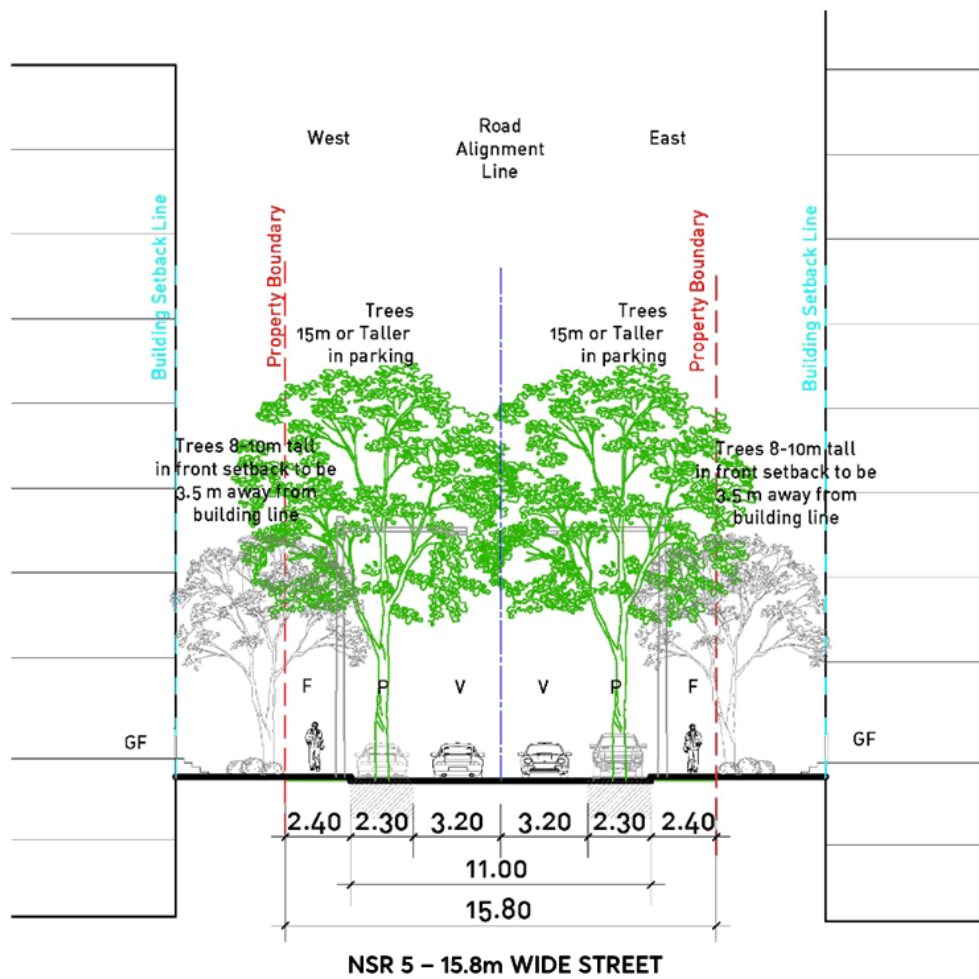
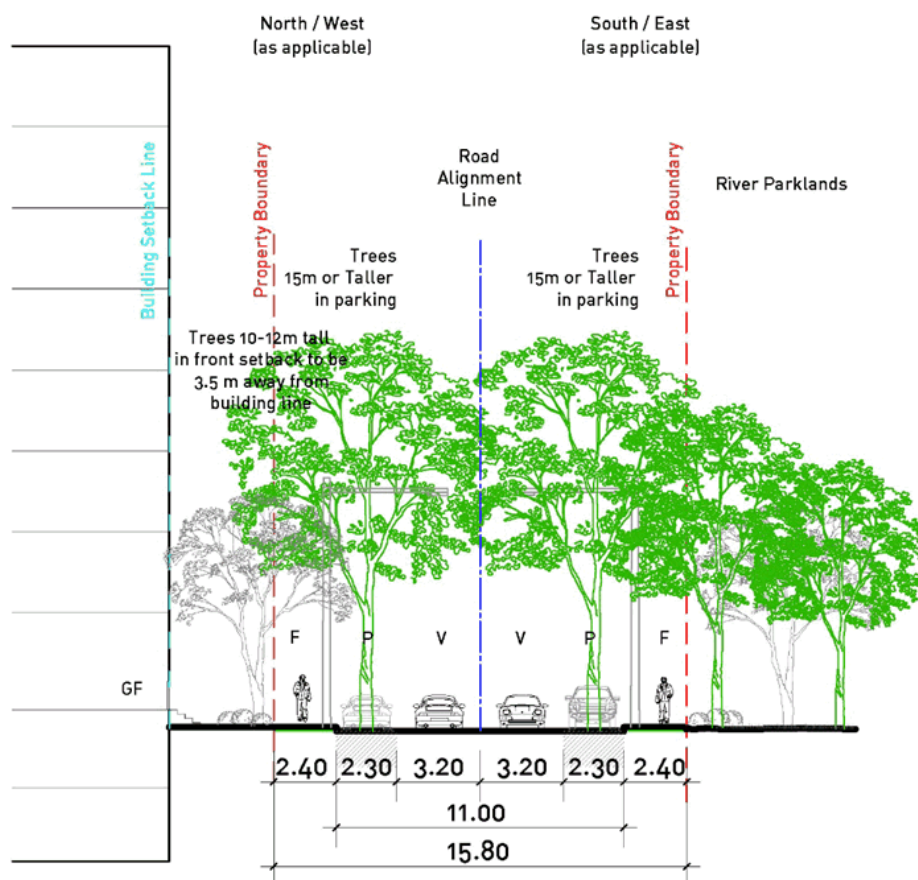


Figure 8.2.6.3.1.9 – Type 5A Local Street (NSR 5)

TYPE 5B – LOCAL STREET, TWO-WAY, INTERIM CONFIGURATION (UNTIL PRECINCT IS BUILT COMPLETELY)

- 15.8m-wide road corridor.
- 2 x 3.2m lanes.
- 2.3m for parking both sides.
- 2.4m-wide footpaths both sides.
- Tree planting in parking zone.

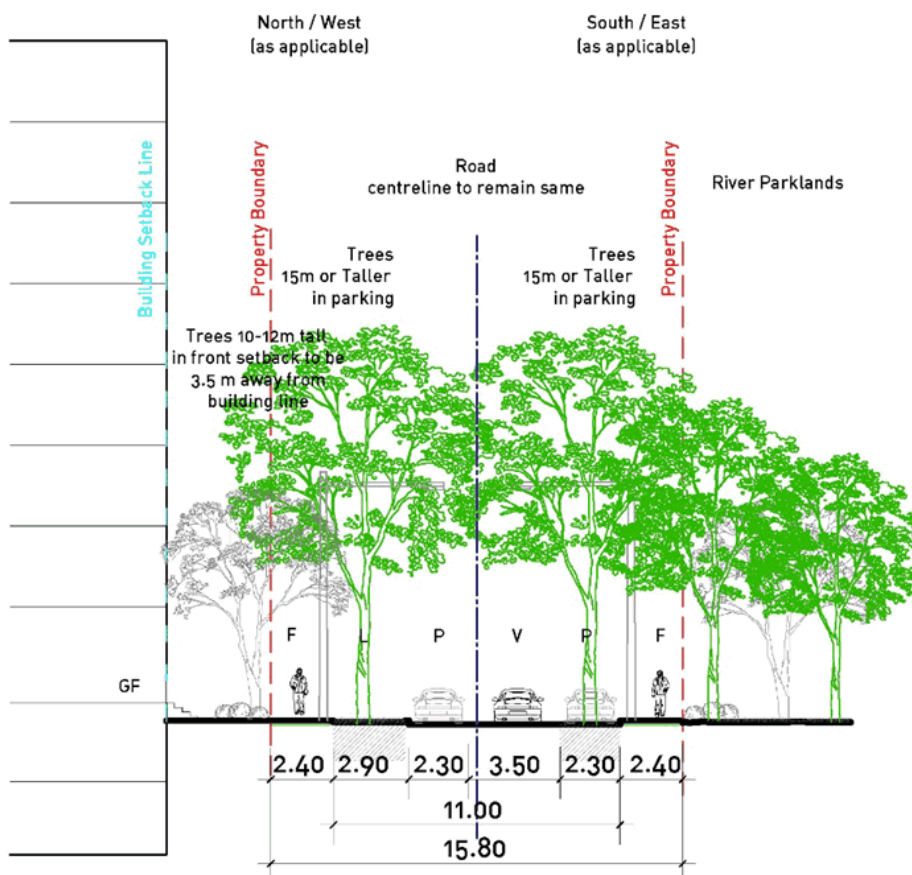


NSR 5A & EWR 10 – 15.8m WIDE STREET TWO WAY – INTERIM CONFIGURATION

Figure 8.2.6.3.1.10 – Type 5B Local Street Interim Configuration (NSR 5A and EWR 10)

TYPE 5B – LOCAL STREET, ONE-WAY, FINAL CONFIGURATION (AFTER PRECINCT IS BUILT COMPLETELY)

- 15.8m-wide road corridor.
- 3.5m single lane, one way.
- 2.3m for parking both sides.
- 2.9m planted verge with trees, one side (northern or western edge of street, as applicable).
- 2.4m-wide footpaths both sides.
- Tree planting in parking zone one side (southern or eastern edge of street, as applicable).



NSR 5A & EWR 10 – 15.8m WIDE STREET ONE WAY – FINAL CONFIGURATION

- Eastern/Southern edge of the street to remain unchanged.
- Tree locations and footpath locations to remain unchanged.
- Road alignment to be maintained, vehicular lane shall be widened to 3.5m northward/westward,

- New parking lane to be line marked, kerb shifted out, and older parking lane to be converted to a planted verge.

Figure 8.2.6.3.1.11 – Type 5B Local Street Final Configuration (NSR 5b & EWR 10)

TYPE 6 – LOCAL STREET, TWO-WAY (NSR 6)

- 17.2m-wide road corridor.
- 2 x 3.2m lanes.
- 2.3m for parking both sides.
- 2m-wide footpaths both sides.
- 0.95m planted verge both sides.
- Tree planting in parking zone.

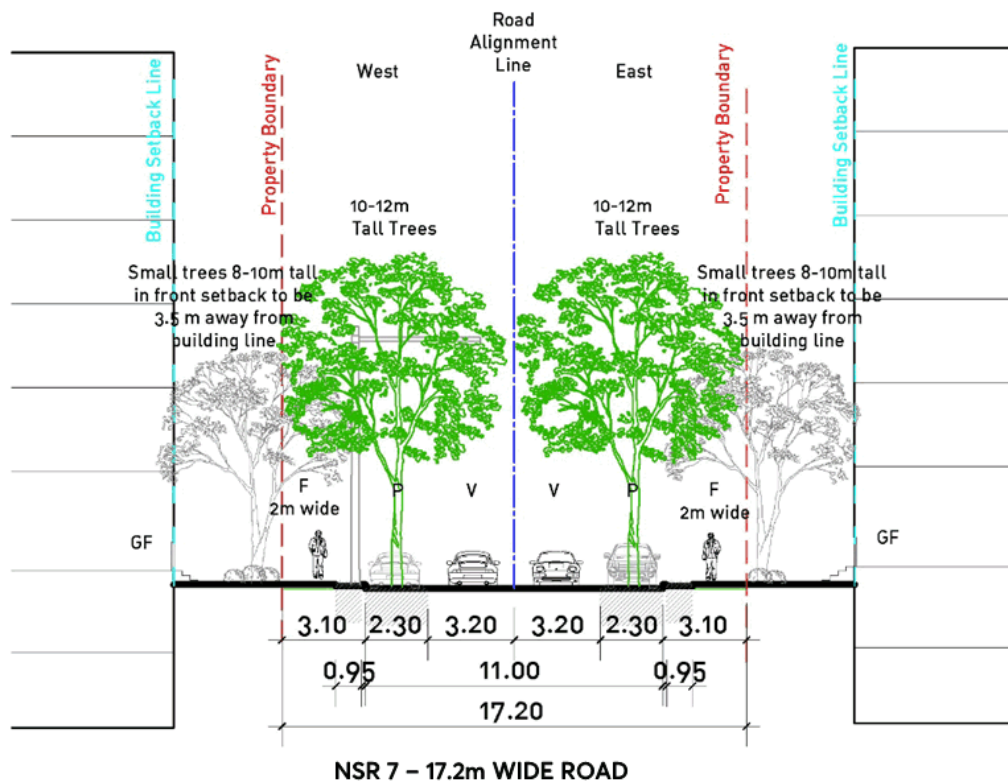
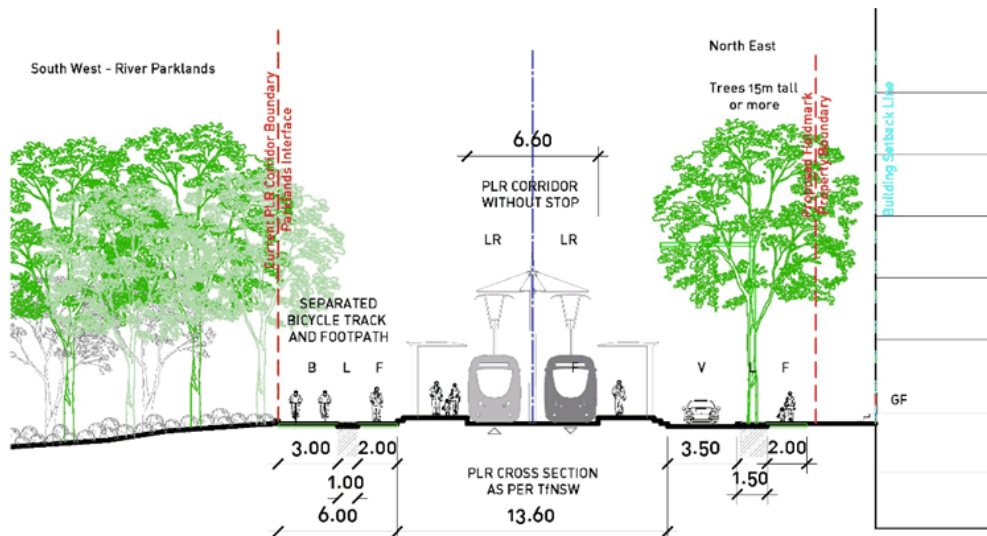


Figure 8.2.6.3.1.12 – Type 6 Local Street (NSR 6)

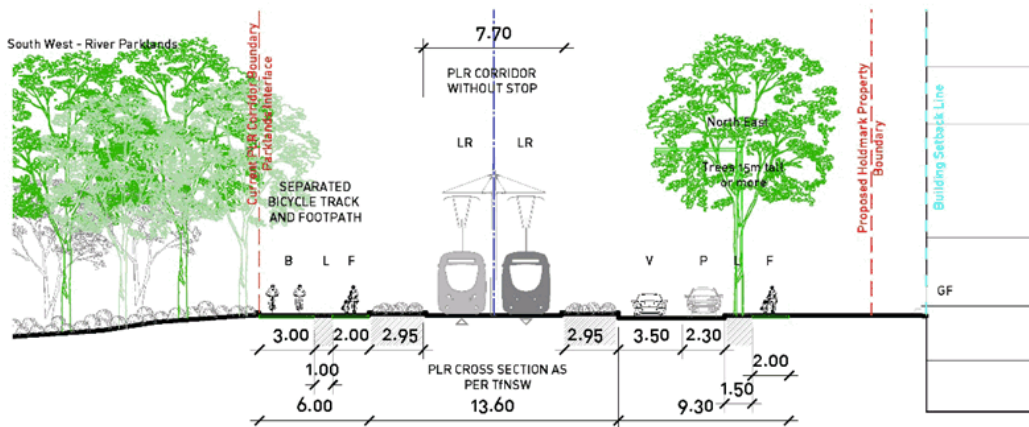
TYPE 7 – LOCAL STREET, ONE-WAY (NSR 3B)

- 7m to 9.3m-wide road corridor.
- 3.5m single lane, one-way.
- 2.3m for parking on one side, depending on location along street.
- 2m-wide footpath on one side.
- Tree planting in verge 1.5m wide, beside footpath.
- Interface with PLR corridor and stop as per location along street.



WARATAH STREET / NSR 3B – Interface with PLR with stop (South of Mary Street)

Figure 8.2.6.3.1.13 – Type 7 Local Street (NSR 3B with Stop)

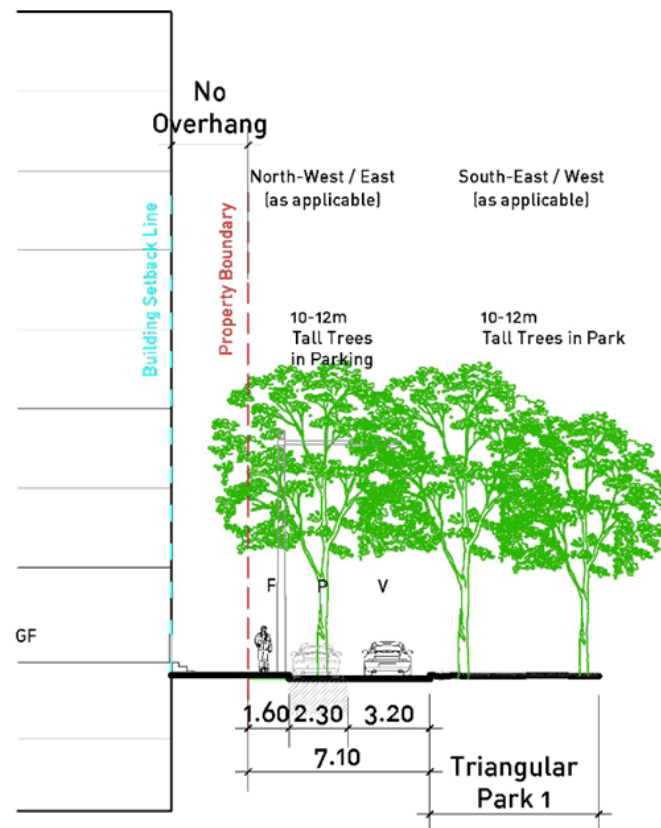


WARATAH STREET / NSR 3B – Interface without PLR stop (South of Mary Street)

Figure 8.2.6.3.1.14 – Type 7 Local Street (NSR 3B in areas without Stop)

TYPE 8 – LOCAL STREET, ONE-WAY (EWR 9A & NSR 6A)

- 7.1m-wide road corridor.
- 3.2m single lane, one-way.
- 2.3m for parking, one side.
- 1.6m-wide footpath, one side.
- Tree planting in parking, one side.

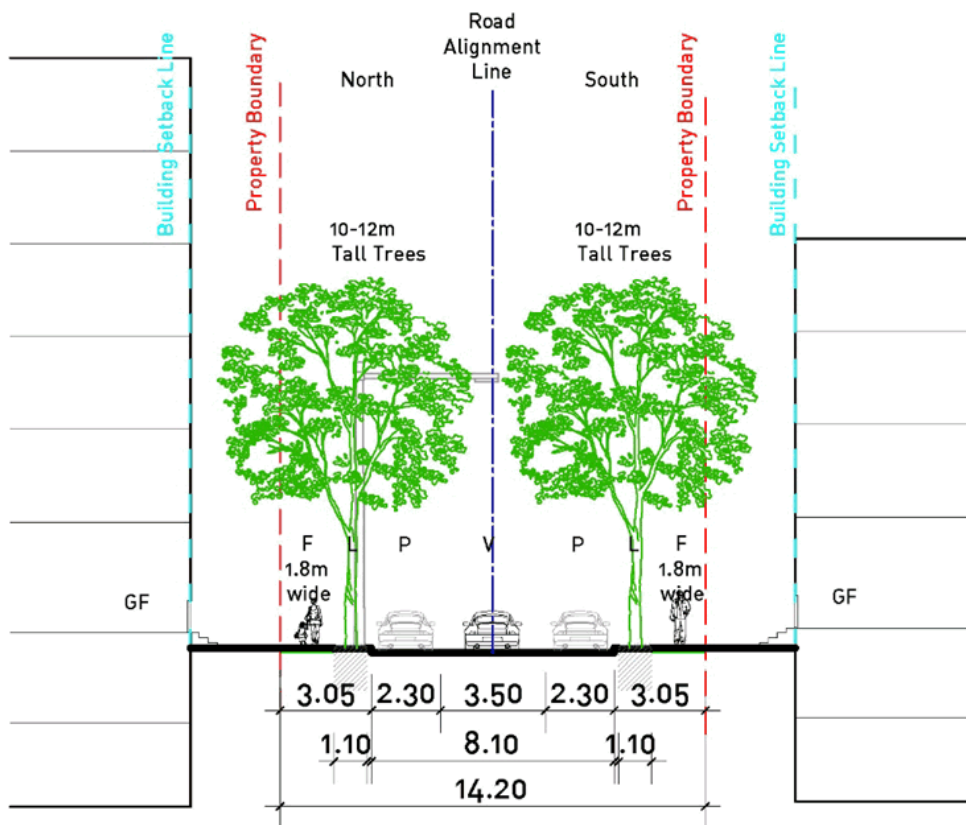


**7.1m WIDE LOCAL ONE WAY STREET with parking on one side –
NSR 6A (southbound) & EWR 9A (northeast-bound)**

Figure 8.2.6.3.1.15 – Type 8 Local Street (NSR 6A & EWR 9A)

TYPE 9 – LOCAL STREET, ONE-WAY (EWR 9)

- 14.2m-wide road corridor.
- 3.5m single lane, one-way.
- 2.3m for parking, both sides.
- 1.8m-wide footpaths, both sides.
- Tree planting in verge 1.1m-wide, both sides.



EWR 9 – 14.2m WIDE ROAD
One way traffic eastbound with parking on both sides of the street

Figure 8.2.6.3.1.16 – Type 9 Local Street (EWR 9)

8.2.6.3.2 PEDESTRIAN CONNECTIONS – TYPE 10

The benefits of a finer network of connections are numerous: greater connectivity, increased frontage for entries and business opportunities, and spatial intimacy and variety in the public domain.

Pedestrian connections in Melrose Park enable access for service vehicles but are narrower in width than streets.

Refer to Council's Melrose Park Public Domain Guidelines for site-specific guidance for the materials, finishes, and treatment of the pedestrian connections.

Objectives

- O.01 Pedestrian connections are to increase connectivity and spatial variety in the street network and break up built form.
- O.02 Provide a direct path of access to the town centre, public amenities, parks, and modes of transport.
- O.03 Enable alternative access points to apartments.
- O.04 Link the open spaces to the overall precinct.
- O.05 Have a design characteristic equivalent to the public domain.

Controls

- C.01 The pedestrian connections should be:
 - a) Consistent with the Masterplan.
 - b) 24/7 publicly accessible.
 - c) Extend from street to street or street to park.
 - d) Open to sky.
 - e) Available for controlled access for lightweight maintenance/service vehicles.
 - f) Fully accessible using, in order of preference:
 - graded walkways (no steeper than 1:20);
 - limited use of ramp system as per the *Disability Discrimination Act 1992*;
 - 24/7 clearly visible and publicly accessible lift service within the building structure; or
 - alternative options for approval.
- C.02 The pedestrian connections should have:
 - a) View lines that align across all blocks.
 - b) Building to building separation generally as 12m. A public path with a minimum width of 4 metres within the separation between buildings.

- c) Trees in deep soil (preferably) or in set down slabs and planters to encourage and sustain large canopy trees generally consistent with the ADG requirements including soil volumes, soil depth, irrigation, and sub-soil drainage.
 - d) Pedestrian lighting to provide safe 24/7 access without creating nuisance to residential properties.
- C.03 Materials as per the Melrose Park Public Domain Guidelines.
- C.04 The pedestrian connections can provide secondary entry to the buildings and courtyards.
- C.05 Landscaping, lighting, and street furniture elements such as seating (formal and incidental) is to be developed as an overall design, and be strategically located, with recognition of the grades and sight lines across the site.
- C.06 Central Park north/south connection, refer Figure 8.2.6.3.2.1 – Pedestrian connection – interface with Central Park, is to have:
- a) A minimum 6m wide path.
 - b) A low wall located on the park edge, with a 6m boundary.
 - c) The wall is to be masonry or similar durable material a minimum of 300mm high and up to 1000mm high and suitable for sitting.
 - d) Canopy trees within the path corridor.

8.2.6.3.3 STREET TREES

Street trees help improve the quality of environment for the residents by reducing temperatures, providing shade, attracting fauna, and providing outlook. Street trees will be the elements in public domain which will define the spaces and relate to the scale of buildings in Melrose Park.

Objectives

- O.01 Maintain existing and plant additional street trees within the public domain.
- O.02 Improve and enhance environmental biodiversity and mitigate temperature at ground level.
- O.03 Select tree species and planting regime to maximise connected street tree crown.
- O.04 Improve visual amenity of the public domain and from the buildings.

Controls

- C.01 Street trees should be provided along streets in accordance with Figure 8.2.6.7.9.1 – Public Domain Plan and Melrose Park Public Domain Guidelines.
- C.02 Street trees in the footway should be 12-15 m (or higher) in mature height, at 8-10m centres and planted generally in accordance with the Melrose Park Public Domain Guidelines and Council Design Standards.

- C.03 Street trees in the street parking lanes should have a mature height of more than 15m and are to be installed as per Figure 8.2.6.3.1.9 Public Domain Plan and street cross sections above, and the Melrose Park Public Domain Guidelines. Spacing of the trees should ensure tree crown touching at maturity.
- C.04 Development applications should be consistent with the Melrose Park Public Domain Guidelines.
- C.05 Public domain documentation indicating the street tree locations as detailed in the Melrose Park Public Domain Guidelines should be submitted with Development Applications and at Construction Certificate Applications approval stage.

8.2.6.3.4 OVERHEAD POWER LINES

Objectives

- O.01 Ensure the appropriate location of all power lines within the precinct to provide an aesthetic appeal and necessary function.

Controls

- C.01 All new and existing power lines (excluding the high voltage power lines) are to be undergrounded for all streets of Melrose Park, where possible, for the full lengths of the development site street frontages, and should be in accordance with the Melrose Park Public Domain Guidelines.

8.2.6.3.5 AWNINGS & AWNING DESIGN

Awnings assist in encouraging pedestrian activity along streets by providing comfortable conditions at footpath level and, in conjunction with active ground floor frontages, contribute to the vitality of the streets.

Awnings are preferred on public footpaths with active frontages, to provide shelter and weather protection for pedestrians.

As an architectural element that is both part of the building as well as the public space of the street, the awning should integrate both with the characteristics of the building as well as existing and possible future adjacent awnings. In Melrose Park awnings are encouraged only at the town centre and along activated street frontages.

Objectives

- O.01 Increase amenity in areas of high pedestrian volume.
- O.02 Design awnings to provide protection from rain, sun, and wind down draft.
- O.03 Maintain complementary architectural detail between awnings.

Controls

- C.01 Awnings in Melrose Park should be used at activated retail frontages.
- C.02 New awnings should align with adjacent existing awnings and complement building façades.
- C.03 Where a proposed building is located on a street corner and an awning is not required on one frontage, the awning should extend around the corner by a minimum of approximately 6m.
- C.04 Awning dimensions should generally be consistent with Figure 8.2.6.3.5.1 – Typical Awning Condition with Street Trees, and:
- Minimum soffit height of 3.3 metres, maximum of 4.2 metres.
 - Low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height).
 - Setback a minimum of 600mm from the face of the kerb.
 - Minimum of 2.0 metres deep unless street trees are required.
 - Where street trees are required, the entire length of the awning should be set back from the kerb by a minimum of 1.9 metres. Cut outs for trees and light poles in awnings are not permitted.
- C.05 Double height awnings are not permitted except where emphasis is required for entries and the like.
- C.06 All awnings are to have non-reflective surfaces.
- C.07 Glass in awnings should be used where climatically appropriate and should comply with the controls outlined in Section 8.2.6.5 – Sustainability.
- C.08 The awning roof should be designed so that all gutters are concealed, and downpipes incorporated in the building fabric.
- C.09 Lighting and other fixtures should be recessed and integrated into the design of the soffit.

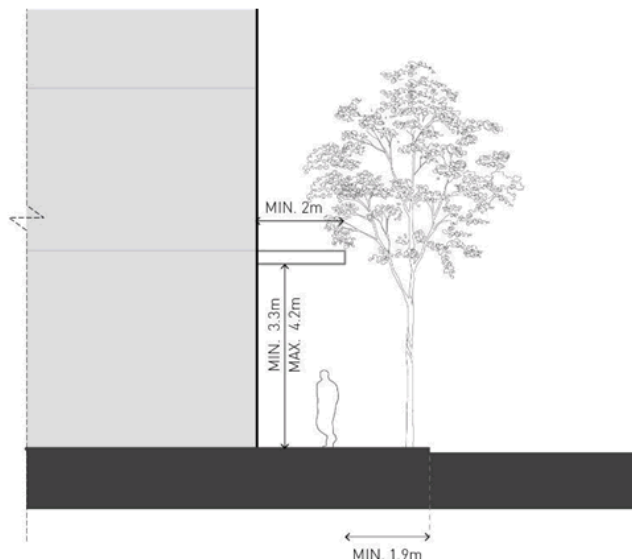


Figure 8.2.6.3.5.1 – Typical Awning Condition with Street Trees

8.2.6.3.6 PEDESTRIAN ACCESS AND MOBILITY

Objectives

- O.01 Enable access and use of all spaces, services, and facilities through the creation of a barrier-free environment in all public spaces, premises, and associated spaces.
- O.02 Provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition, whilst also contributing to the vitality and vibrancy of the public domain.

Controls

- C.01 Disability access and provisions must be in compliance with the relevant Building Codes, Australian Standards, and *Disability Discrimination Act 1992*.

8.2.6.3.7 SOLAR ACCESS & OVERSHADOWING OF PUBLIC SPACES

The provision of solar access throughout the year is critical to the success of public open space. In a densely occupied precinct, public open spaces with good solar access provide a respite and resource for residents, workers, and visitors.

In addition, sunlight is another essential ingredient for public open space, to ensure the necessary conditions for the health of trees and vegetation. Public spaces have been identified in the Masterplan (Figure 8.2.6.7.1.1), which provide valuable opportunities to maintain and maximise use of solar access at ground level.

Objectives

- O.01 Maximise solar access to public parks, public spaces, and streets during periods in the day when they are most used, throughout the year.
- O.02 Support the successful growth and survival of trees and vegetation within the streets, parks, and open spaces.

Controls

- C.01 Development should demonstrate how built form massing, orientation, and distribution of height will provide adequate sunlight to parks and public spaces as identified in Figure 8.2.6.7.1.1 – Public Open Space

8.2.6.3.8 PUBLIC OPEN SPACE

Objectives

- O.01 Create a strong definition of the public domain and maintain the range of public open spaces as shown in the Masterplan, Public Domain Plan, and Public Open Space Plan, to support the new residential community to meet, walk, and recreate.
- O.02 The public open spaces are:
- Southern Parklands West OS4 (Melrose Park South).
 - Southern Parklands East OS3 (Melrose Park South).
 - Wharf Road Gardens OS1 and OS2 (Melrose Park South).
 - Wharf Road Gardens OS3 - OS6 (Melrose Park North).
 - Central Park OS1 (Melrose Park North).
 - Playing Field OS2 (Melrose Park North).
 - Western Parklands OS7 and OS8 (Melrose Park North).
 - The Wetlands (Melrose Park North).
- O.03 Public open spaces are capable of:
- a) Accommodating a range of uses and events, experiences, and activities.
 - b) Encouraging social interaction and use by people of different ages and abilities.
 - c) Accommodating the needs of key user groups including children, young people, the elderly, low-income earners, and people with a disability.
 - d) Provide public open spaces that are attractive and memorable with high levels of amenity that consider safety, climate, activity, circulation, seating, lighting, and enclosure.
 - e) Contribute to the management of stormwater and enhancement of ecological values.

Controls

- C.01 Public open space is to be provided in accordance with this section and as identified in the Masterplan (Figure 8.2.6.7.1.1), Public Domain Plans (Figures 8.2.6.7.9.1 – 8.2.6.7.9.2), and Table 8.2.6.8.1 – Public Open Space Key Characteristics.
- C.02 The designs for the public open spaces and the wetlands are to be developed in consultation with Council. They are to be designed to:
- a) Incorporate a palette of high quality and durable materials, and robust and drought tolerant landscaping species.
 - b) Include clear, accessible, safe, and convenient linkages to each other and to the surrounding public open space network.
 - c) Integrate stormwater management and urban tree canopy.

- d) Include design elements, furniture, and infrastructure to facilitate active and passive recreation and community gatherings.
 - e) Maximise the safety and security of users consistent with 'Safety by Design' principles.
 - f) Provide deep soil throughout, with no car parking or infrastructure underneath unless agreed to by Council.
 - g) Encourage pedestrian use through the design of open space pathways and entrances.
 - h) Clearly delineate private and publicly accessible open space.
 - i) Provide access to both sunlight and shade.
 - j) Incorporate appropriate levels of lighting to maximise hours of use.
 - k) Accommodate high levels of use.
 - l) Be accessible 24/7.
 - m) Be capable of being well maintained within reasonable costs.
- C.03 All public open space is to be dedicated and then maintained by Council.
- C.04 The landscaping and materials palette should respond to the character and environmental conditions of each space and should unite and relate to the other public open spaces throughout the precinct.
- C.05 Vehicular movement through public open space should be restricted, except for emergency vehicles, servicing, and special events.
- C.06 Landscaping, plant species, and structures such as retaining walls should be compatible with flood risk and not located on a flow path. Also see Section 8.2.6.2.18 – Retaining Walls.
- C.07 Soil profile to be consistent with the Soil Profile Strategy – fill within the public domain and open spaces should not occur prior to undertaking a Soil Profile Strategy which has been agreed to by Council.
- C.08 Where open space performs dual recreation and stormwater detention functions, the design of the detention basin should:
- a) Provide an appropriate balance between stormwater management and recreation functions.
 - b) Include appropriate measures to restrict gross pollutants from entering the basin.
 - c) Allow the release of detained water within 24 hours of a significant rainfall event to protect landscaping within the basin.
 - d) Have one or more embankment batters of a maximum 1 in 3 gradient to provide for the safe exit of persons from the basin following a significant rainfall event.
 - e) Accommodate plant species and structures that can tolerate temporary flood inundation.

Table 8.2.6.8.1 – Public Open Space Key Characteristics

Site	Purpose(s)	Use(s)
Southern Parklands West OS4 (Melrose Park South)	Foreshore Park	Active informal recreation, passive recreation, community events, and gatherings
Southern Parklands East OS3 (Melrose Park South)	Foreshore Park	Passive recreation, gatherings
Wharf Road Gardens OS1 and OS2 (Melrose Park South)	Landscape Buffer	Passive recreation
Wharf Road Gardens OS3 – OS6 (Melrose Park South)	Landscape Buffer	Passive recreation
Central Park OS1 (Melrose Park North)	District Park	Play, passive recreation, community events and gatherings
Playing Field OS2 (Melrose Park North)	Sport, WSUD	Active recreation, wetland
Western Parklands OS7 and OS8 (Melrose Park North)	Green Link, WSUD	Pedestrian/cycle connections, dog off-leash, multi-use courts, stormwater detention
The Wetlands (Melrose Park North)	Stormwater Management	Passive recreation

Southern Parklands East OS3 and Southern Parklands West OS4 (Melrose Park South)

The Southern Parklands East OS3 and Southern Parklands West OS4 will assist in creating one continuous foreshore park along the Parramatta River once the entire south precinct is developed. The Southern Parklands East OS3 and Southern Parklands West OS4 will have an area of approximately 22,126m² and:

- function as the principal gathering space for the Melrose Park South precinct,
- be edged by the existing Parramatta River cycleway to the south,
- have a diverse mix of hard and soft landscaping and deep soil planting utilising indigenous, native, and exotic species to suit park environmental conditions,
- should provide:
 - a variety of outdoor spaces (including sheltered, sunny, shaded, intimate, expansive),
 - informal seating areas, public amenities, BBQ, shade structures, and drinking fountains.
- utilise durable materials to resist vandalism and graffiti,
- include gathering spaces and play elements integrated into the landscape design,
- provide opportunities and infrastructure to support small scale events,
- facilitate cross-site and internal pedestrian connections that are sympathetically integrated to maintain the overall landscape character, and
- achieve direct sunlight to a minimum of 50% of Southern Parklands East OS3 and Southern Parklands West OS4 between 10am and 2pm on 21 June in accordance with Figure 8.2.6.7.5.1 – Solar Access Plan.

Wharf Road Gardens OS1 and OS2 (Melrose Park South)

A linear park with a minimum width of approximately 17 metres and minimum area of 3,907m² should be provided along the eastern boundary of the precinct as identified in the Masterplan, and should:

- explore opportunities to integrate references to the agricultural or pharmaceutical heritage,
- provide a green buffer of soft landscaping to protect significant trees,
- include deep soil planting utilising indigenous, native, and exotic species,
- incorporate shade and some formal and informal seating, and
- achieve direct sunlight to a minimum of 50% of Wharf Road Gardens OS1 & OS2 between 10am and 2pm on 21 June in accordance with Figure 8.2.6.7.5.1 – Solar Access Plan – Melrose Park South.

Wharf Road Gardens OS1 and OS2 (Melrose Park South)

A linear park with a minimum width of approximately 17 metres; 13 metres adjacent to the playing field and an approximate area of 7,500m² should be provided along the eastern boundary of the precinct as identified in the Masterplan and should:

- explore opportunities to integrate references to the agricultural/pharmaceutical heritage,
- provide a green buffer of soft landscaping to protect significant trees,
- include deep soil planting utilising indigenous, native and exotic species,
- incorporate shade and some formal and informal seating, and
- achieve direct sunlight to a minimum of 40% of the park between 10am and 2pm on 21 June in accordance with Figure 8.2.6.6.5.2 – Solar Access Plan – Melrose Park North.

Central Parklands OS1 (Melrose Park North)

A district park with a minimum size of approximately 84.89 metres by 207 metres and an approximate area of 17,600m² is to be provided in the location identified in the Masterplan and should:

- function as the key open space and principal gathering space for the Melrose Park precinct,
- accommodate a range of experiences and activities, including space for outdoor performances and temporary events,
- be edged by a 6m north/south pedestrian walkway on the eastern edge between the park and the development,
- have a diverse mix of hard and soft landscaping and deep soil planting utilizing indigenous, native and exotic species to suit park environmental conditions,
- should provide:
 - a variety of outdoor spaces (including sheltered, sunny, shaded, intimate, expansive),
 - informal seating areas, public amenities, BBQ, and shade structures, and drinking fountains,
 - a district level playground for children that is to:

- physically and visually integrate into the surrounding park,
- maximise play value, accessibility, and inclusiveness for children of all ages and abilities,
- incorporate nature play to provide opportunities for exploration, imagination, and creativity.
- utilise durable materials to resist vandalism and graffiti,
- include gathering spaces and play elements integrated into the landscape design,
- provide opportunities and infrastructure to support small scale events,
- facilitate cross-site and internal pedestrian connections that are sympathetically integrated to maintain the overall landscape character,
- provide new street trees to define the boundary of the park, and
- achieve direct sunlight to the minimum standards in accordance with Figure 8.2.6.6.5.2 – Solar Access Plan – Melrose Park North.

Playing Field OS2 (Melrose Park North)

An active recreation park with a minimum size of approximately 75 metres by 108 metres and an approximate area of 8000m² is to be provided in the location identified in the Masterplan and should:

- achieve an appropriate balance between active recreation and stormwater detention functions,
- provide a multi-use field,
- incorporate appropriate:
 - floodlighting to maximise capacity, and
 - perimeter fencing to minimise potential conflict with pedestrians and vehicles Flood Lighting
- achieve direct sunlight to a minimum of 50% of the playing field between 10am and 2pm on 21 June in accordance with Figure 8.2.6.6.5.2 – Solar Access Plan – Melrose Park North, and
- integrated stormwater and floodwater management.

Western Parklands OS7 and OS8 (Melrose Park North)

A linear park with a minimum dimension of approximately 20 metres and an approximate area of 15,180m² should be provided along the western boundary of the precinct in the location identified in the Masterplan and should:

- provide for passive and active recreation including multi-use courts, outdoor fitness equipment and skateable elements,
- incorporate a north-south shared pedestrian/cycle connection,
- include soft landscaping and deep soil planting utilising indigenous, native and exotic species,

- incorporate shade and some formal and informal seating,
- provide fenced dog off-leash exercise area,
- dual recreation and stormwater detention function, and
- achieve direct sunlight to a minimum of 50% of the park between 11am and 3pm on 21 June in accordance with Figure 8.2.6.6.5.2 – Solar Access Plan – Melrose Park North.

Western Parklands South (19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington)

An extension of the linear Western Parklands South OS8, the Western Parklands South (19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington) will provide a linear park connection between Hope St and Victoria Rd.

- Provide pedestrian access from the park to a residential lobby in the neighbouring development,
- Provide suitable boundary treatments to ensure an appropriate transition of levels between neighbouring sites and the subject site, and
- The setback area between the neighbouring development and the Park should comprise soft landscaping that complements the design of the park.

Wetlands (Melrose Park North)

A triangular park with an approximate area of 2,260m² should be provided along the eastern boundary of the precinct as identified in the Masterplan and should:

- assist in the management of stormwater,
- increase the provision of deep soil,
- be accessible to the public 24/7 through a formalised path separated from the stormwater management function,
- designed to safe guarded against in appropriate use, and
- not have underground structures, such as car parking, unless approved by Council.

8.2.6.3.9 LANDSCAPE DESIGN

Objectives

- O.01 Ensure that the landscape is fully integrated into the design of development.
- O.02 Optimise landscaping to ameliorate urban heat effects.
- O.03 Provide tree canopies to enhance the street character.

Controls

- C.01 A landscape plan should be provided for all landscaped areas. The plan should outline how landscaped areas are to be maintained for the life of the development.
- C.02 Canopy trees should be provided in the street frontage setback deep soil to complement tree canopy species in accordance with Figure 8.2.6.7.9.1 – Public Domain Plan and the Melrose Park Public Domain Guidelines.
- C.03 Ensure that A-grade soil profile is appropriate for the planting in the deep soil zones.
- C.04 Deep soil depth should be provided as per Figure 8.2.6.2.11.1 – Residential ground floor.
- C.05 Landscape requirements should be as per Section 3.3.1 – Landscaping, and 3.3.2 – Private and Communal Open Space of the Parramatta DCP 2023. Where there is any inconsistency the Melrose Park provisions of this part will prevail.

8.2.6.3.10 PLANTING ON STRUCTURES

Constraints on the location of car parking structures may mean that landscaping within the site and not in the setbacks might need to be provided over parking structures on rooftops or on walls.

Objectives

- O.01 Contribute to the landscape quality and amenity of buildings.
- O.02 Encourage the establishment and healthy growth of landscaping on structures in urban areas.
- O.03 Ensure that A-grade soil profile appropriate for the proposed planting in the deep soil zones and for the landscaping on slab is provided.

Controls

- C.01 Design for optimum growing conditions and sustained plant growth and health by providing minimum soil depth and soil volume as per Table 8.2.6.3.10.1 – Minimum soil depth for plant establishment (in addition to drainage layer), and soil area appropriate to the size of the plants to be established.
- C.02 Provide appropriate soil conditions including irrigation (where possible using recycled water) and suitable drainage.
- C.03 Provide square or rectangular planting areas rather than narrow linear areas.
- C.04 Provide a soil profile report that specifies A-grade soil that meets the specific requirements for the proposed planting, for 1 metre above drainage in landscape planting on slab.
- C.05 Tree planting and landscaping located on a slab is to be set down into the slab a minimum of 1 metre, plus drainage for trees, and a lesser amount appropriate for other planting.
- C.06 The minimum number of trees to be provided in landscaped areas is 1 tree per 80m² or as agreed by Council's Landscape Management Officer.

Table 8.2.6.3.10.1 – Minimum soil depth for plant establishment (in addition to drainage layer)

LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

Plant type	Min soil depth	Min soil volume
Large trees (over 12m high, to 16m crown spread at maturity or to connect with other tree crowns)	1.3m	150m ³
Medium trees (8-12m high, up to 8m crown spread at maturity)	1m	35m ³
Small trees (6-8m high, up to 4m crown spread at maturity)	800mm	9m ³
Shrubs and ground cover	500mm	n/a

8.2.6.4 VEHICULAR ACCESS, PARKING, SERVICING

8.2.6.4.1 VEHICULAR ACCESS

The design and location of vehicle access to developments should give priority to pedestrian movement, to minimise conflicts between pedestrians and vehicles on footpaths, particularly along primarily pedestrian streets. Vehicle access should also be designed to minimise visual intrusion and disruption of the public domain.

Porte-cocheres are not encouraged as they disrupt pedestrian movement, do not contribute to active street frontage, and provide no public benefit.

Objectives

- O.01 Minimise the impact of vehicle access points and driveway crossovers on streetscape amenity, pedestrian safety, and the quality of the public domain.
- O.02 Minimise the size and number of vehicle and service crossings to retain streetscape continuity and reinforce a high-quality public domain.
- O.03 Minimise the impact of vehicle access points and driveway crossovers on streetscape amenity, pedestrian safety, and the quality of the public domain by:
 - a) Designing vehicle access to required safety and traffic management standards.
 - b) Integrating vehicle access with site planning, streetscape requirements, and traffic patterns.
 - c) Minimising potential conflict with pedestrians.
 - d) Limiting street crossings.
- O.04 Minimise the size and quantity of vehicle and service crossings to retain streetscape continuity and reinforce a high-quality public domain. Where possible, limit vehicle entries to basement to one for each lot.
- O.05 Enable pedestrian movement to have priority when vehicles crossing the public domain.
- O.06 Minimise the width of any vehicular crossing at the footpath.

Controls

- C.01 Where practicable, provide one entry point to each lot for service vehicles and residential vehicles.
- C.02 Where practicable, vehicle access is to be from less busy streets and streets on the low side of lots where possible, rather than busy streets or streets with major pedestrian activity.
- C.03 Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment should be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.
- C.04 Vehicle access ramps parallel to the street frontage will not be permitted.

- C.05 Doors to vehicle access points should be fitted behind the building façade and to be of materials that integrate with the design of the building and contribute to a positive public domain.
- C.06 Vehicle entries should have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.
- C.07 Driveways should be:
- Provided from less busy streets rather than the primary street, wherever practical.
 - Located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing or proposed street trees.
 - Located a minimum of 10 metres from the perpendicular of any intersection of any two roads.
 - Located on the less busy streets.
- C.08 The number of street crossings and entrances to basement car parking should be minimised.
- C.09 Where possible, limit basement vehicle entries to one per development lot.
- C.10 Vehicle access should be designed to:
- Minimise the visual impact on the street, site layout, and the building design,
 - Integrated into the building design.
- C.11 All vehicles should be able to enter and leave the site in a forward direction without the need to make more than a three-point turn.
- C.12 Pedestrian and vehicle access should be separate and be clearly differentiated.
- C.13 Vehicle access should be a minimum of 3 metres from pedestrian entrances.
- C.14 Vehicular access should not ramp along boundary alignments edging the public domain, streets, lanes parks, water frontages, and the like.
- C.15 Driveway crossings should be designed in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.
- C.16 Driveway entries and vehicle crossings should be in accordance with AS 2890.1.
- C.17 Vehicle entries visible from the street when doors are open should have a high-quality finish to walls and ceilings as well as a high standard of detailing. No service ducts or pipes are to be visible from the street.
- C.18 Loading docks and waste collection should be incorporated within the basement with one entry where possible.
- C.19 Driveway grades, vehicular ramp width/grades, passing bays, and sight distance for driveways should be in accordance with the relevant Australian Standard (AS 2890.1).
- C.20 Vehicular ramps less than 20 metres long within developments and parking stations should be in accordance with AS 2890.
- C.21 Access ways to underground parking should not be located adjacent to doors of the habitable rooms of any residential development.

LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

- C.22 Semi-pervious materials should be used for all uncovered parts of driveways/spaces to provide for some stormwater infiltration.
- C.23 Entrances to basement facilities should not terminate the view at the ends of any streets or pedestrian connections.
- C.24 Entrance doors to basements should be:
- a) Located behind the façade of the building by a minimum of 500mm, or
 - b) Designed to be recessive.
 - c) Be of materials that integrate with the design of the building and that contribute positively to the public domain.
- C.25 Vehicle slip lanes in public streets for private use are not permitted.
- C.26 Vehicular access, egress, and manoeuvring should be provided in accordance with the NSW Fire Brigades Code of Practice – Building Construction – NSWFB Vehicle Requirements.
- C.27 Vehicle access ramps should be perpendicular to the street frontage to minimise the width of vehicle entry openings. Where driveway width exceeds the maximum dimension (typically) the driveway should be separated and coordinated with the street tree layout as per Figure 8.2.6.7.9.1 – Public Domain Plan – Melrose Park South and Figure 8.2.6.7.9.2 – Public Domain Plan – Melrose Park North.
- C.28 Vehicle landings should comply with the relevant Australian Standards to maximise visual contact with oncoming pedestrians.
- C.29 Vehicle crossings shall use Council's current standard vehicle crossing detail, as agreed by Council.

8.2.6.4.2 ON-SITE PARKING

Car parking should be provided on-site in discreetly located basements for all development.

Objectives

- O.01 To facilitate an appropriate level of on-site parking provision in Melrose Park.
- O.02 To minimise the visual impact of on-site parking.
- O.03 To provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).
- O.04 To maximise the use and benefit of public transport and non-motorised modes of transport, such as bicycles and walking.

Controls

- C.01 Car parking rates for Melrose Park are as per the rates identified Table 6.2.1 of the Parramatta DCP 2023. While these rates in the table refer to minimums, these rates are to be applied as maximum rates in Melrose Park and should not be exceeded.

- C.02 Car parking should generally be provided in basements and semi-basements.
- C.03 Car parking should be consolidated in basement areas under building footprints and courtyards to maximise the available area for deep soil planting in setbacks.
- C.04 Maximise the efficiency of car park design with predominantly orthogonal geometry and consideration of circulation and car space sizes.
- C.05 Accessible parking spaces designed and appropriately signed for use by people with disabilities are to be provided to meet Australian Standards.
- C.06 Separate motorcycle parking is to be provided at the rate of 1 car parking space, as a minimum, for every 50 car parking spaces provided, or part thereof. Motorcycle parking does not contribute to the number of parking spaces for the purpose of complying with the maximum number of parking spaces permitted.
- C.07 On-site parking should meet the relevant Australian Standard (AS 2890.1:2004 – Parking facilities, or as amended).
- C.08 Pedestrian pathways to car parking areas are to be provided with clear lines of sight and safe lighting especially at night.
- C.09 If excavation is required management procedures as set out in the Parramatta Historical Archaeological Landscape Management Study is to be undertaken.
- C.10 Provide greater flexibility in the use of car parking by separating the title of car parking from the title of the apartments for sale.
- C.11 Natural ventilation should be provided to underground parking areas where possible, with ventilation grilles and structures:
 - a) Integrated into the overall façade and landscape design of the development,
 - b) Not located on the primary street façade, and oriented away from windows of habitable rooms and private open spaces areas.

8.2.6.4.3 BICYCLE PARKING

Objectives

- O.01 Ensure safe, accessible, and adequate bicycle parking is provided for residents and visitors of the precinct.
- O.02 Ensure end of trip facilities are provided within developments in the precinct.

Controls

- C.01 Ensure secure bicycle parking is provided in residential and town centre buildings.
- C.02 Secure bicycle parking facilities are to be provided in accordance with Council's Bike Plan.
- C.03 Where possible, bicycle parking for residents and/or employees should be provided at-grade. Where bicycle parking is provided within the basement or above ground levels, it is to be

- located on the first level of the basement or first level above ground and in proximity to entry and exit points.
- C.04 Bicycle parking access and facilities are to be provided in accordance with Australian Standard AS2890.3.
- C.05 Visitor bicycle parking shall be located at-grade near the entry point to the building, and be undercover and accessible at all times.
- C.06 Where visitor bicycle parking cannot be provided at-grade it is to be provided on the first level of the basement or first level above ground adjacent to the visitor car parking and be accessible at all times.
- C.07 The area required for bicycle parking is to be calculated in addition to storage areas required as per the ADG.
- C.08 End of trip facilities for non-residential development (excluding the town centre) are to be provided at the following rates:
- a) 1 personal locker per bicycle parking space.
 - b) 1 shower and change cubicle for up to 10 bicycle parking spaces.
 - c) shower and change cubicles for 11 to 20 or more bicycle parking spaces are provided.
 - d) Additional shower and cubicles for each additional 20 bicycle parking spaces or part thereof.
- C.09 Shower and change room facilities may be provided in the form of shower and change cubicles in a unisex area and are to be designed to accommodate separate wet and dry areas, including areas to hang towels and clothes.
- C.10 End of trip facilities are to:
- a) Be located within the basement or above ground levels. Where located in a basement it is to be located on the first level of the basement. Where located above ground it is to be located on the first level above ground and in proximity to entry and exit points.
 - b) Provide for a clear and safe path of travel to minimise conflict between vehicles and pedestrians.
 - c) Be in close proximity to bicycle parking facilities and the entry and exit points.
 - d) Be within an area of security camera surveillance, where there are such building security systems available.
 - e) Development proposing multiple commercial tenancies must demonstrate how all tenancies will have access to the end of trip facilities and employee bicycle parking.

8.2.6.5 SUSTAINABILITY

8.2.6.5.1 ENERGY AND WATER EFFICIENCY

Objectives

- O.01 Promote sustainable development which uses energy efficiently and minimises non-renewable energy usage in the construction and use of buildings.
- O.02 Ensure that the Melrose Park development contributes positively to an overall reduction in energy consumption and greenhouse gas emissions.
- O.03 Reduce energy bills and the whole of life cost of energy services.
- O.04 Reduce consumption of potable water.
- O.05 Harvest rainwater and urban stormwater runoff for use.
- O.06 Reduce wastewater discharge.

Controls

- C.01 The development should:
 - a) Seek to achieve a BASIX Energy score of
 - BASIX 50 (+25) for buildings with 2-15 storeys.
 - BASIX 45 (+20) for buildings with 16-30 storeys.
 - b) Seek to achieve a BASIX Water score of at least 55.
 - c) Provide photovoltaics to each of the buildings if sufficient roof space is available.

8.2.6.5.2 RECYCLED WATER

New developments must be connected to a source of recycled or reuse water. Recycled/reuse water means treating and using water, such as sewage, stormwater, industrial wastewater, or greywater, for non-drinking purposes such as for industry, toilets, cooling towers, and irrigation of gardens, lawns, and parks.

Objectives

- O.01 Increase resilience and water security by providing an alternative water supply to buildings.
- O.02 Reduce the technical and financial barriers to upgrading buildings to connect to future non-drinking water supply infrastructure.
- O.03 Support the growth infrastructure requirements for the Greater Parramatta Olympic Peninsula.

Controls

- C.01 All development must install a dual reticulation system to support the immediate or future connection to a recycled water network. The design of the dual reticulation system is to be such that a future changeover to an alternative water supply can be achieved without significant civil or building work, disruption, or cost.
- C.02 The dual reticulation system should have:
- a) one reticulation system servicing drinking water uses, connected to the drinking water supply, and
 - b) one reticulation system servicing all non-drinking water uses, such as toilet flushing, irrigation, and washing machines. The non-drinking water system is to be connected to the rainwater tank with drinking water supply backup, until an alternative water supply connection is available.
 - c) Metering of water services is to be in accordance with the current version of Sydney Water's multi-level individual metering guide. Individual metering of the non-drinking water is optional.

8.2.6.5.3 ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

The following Electric Vehicle (EV) technical terms are used:

EV Ready Connection is the provision of a cable tray and a dedicated spare 32A circuit provided in an EV Distribution Board to enable easy future installation of cabling from an EV charger to the EV Distribution Board and a circuit breaker to feed the circuit.

Private EV Connection is the provision of a minimum 15A circuit and power point to enable easy future an EV in the garage connected to the main switchboard.

Shared EV Connection is the provision of a minimum Level 2 40A fast charger and power supply to a car parking space connected to an EV Distribution Board.

EV Distribution Board is a distribution board dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power at any one time during off-peak periods, to ensure impacts of maximum demand are minimised. To deliver this, the distribution board will be complete with an EV Load Management System and an active suitably sized connection to the main switchboard. The distribution board must provide adequate space for the future installation (post-construction) of compact meters in or adjacent to the distribution board, to enable the body corporate to measure individual EV usage in the future.

Objectives

- O.01 Recognise the positive benefits of increased electric vehicle adoption on urban amenity including air quality and urban heat.
- O.02 Ensure that Melrose Park provides the necessary infrastructure to support the charging of electric vehicles.

O.03 Minimise the impact of electric vehicle charging on peak electrical demand requirements.

Controls

- C.01 EV Load Management System is to be capable of:
- reading real time current and energy from the electric vehicle chargers under management.
 - determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are full recharged.
 - being scaled to include additional chargers as they are added to the site over time.
- C.02 All apartment residential car parking must:
- provide an EV Ready Connection to at least one car space per dwelling.
 - provide EV Distribution Board(s) of sufficient size to allow connection of all EV Ready Connections and Shared EV connections.
 - Locate EV Distribution board(s) so that no future EV Ready Connection will require a cable of more than 50m from the parking bay to connect.
 - Identify on the plans submitted with the Development Application the future installation location of the cable trays from the EV Distribution Board to the car spaces allocated to each dwelling that are provided a future EV connection, with confirmation of adequacy from an electrical engineer. Spatial allowances are to be made for cable trays and EV Distribution Board(s) when designing to include other services.
- C.03 All car share spaces and spaces allocated to visitors must have a Shared EV connection.
- C.04 All commercial building car parking must:
- Provide 1 Shared EV connection for every 10 commercial car spaces distributed throughout the car park to provide equitable access across floors and floor plates.
- C.05 The bicycle storage facility is to include 10A e-bike charging outlets to 10% of spaces with no space being more than 20m away from a charging outlet.

8.2.6.5.4 URBAN HEAT

Urban heat, or the 'Urban Heat Island Effect', refers to the higher temperatures experienced in urban areas compared to rural or natural areas. Urban heat impacts our communities, businesses, and natural environment in many ways, including increasing demand for electricity and water, and resulting in a less comfortable public domain for pedestrians, with associated health impacts. On average, Melrose Park experiences more frequent hotter days than the Sydney average (Australian Bureau of Meteorology).

As more development takes place within the Parramatta Local Government Area, the build-up of heat in the environment occurs through increased hard surfaces, reduced vegetation, and heat rejection from buildings surfaces and air conditioning units. The build-up of heat is compounded as more dense urban environments reduce the amount of heat able to be removed by wind and re-radiation to the night sky, extending the period of discomfort.

This section of the DCP provides controls which aim to reduce and remove heat from the urban environment at the city and local scale. These are innovative controls based on Australian and international evidence on cities and the Urban Heat Island Effect. The controls address the:

- reflectivity of building roofs, podiums, and façades; and
- reduce the impacts of heat rejection sources of heating and cooling systems.

The following complementary controls contained in the DCP assist with the reduction of urban heat:

- Encouraging laminar wind flows and reducing turbulence through the setbacks above street wall and podium height controls.
- Vegetation and retention of soil moisture through Water Sensitive Urban Design.
- Street trees and vegetation in the public domain (PDG).
- Well-designed landscaping and Green Roofs and Walls.

Solar heat reflectivity should not be confused with solar light reflectivity, as these are distinctly different issues. Solar heat contributes to urban warming and solar light reflectivity can be the cause of glare, which is covered in Section 8.2.6.5.9 SOLAR LIGHT REFLECTIVITY (GLARE).

These controls do not consider energy efficiency or thermal comfort within buildings. These important issues are dealt with in other controls, State Environmental Planning Policies and the National Construction Code.

Terminology

Solar heat reflectance is the measure of a material's ability to reflect solar radiation. A 0% solar heat reflectance means no solar heat radiation is reflected and 100% solar heat reflectance means that all the incidental solar heat radiation is reflected. In general, lighter coloured surfaces and reflective surfaces such as metals will have typically higher solar heat reflectance, with dark-coloured surfaces or dull surfaces will typically have lower solar heat reflectance. External solar heat reflectance measured at the surface normal (90 degrees) is used in these controls.

Solar transmittance is the percentage of solar radiation which can pass through a material. Opaque surfaces such as concrete will have 0% solar transmittance, dark or reflective glass may have less than 10%, whilst transparent surfaces such as clear glass may allow 80% to 90% solar transmittance.

Solar Reflectance Index (SRI) is a composite measure of a material's ability to reflect solar radiation (solar reflectance) and emit heat which has been absorbed by the material. For example, a standard black paint has an SRI value of 5 and a standard white paint has an SRI value of 100.

Reflective Surface Ratio (RSR) is the ratio of reflective to non-reflective external surface on any given façade.

Reflective surfaces are those surfaces that directly reflect light and heat and, for the purposes of this DCP, are defined as those surfaces that have specular normal reflection of greater than 5% and includes glazing, glass faced spandrel panel, some metal finishes, and high gloss finishes.

Non-reflective surfaces are those surfaces that diffusely reflect light and heat and for the purposes of this DCP are defined as those surfaces that have specular normal reflection of less than 5%.

Maximum External Solar Reflectance is the maximum allowable percentage of solar reflectance for the external face of a reflective surface. The percentage of solar reflectance is to be measure at a normal angle of incidence.

Principles

- P.01 Reduce the contribution of development in Melrose Park to urban heat in the Parramatta Local Government Area
- P.02 Improve user comfort in Melrose Park, in private open space and the public domain.

8.2.6.5.5 ROOF SURFACES

Objectives

- O.01 Reflect and radiate heat from roofs and podium top areas.
- O.02 Improve user comfort in roof and podium top areas.

Controls

- C.01 Where surfaces on roof tops or podiums are used for communal open space or other active purposes, the development must demonstrate at least 50% of the accessible roof area complies with one or a combination of the following:
 - a) Be shaded by a shade structure;
 - b) Be covered by vegetation consistent with the controls in Section 8.2.6.5.8 – Green Roofs or Walls;

- c) Provide shading through canopy tree planting, to be measured on extent of canopy cover 2 years after planting.
- C.02 Where surfaces on roof tops or podiums are not used for the purposes of private or public open space, or for solar panels or heat rejection plant, the development must demonstrate the following:
- Materials used have a minimum solar reflectivity index (SRI) of 82 for a horizontal surface or a minimum SRI of 39 for sloped surface greater than 15 degrees; or
 - 75% of the total roof or podium surface should be covered by vegetation; or
 - A combination of (a) and (b) for the total roof surface.

8.2.6.5.6 VERTICAL FACADES

Objectives

- O.01 Minimise the reflection of solar heat downward from the building façade into private open space or the public domain.

Controls

- C.01 The extent of the vertical façade of street walls, podia, and perimeter-block development (or if no street wall, as measured from the first 12 metres from the ground plane) that comprise Reflective Surfaces should demonstrate a minimum percentage of shading as defined in Table 8.2.6.5.6.1 – Minimum Percentage Shading as calculated on 21 December on:
- the east facing façade at 10am
 - northeast and southeast facing façade at 11.30am
 - north facing façade at 1pm
 - northwest and southwest facing façade at 2.30pm
 - west facing façade at 4pm

Table 8.2.6.5.6.1 – Minimum Percentage Shading

Reflective Surface Ratio (RSR)	<30%	30%-70%	≥70%
Minimum percentage shading (%)	0	1.5*RSR-45	75

Shadow diagrams must be submitted with the Development Application quantifying the extent of shading at 10am, 11.30am, 1pm, 2.30pm, and 4pm on 21 December for each relevant façade. Shadows from existing buildings, structures, and vegetation are not considered in the calculations. Refer to Table 8.2.6.5.6.2 – Shading Sun Angles for sun angles corresponding to shading reference times.

Calculation of RSR for each relevant façade must also be submitted with the Development Application.

Table 8.2.6.5.6.2 – Shading Sun Angles

Façade Orientation	Sun Angles
East ± 22.5°	Reference Time: 10am AEDT (UTC/GMT+11) Sun Elevation: 51° Sun Azimuth: 86°
Northeast/Southeast ± 22.5°	Reference Time: 11.30am AEDT (UTC/GMT+11) Sun Elevation: 69° Sun Azimuth: 66°
North ± 22.5°	Reference Time: 1pm AEDT (UTC/GMT+11) Sun Elevation: 80° Sun Azimuth: 352°
Northwest/Southwest ± 22.5°	Reference Time: 2.30pm AEDT (UTC/GMT+11) Sun Elevation: 67° Sun Azimuth: 290°
West ± 22.5°	Reference Time: 4pm AEDT (UTC/GMT+11) Sun Elevation: 48° Sun Azimuth: 272°

C.02 The extent of the vertical façade of the tower (above the street wall or if no street wall, as measured above the first 12 metres from the ground plane) that comprise Reflective Surfaces should demonstrate a minimum percentage of shading as defined in Table 8.2.6.5.6.3 – Minimum tower percentage shading as calculated on 21 December on:

- the east facing façade at 10am
- northeast and southeast facing façade at 11.30am
- north facing façade at 1pm
- northwest and southwest facing façade at 2.30pm
- west facing façade at 4pm.

Table 8.2.6.5.6.3 – Minimum tower percentage shading

Reflective Surface Ratio (RSR)	<30%	30%-70%	≥70%
Minimum percentage shading (%)	0	0.8*RSR-24	40

Calculation of RSR for each relevant façade must also be submitted with the Development Application.

C.03 Shading may be provided by:

- External feature shading with non-reflective surfaces;
- Intrinsic features of the building form such as reveals and returns; and
- Shading from vegetation such as green walls that is consistent with the controls in Section 8.2.6.5.8 GREEN ROOFS AND WALLS.

- C.04 Non-reflective surfaces of vertical façades do not require shading and these areas can be excluded from the calculations.
- C.05 Where it is demonstrated that shading cannot be achieved in accordance with the above controls, a maximum external solar reflectance as defined in 8.2.6.5.6.4 – Maximum solar reflectance of Reflective Surfaces is generally acceptable.

8.2.6.5.6.4 – Maximum solar reflectance of Reflective Surfaces

Reflective Surface Ratio (RSR)	<30%	30%-70%	≥70%
Maximum External Solar Reflectance (%)	No Max.	62.5-0.75*RSR	10

- C.06 Where multiple reflective surfaces or convex geometry of reflective surfaces introduce the risk of focusing solar reflections into the public spaces:
- Solar heat reflections from any part of a building must not exceed 1,000W/m² in the public domain at any time;
 - A reflectivity modelling report may be required to qualify the extent of reflected solar heat radiation.

8.2.6.5.7 HEATING AND COOLING SYSTEMS – HEAT REJECTION

Objectives

- O.01 Reduce the impact of heat rejection from heating, ventilation, and cooling systems in Melrose Park from contributing to the urban heat island effect in the Parramatta Local Government Area; and
- O.02 Avoid or minimise the impact of heat rejection from heating, ventilation, and cooling systems on user comfort in private open space and the public domain.

Controls

- C.01 Residential apartments within a mixed-use development or residential flat building should incorporate efficient heating, ventilation, and cooling systems which reject heat from a centralised source on the uppermost roof.
- C.02 Where the heat rejection source is located on the uppermost roof, these should be designed in conjunction with controls in this section of the DCP relating to Roof Surfaces and the controls in Section 8.2.6.5.8 – Green Roofs and Walls.
- C.03 No heat rejection units should be located on the street wall frontage on the primary street.
- C.04 Heat rejection units are strongly discouraged from being located on building façades or on private open space, such as balconies and courtyards. However, where it is demonstrated that heat rejection cannot be achieved in accordance with the above controls C.01 and C.02 above and these units are installed, the HVAC system must demonstrate:

- a) Heating, ventilation, and cooling systems exceed current Minimum Energy Performance Standard requirements; and
- b) The heat rejection units are situated with unimpeded ventilation, avoiding screens and impermeable balcony walls; and
- c) The area required by the heat rejection units is additional to minimum requirements for private open space.

8.2.6.5.8 GREEN ROOFS AND WALLS

Objectives

- O.01 Ensure that green roofs and walls are considered for integration into the design of new development.
- O.02 Design green roofs and walls to maximise their cooling effects.
- O.03 Ensure green roofs and walls are designed and maintained to respond to local climatic conditions and ensure sustained plant growth.

Controls

- C.01 Green roofs and wall structures are to be assessed as a part of the structural certification for the building. Structures designed to accommodate green walls should be integrated into the building façade.
- C.02 Waterproofing for green roofs and walls is to be assessed as a part of the waterproofing certification for the building.
- C.03 Where vegetation or trees are proposed on the roof or vertical surfaces of any building, a Landscape Plan should be submitted, which demonstrates:
 - a) Adequate irrigation and drainage are provided to ensure sustained plant growth and health and safe use of the space;
 - b) Appropriate plant selection to suit site conditions, including wind impacts and solar access; and
 - c) Adherence to the objectives, design guidelines, and standards contained in the ADG for 'Planting on Structures'.
- C.04 Green roofs or walls, where achievable, should use rainwater, stormwater, or recycled water for irrigation.
- C.05 Container gardens, where plants are maintained in pots, are not considered to be green roofs, however they are acknowledged as contributing to the reduction of urban heat.
- C.06 Register an instrument of positive covenant to cover proper maintenance and performance of the green roof and walls on terms reasonably acceptable to the Council prior to granting of the Occupancy Certificate.
- C.07 Green roof planting, structures, and toilet facilities are permitted to exceed the height plane.

8.2.6.5.9 SOLAR LIGHT REFLECTIVITY (GLARE)

Objectives

- O.01 To ensure that buildings in Melrose Park restrict solar light reflected from buildings to surrounding areas and other buildings.
- O.02 To minimise the risk of bird collision due to high transparency, through treatment of external windows and other glazed building surfaces.

Controls

- C.01 New buildings and façades must not produce solar light reflectivity that results in glare that is hazardous, undesirable, or causes discomfort for pedestrians, drivers, and occupants of other buildings or users of public spaces.
- C.02 Solar light reflectivity from building materials used on façades must not exceed 20%.
- C.03 Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar light reflectivity from the proposed development on pedestrians, motorists, or surrounding areas may be required.
- C.04 Buildings greater than 40 metres in height require a Reflectivity Report that includes the visualisation and photometric assessment of solar light reflected from the building on the surrounding environment. Analysis is to include:
 - a) The extent of solar light reflections resulting from the development for each day in 15-minute intervals;
 - b) A visual and optometric assessment of view aspects where solar light reflections may impact pedestrians, or drivers, occupants of other buildings or users of public spaces including assessment of visual discomfort and hazard.
- C.05 Demonstrate that development will not significantly affect migratory or threatened bird species because of illumination or obstruction of flight pathways into Melrose Park. Consideration is to be given to the *National Light Pollution Guidelines for Wildlife (Migratory Shorebirds)* and the *Industry Guidelines for Avoiding, Assessing and Mitigating Impacts on EPBC Act Listed Migratory Shorebird Species*.
- C.06 A report is to be prepared by a suitably qualified consultant at Development Application stage to determine appropriate treatments of building surfaces for buildings within close proximity to open space and water bodies.

8.2.6.5.10 BUILDING FORM AND WIND MITIGATION

Objectives

- O.01 Ensure that building form enables the achievement of nominated wind standards to maintain safe and comfortable conditions in the precinct.
- O.02 Ensure wind mitigation methods enable full development of street tree canopy.

Controls

- C.01 Wind Effects Report is to be submitted with the Development Application for all buildings greater than 32m in height. For buildings over 50m in height, results of a wind tunnel test are to be included in the report.
- C.02 Report recommendations cannot rely on or include street trees to assist to mitigate wind downdraft effects on the public domain.
- C.03 Site design for tall buildings (towers) should:
- a) Protect pedestrians from strong wind downdrafts at the base of the tower.
 - b) Ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre.
 - c) Consider the shape, location, and height of buildings to satisfy wind criteria for public safety and comfort at ground level.
 - d) Ensure usability of open terraces and balconies.
- C.04 Buildings and public and private open spaces are to be designed in response to wind testing outcomes.
- C.05 Historical data of wind speed and direction collected over a minimum of 10 years should be used as the basis of a pedestrian level Wind Effects Report. Data from the Bankstown Airport Bureau of Meteorology anemometer starting earliest in 1993 is to be used and adequately corrected for the effects of differences in roughness of the surrounding natural and built environment. The use of wind data for daytime hours between 6am and 9pm is generally recommended and may be specifically requested by the City of Parramatta, however, wind data for all hours may be used as well, where appropriate. Climate data are to be presented in the Wind Effects report.
- C.06 **NOTE:** The criteria for pedestrian level wind comfort and safety are based on published research, particularly on the criteria developed by Lawson (1990). Pedestrian safety and comfort are affected by both the mean and the gust wind speed.

8.2.6.5.11 ECOLOGY

Objective

- O.01 Ensure that potential flora and fauna species located on the site are identified and managed appropriately.

Controls

- C.01 A survey of all buildings and landscaping is to be undertaken to identify any species occupying existing buildings/land.

8.2.6.6 SITE SPECIFIC CONTROLS

8.2.6.6.1 19 HOPE STREET, MELROSE PARK AND 69-77 HUGHES AVENUE, ERMINGTON

The old Tomola Motors site on the corner of Hope Street and Hughes Avenue is a high-quality mixed-use site that integrates with and enhances the surrounding Melrose Park area.

The site will play an important role in contributing to additional supply for diverse housing and commercial development, capitalising on its proximity to the future Melrose Park Light Rail stop, the nearby development of the Melrose Park North Town Centre and proximity to the Western Parklands.

8.2.6.6.2 GENERAL CONTROLS (19 HOPE ST, 69-77 HUGHES AV)

Objectives

- O.01 The desired future character of Hughes Avenue is predominantly residential, and the desired future character of Hope Street is a mixed commercial and residential strip related to the Light Rail line.
- O.02 Achieve an appropriate built form scale along Hughes Avenue and Hope Street that contributes to the prevailing streetscape and the existing and future character of the locality.
- O.03 Create a transition of building heights stepping down to the existing R2 low-density fabric along Hughes Avenue to the north of the site.
- O.04 Buildings are sited to reinforce the street network and to frame pedestrian links within the site.
- O.05 Provide a legible and permeable movement network for pedestrians.

Controls

- C.01 Built form should be consistent with Figures 8.2.6.7.1.1 to 8.2.6.7.9.1.
- C.02 Notwithstanding C.01, the building setbacks are to be as follows:
 - a) Northern setback - 3 metres to the pedestrian link boundary (i.e. the RE1 zone boundary).
 - b) Eastern setback - 6 metres to the parkland/pedestrian link boundary (i.e. the RE1 zone boundary).
 - c) Hope Street setback – 12 metres from the proposed site boundary to the road reserve with no light rail (0 metres from proposed site boundary to Hope St with light rail).
 - d) Hughes Avenue setback – 6 metres to the residential frontage, or 0 metres to any ground floor commercial/retail.
- C.03 Pedestrian through-site links are to be in accordance with Section 8.2.6.3.2 PEDESTRIAN CONNECTIONS, Figure 8.2.6.7.1 Public Open Space and Figure 8.2.6.8.1 Street Hierarchy.
- C.04 The East- West pedestrian link is to be 4 metres wide and setback 2 meters from the 67 Hughes Avenue boundary.

- C.05 Design of the public open space should be in accordance SECTION 5.6.3.8 PUBLIC OPEN SPACE - Western Parklands South.
- C.06 The existing overhead utility poles on Hughes Avenue, adjacent the subject site, must be undergrounded in accordance with the requirements of the relevant authorities.

8.2.6.6.3 VEHICULAR PARKING AND ACCESS (19 HOPE ST, 69-77 HUGHES AV)

Objectives

- O.01 To facilitate an appropriate level of on-site parking at the subject site.
- O.02 Ensure provision of parking minimises any potential visual impacts through appropriate design and use of materials and finishes.

Controls

- C.01 Above ground parking may be provided within the podium subject to implementation of appropriate sleeving and/ or screening.
- C.02 Any driveway entry or vehicular loading zone is to be located off Hughes Avenue.

8.2.6.6.4 HOPE STREET AND HUGHES AVENUE INTERFACE (19 HOPE ST, 69-77 HUGHES AV)

Objectives

- O.01 Ensure street activation by promoting pedestrian activity at the corner of Hope Street and Hughes Avenue, and through a north-south and east-west through site pedestrian link connecting to the Western Parklands South.

Controls

- C.01 Provide an active frontage with commercial uses and residential entry lobbies at street level along Hope Street and corner of Hughes Avenue.
- C.02 Extend the footpath paving materials and urban landscape character from Hope Street around the corner into Hughes Avenue.
- C.03 Provide at least one residential entry lobby from Hughes Avenue at ground level. A landscaped setback is to be provided adjacent to the residential entry, including low level planting and ground covers.

8.2.6.7 APPENDIX A – MELROSE PARK FIGURES

8.2.6.7.1 MASTERPLAN

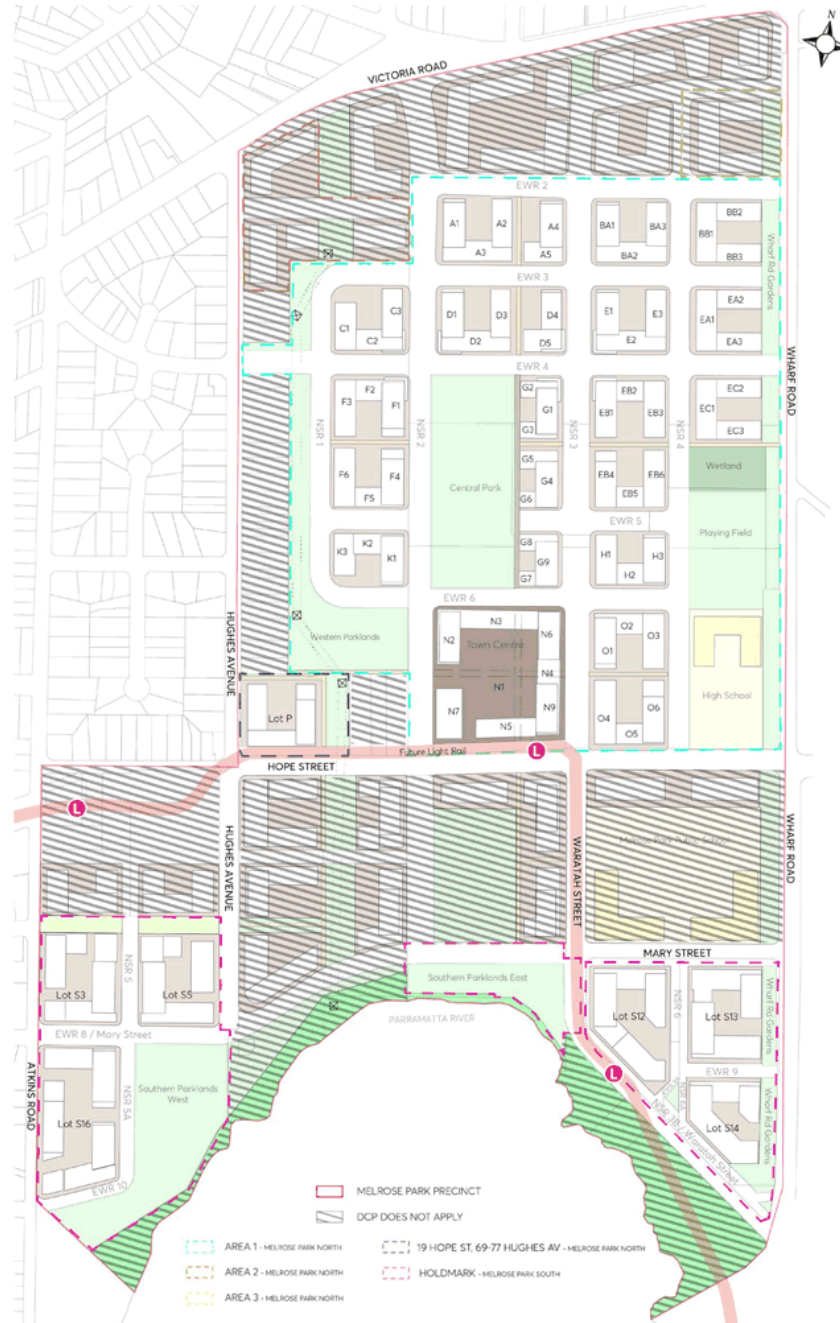


Figure 8.2.6.7.1.1 – Melrose Park Masterplan

8.2.6.7.2 MAXIMUM GROSS FLOOR AREA

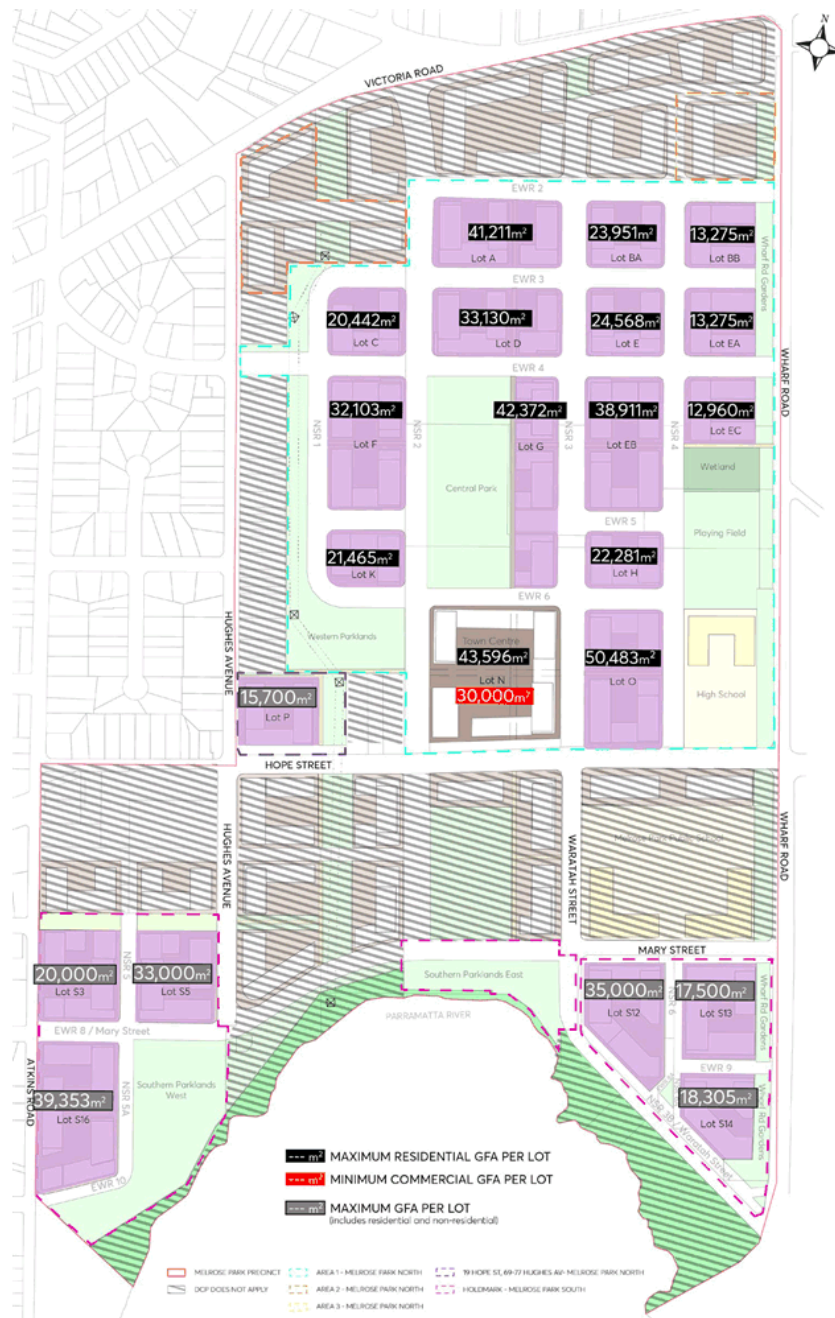


Figure 8.2.6.7.2.1 – Maximum GFA Plan per Lot

8.2.6.7.3 COURTYARD LOCATIONS

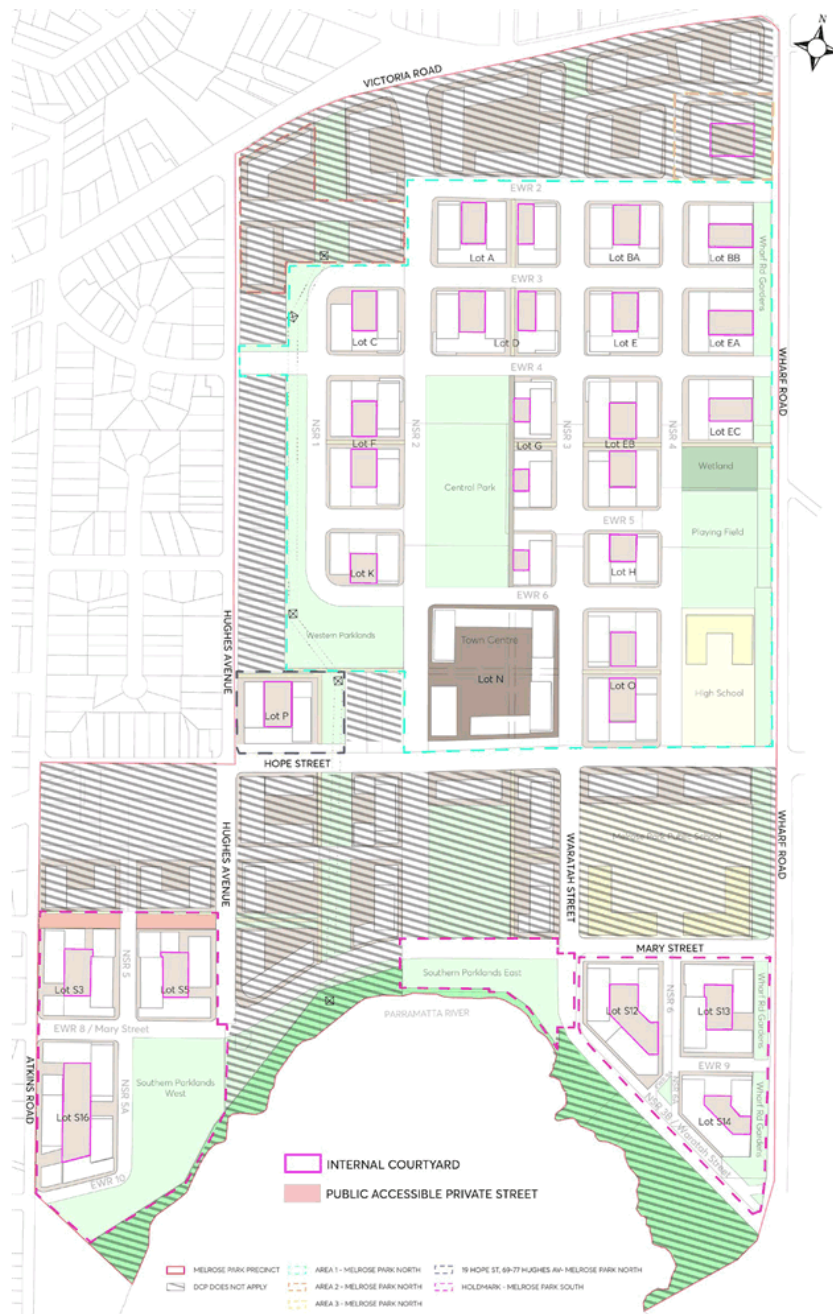


Figure 8.2.6.7.3.1 – Courtyard Locations

8.2.6.7.4 BUILDING STOREYS

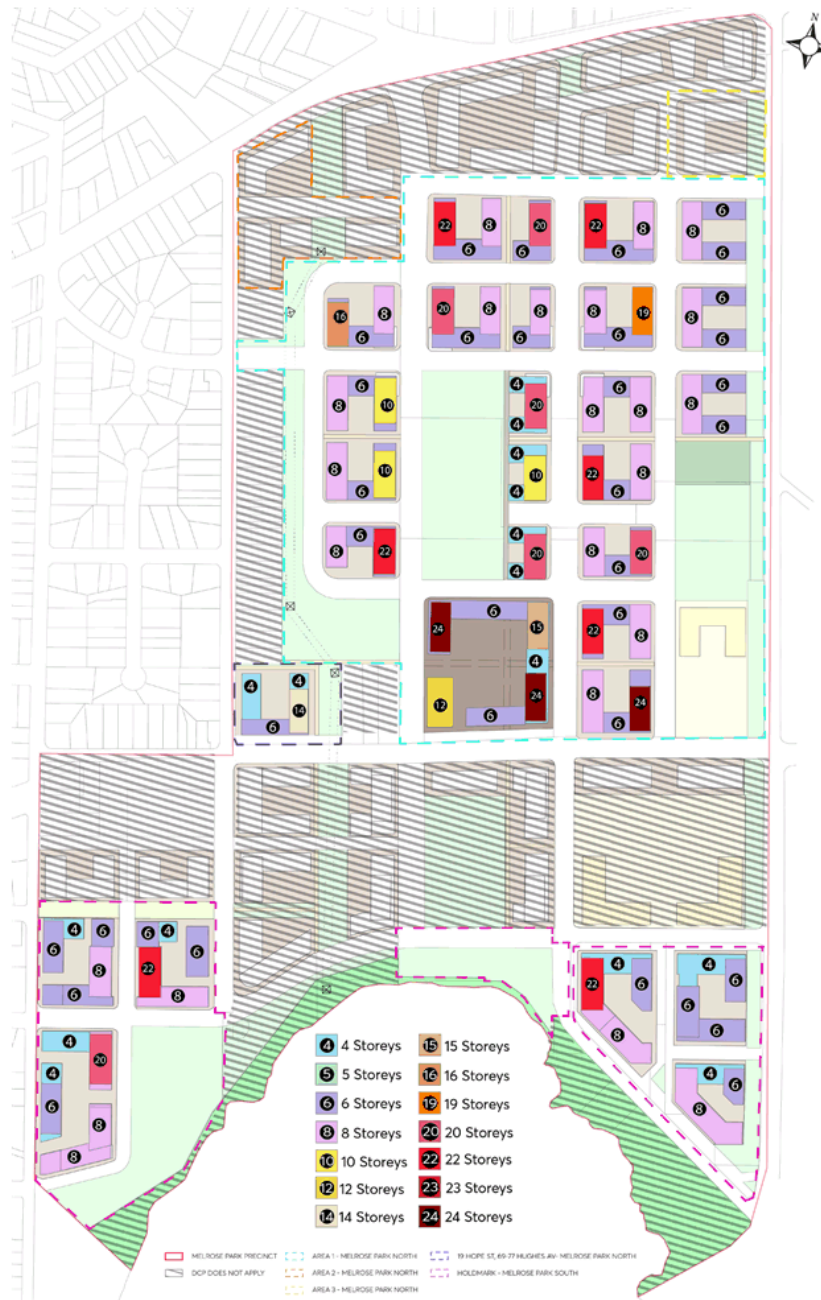


Figure 8.2.6.7.4.1 – Building Heights

8.2.6.7.5 SOLAR ACCESS PLAN



Figure 8.2.6.7.5.1 – Solar Access Plan - Melrose Park South

LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

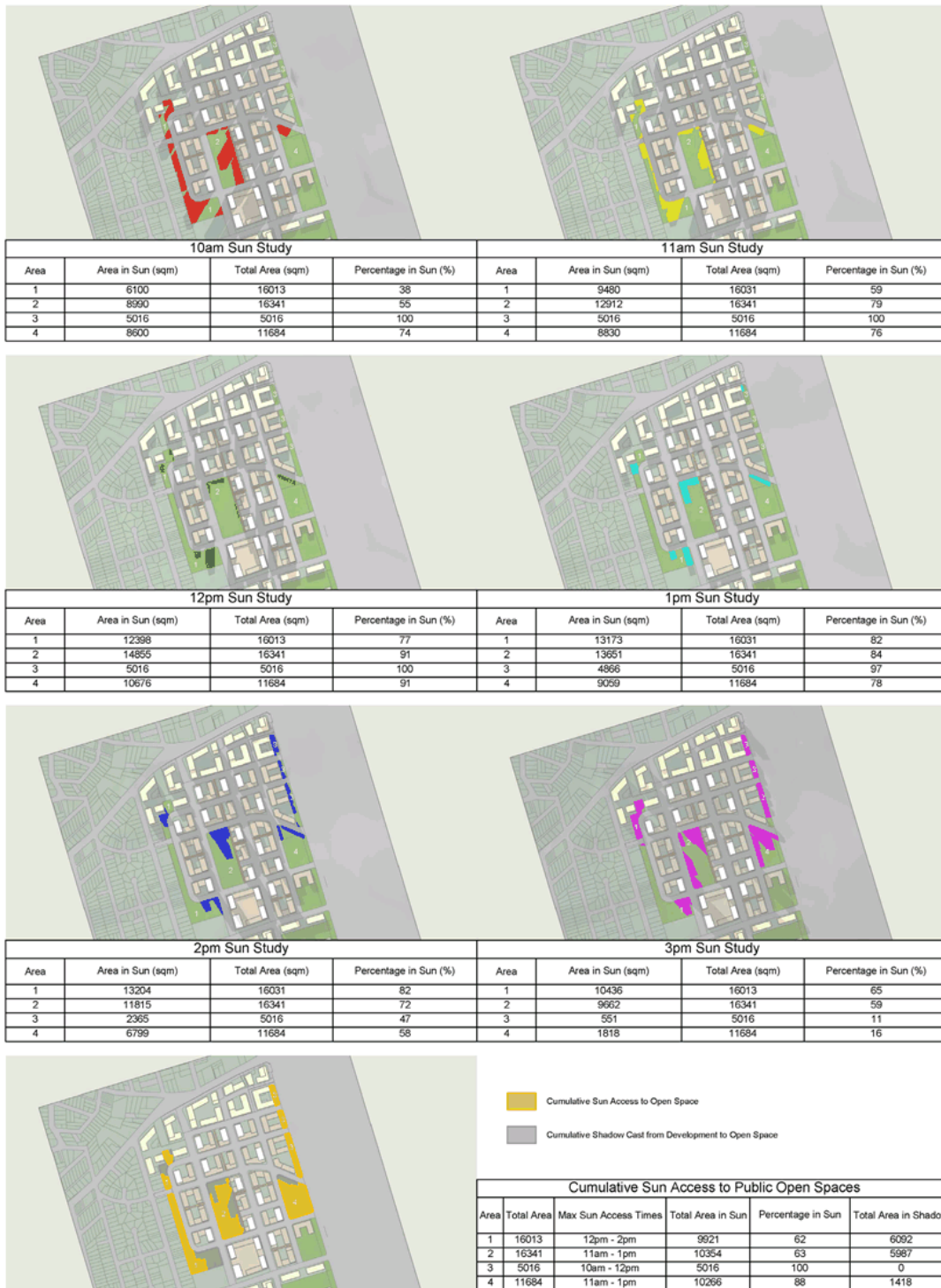


Figure 8.2.6.7.5.2 – Solar Access Plan – Melrose Park North

LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

8.2.6.7.6 STREET SETBACKS

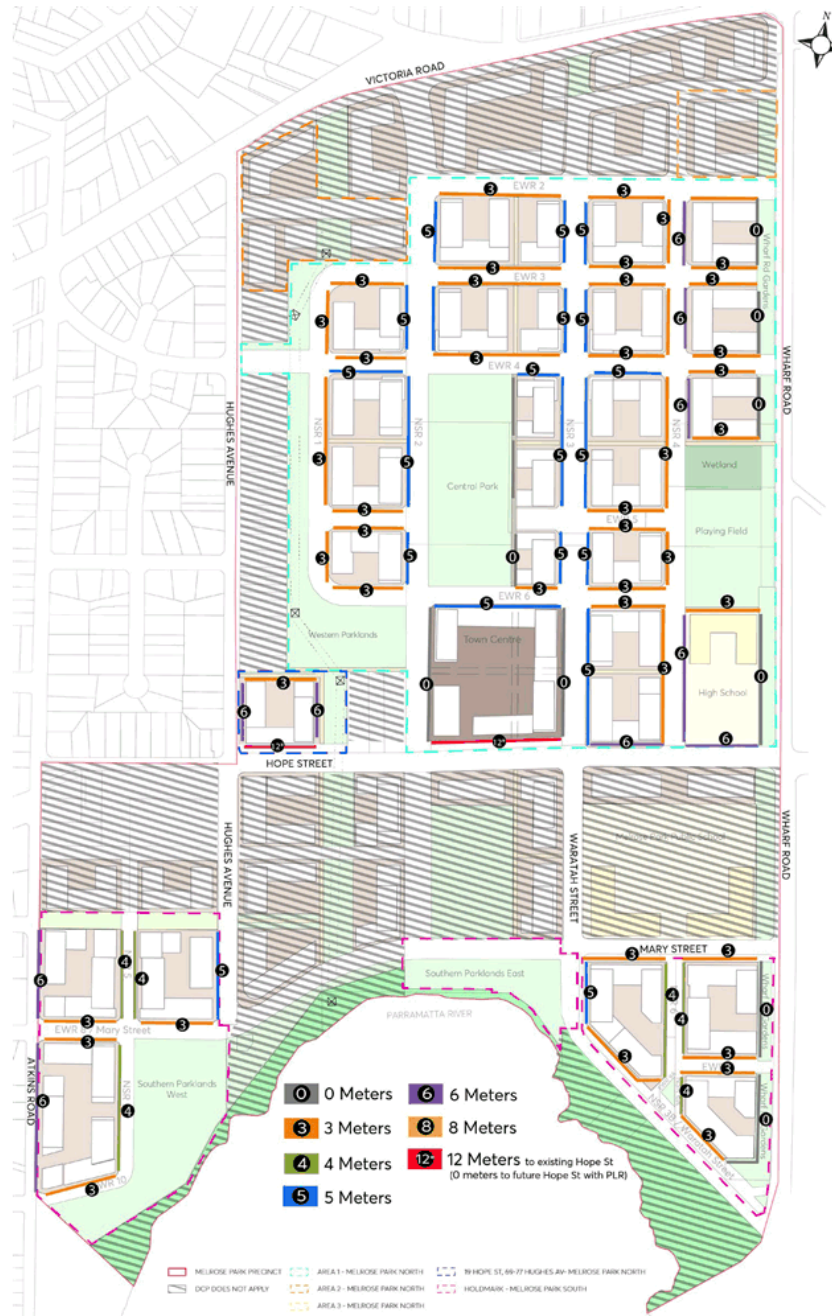


Figure 8.2.6.7.6.1 – Street Setbacks

LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

8.2.6.7.7 PUBLIC OPEN SPACE

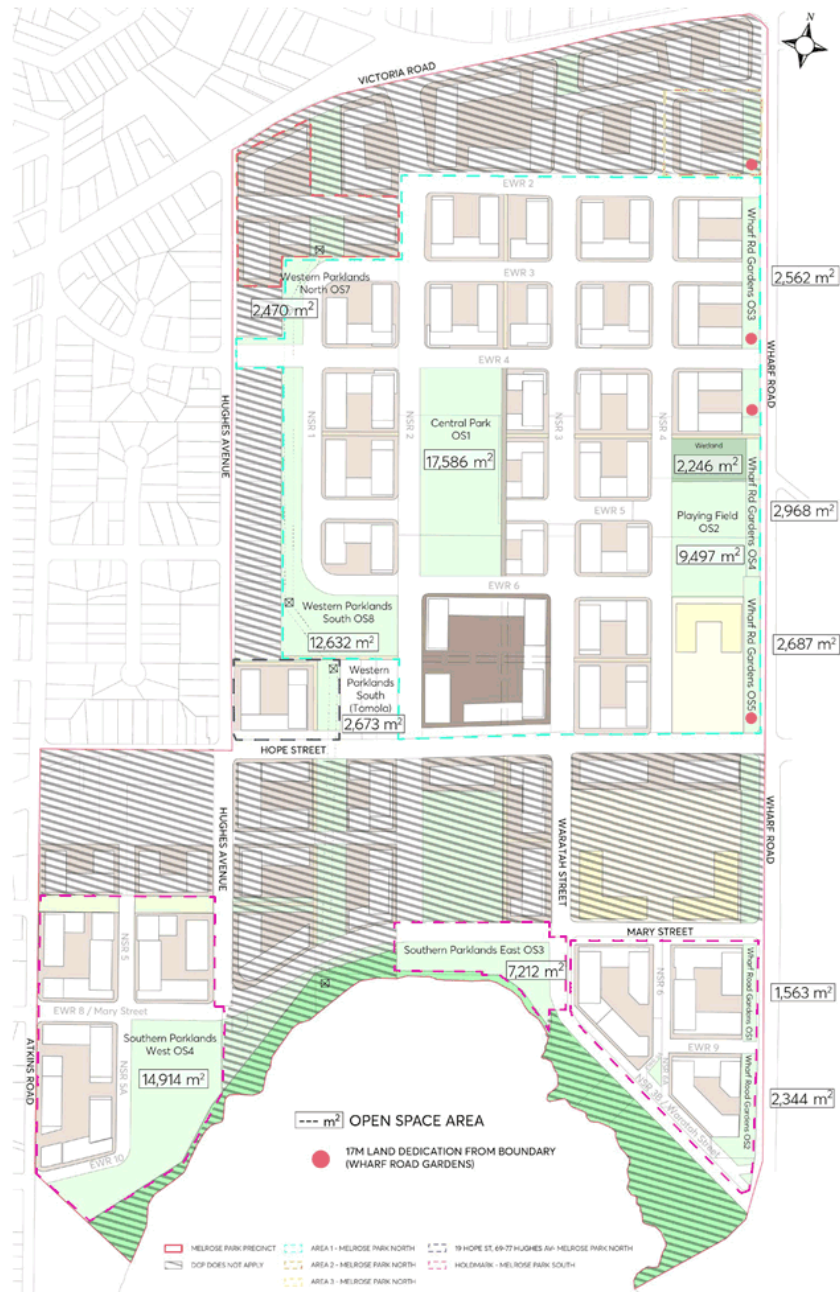


Figure 8.2.6.7.1 – Public Open Space

LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

8.2.6.7.8 STREET HIERARCHY

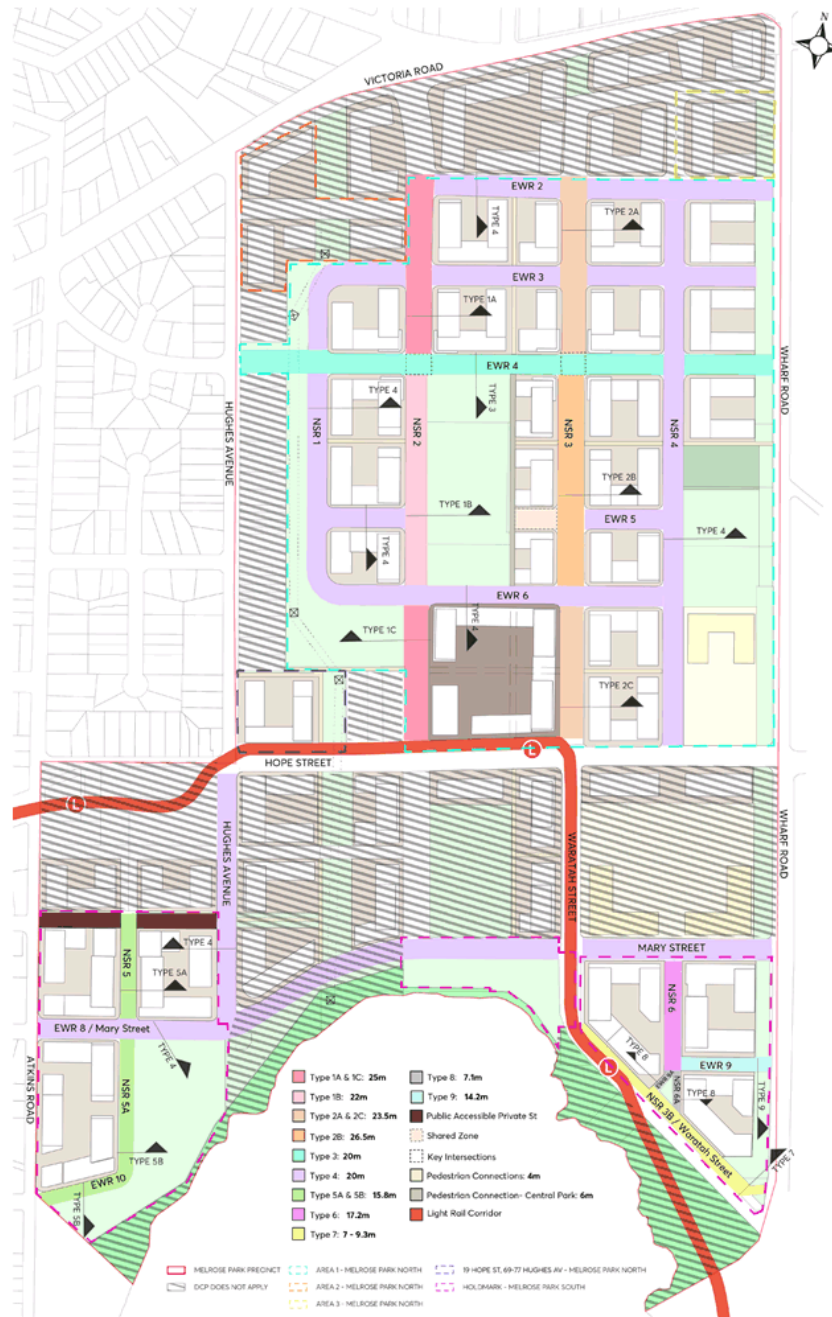


Figure 8.2.6.7.8.1 – Street Hierarchy

8.2.6.7.9 PUBLIC DOMAIN PLAN



Figure 8.2.6.7.9.1 – Public Domain Plan - Melrose Park South

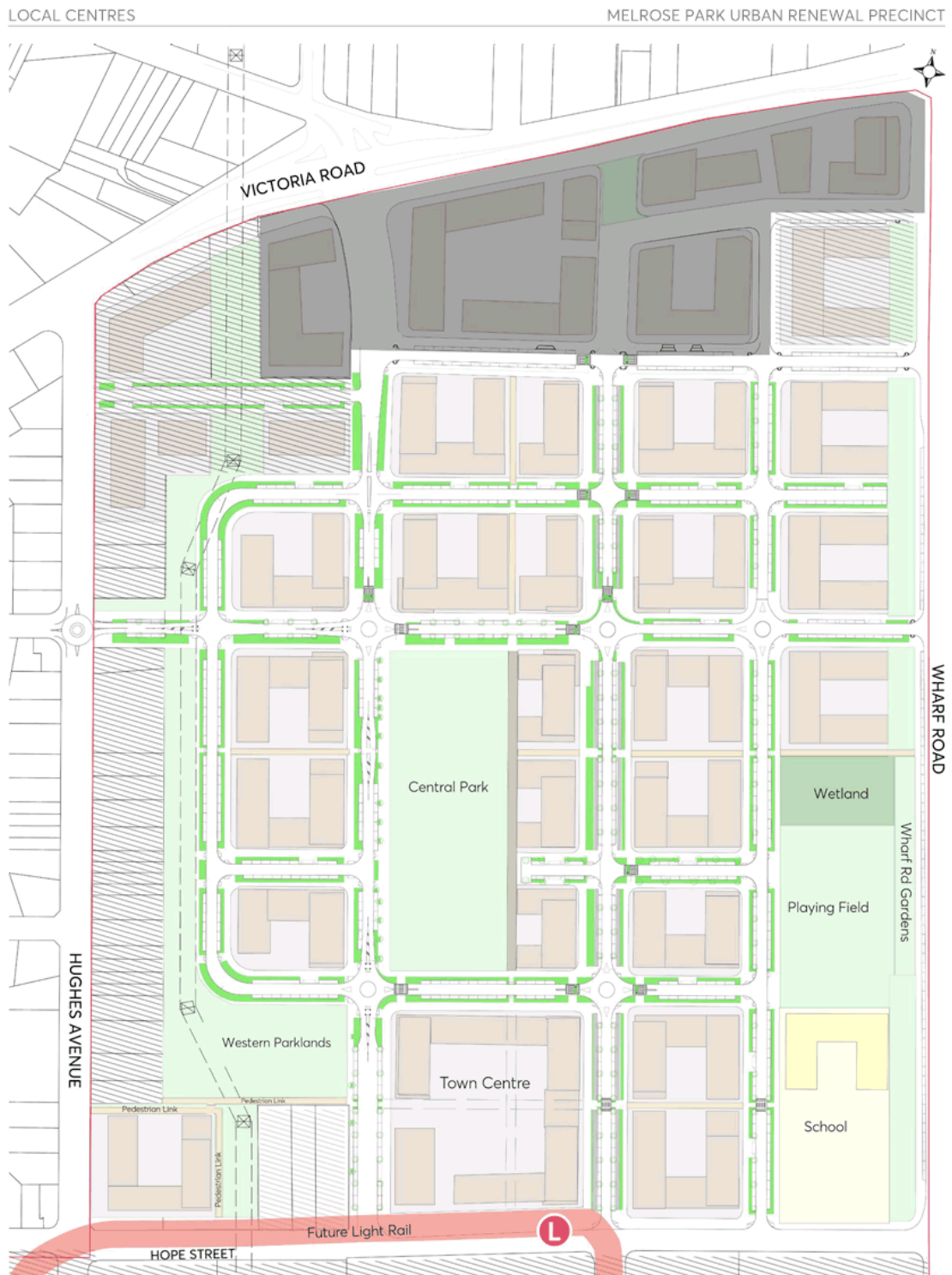


Figure 8.2.6.7.9.2 – Public Domain Plan - Melrose Park North

8.2.6.7.10 INDICATIVE APPLICATION OF BUILDING ENVELOPES

The purpose of this information is to clarify for the architects and assessment officers how the masterplan and the setback controls are to be interpreted.

Part 1 – Setbacks provides information and a table of how the upper-level setbacks to all buildings above are determined on each block.

Part 2 – Illustrated Examples provides drawings of how the height and setbacks are to be applied. The lots selected are D, G and EA because they show different building types and different topography.

PART 1 SETBACKS

Assumptions

Base Building Element

- The perimeter block height is generally 6 storeys.
- Block G is 4 storeys.
- The Town Centre is 2 retail + 3 car parking levels sleeved with residential.
- The 6 storey and 4 storey elements of all buildings must extend to the required street setbacks and align with the streets.
- The podium of the Town Centre must extend to the street setbacks.

Length and Width of Buildings

- The length of buildings that are 10 storeys and above are drawn at 50 metres.
- The width of buildings aligned East-West are drawn at 20 metres.
- The width of buildings aligned North - South without tower are drawn at 20 metres.
- The width of buildings aligned North -South with tower are drawn at 22 metres.

Changes to the length and width in the detail design of buildings may alter some of the setbacks and heights but these differences will only be minor.

Alignments

The Masterplan has organised the building envelopes at ground and above to define a series of spaces. For example:

- a) Buildings C1, D1, D3, D4, E1 align on the southern side.
- b) Buildings A1, A2, A4, BA1, BA3 align on the southern side.
- c) Buildings C3, F3 and EA1 align on the southern side.

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- d) Buildings C3, F3 align on the northern side.
- e) Buildings F3, G1, EB1, EB3 align on the southern side.
- f) Buildings F6, F4, G4, EB4, EB6 align on the southern side.
- g) Buildings K1, G7, H1, H3 align on the southern side.
- h) Buildings O4, O6 align on the southern side.
- i) Buildings O1, O3 align on the northern side.

Minor discrepancies in the Masterplan drawings are evident because of scale of the drawing and where streets are slightly non orthogonal.

Table 8.2.6.7.10.1 – Building Setbacks Above Perimeter Block and Podium

Lot	Building Number	No. of Storeys	Setback Above Perimeter Block Height		
			North	East + West	South
X	X1	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	X2	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	X3	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	X4	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
A	A1	22	Optional	Nil	Mandatory - Approx. 13-14m
	A2	8	Optional	Nil	Mandatory - Approx. 13-14m
	A4	20	Optional	Nil	Mandatory - Approx. 13-14m
BA	BA1	22	Optional	Nil	Mandatory - Approx. 13-14m
	BA3	8	Optional	Nil	Mandatory - Approx. 13-14m
Y	Y2	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
BB	BB1	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
C	C3	16	Nil	Nil	Nil
	C1	8	Nil	Nil	Mandatory - Approx. 13-14m
D	D1	20	Optional	Nil	Mandatory - Approx. 13-14m
	D3	8	Optional 1 or 2 Storeys	Nil	Mandatory - Approx. 13-14m
	D4	8	Optional 1 or 2 Storeys	Nil	Mandatory - Approx. 13-14m
E	E1	8	Optional 1 or 2 Storeys	Nil	Mandatory - Approx. 13-14m
	E3	19	Remainder	Nil	Mandatory to align with EA1 and C3
EA	EA1	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	EA4	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	EA5	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
F	F3	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	F1	10	Nil	Nil	Remainder
	F6	8	Optional 1 or 2 Storeys		
	F4	10	Remainder	Nil	Nil
G Base Perimeter Block of 4 storeys					

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Lot	Building Number	No. of Storeys	Setback Above Perimeter Block Height		
			North	East + West	South
G	G1	20	Block Dimension minus length of tower	Nil on West Block Dimension minus width of tower on East	Nil
	G4	10	Block Dimension minus length of tower	Nil on West Block Dimension minus width of tower on East	Nil
	G7	20	Block Dimension minus length of tower	Nil on West Block Dimension minus width of tower on East	Nil
EB	EB1	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	EB3	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	EB4	22	Block Dimension minus length of tower	Nil	Nil
	EB6	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
K	K3	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	K1	22	Nil	Nil	Nil
H	H1	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	H3	20	Block Dimension minus length of tower to align with G7	Nil	Nil
O	O1	22	Block Dimension minus length of tower	Nil	Nil
	O3	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	O4	8	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys	Optional 1 or 2 Storeys
	O6	24	Block Dimension minus length of tower	Nil	Nil
TOWN CENTRE Setbacks to the podium are flexible but buildings are to align with the streets. 12 metres between N6 + N9; 12 metres between N2 + N7					
N	N2	24	N2 to align with N6 North Side		
	N6	15	N6 to align with N9 East Side and West Side		
	N7	12	N7 to align with N2 West Side		
	N9	24			

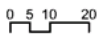
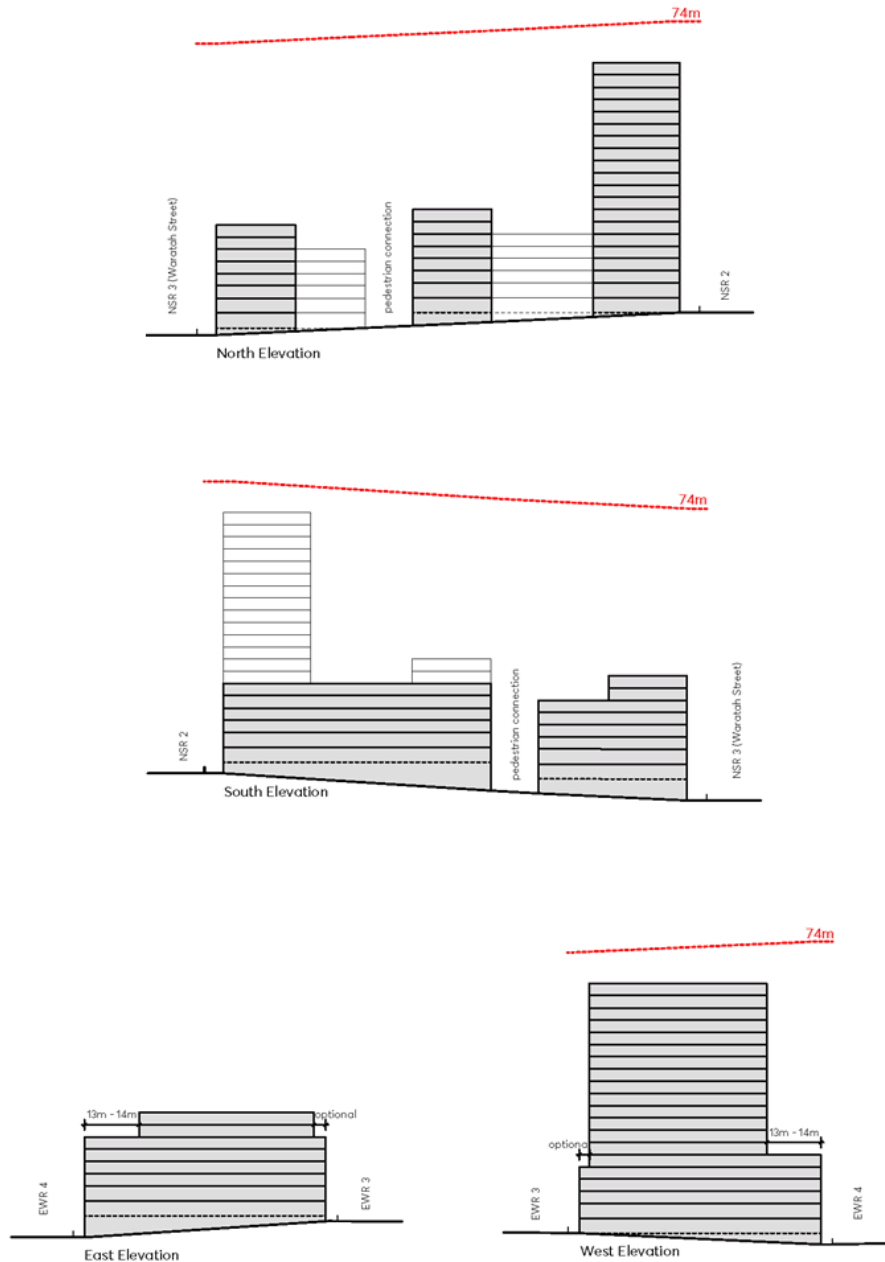
PART 2 ILLUSTRATED EXAMPLES

Examples of Blocks D, G and EA have been prepared to illustrate how the height and setback controls are interpreted. These illustrated that:

- The different topographical levels are to be taken up in the lower levels, so the upper levels of buildings are not stepped.
- The height nominated on the Building Height Drawing Appendix 2 for the base building (4 and 6 storeys) is to be located on the high side of the lot and the additional height on the lower side of the lot.

LOCAL CENTRES

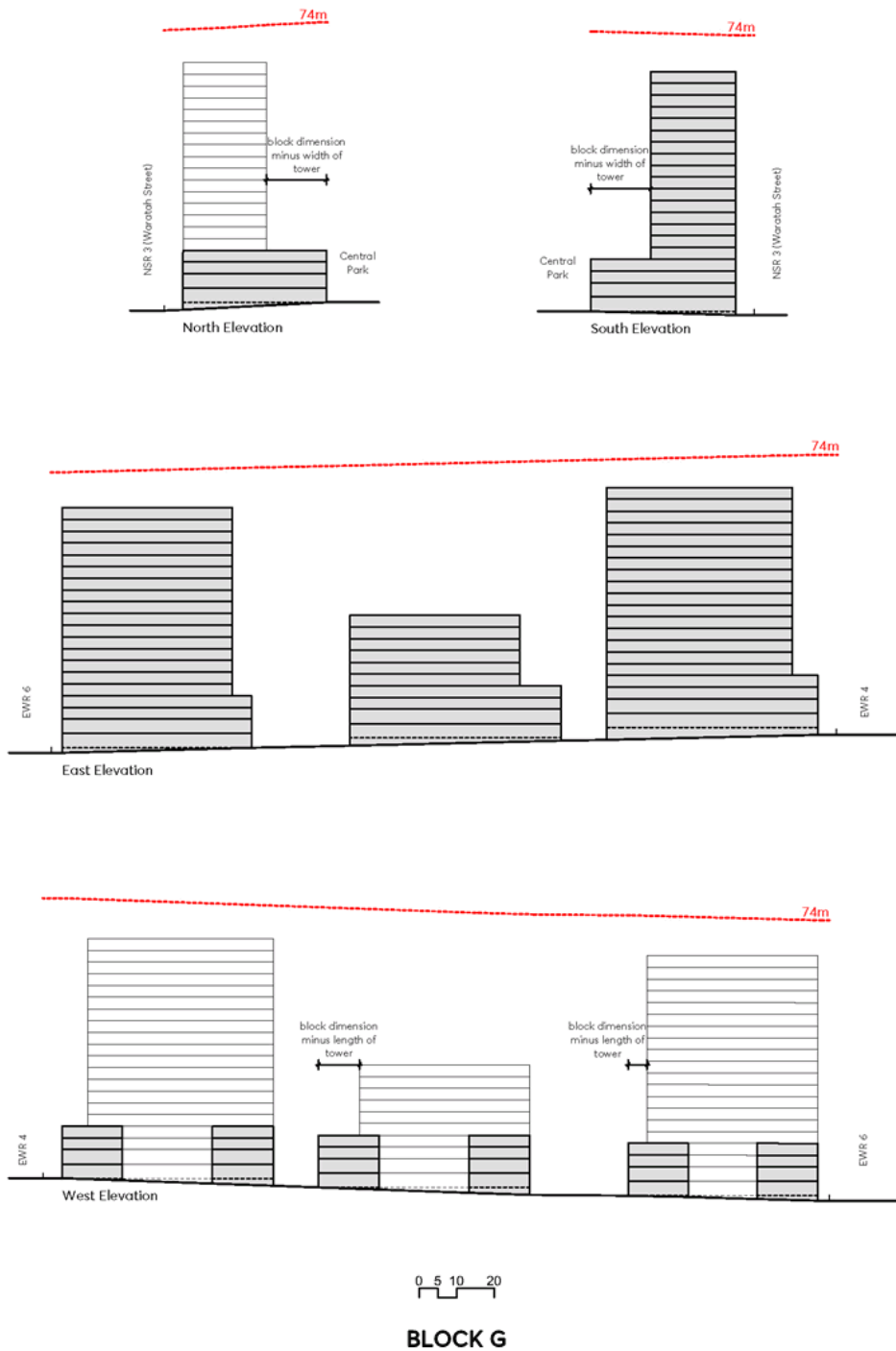
MELROSE PARK URBAN RENEWAL PRECINCT



BLOCK D

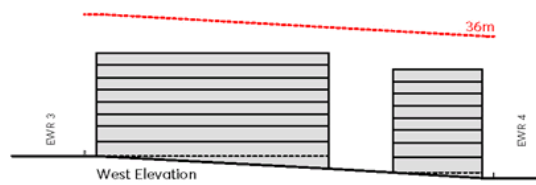
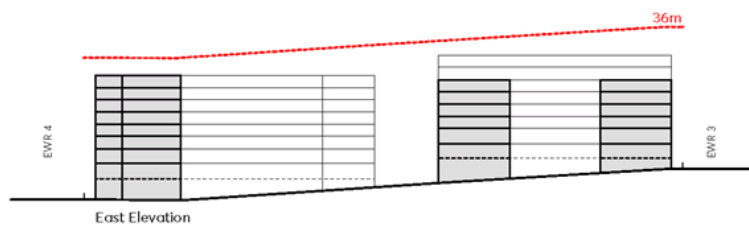
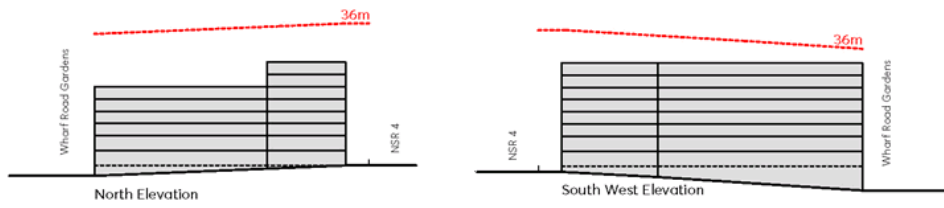
LOCAL CENTRES

MELROSE PARK URBAN RENEWAL PRECINCT

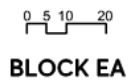


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Optional setbacks of 1 or 2 storeys on 8 storey component



8.2.6.8 APPENDIX B – WATER MANAGEMENT CONTROL PLAN

8.2.6.8.1 WATER MANAGEMENT STRATEGY – OVERVIEW

Urbanisation brings impermeable paving and roofing, replacing 'natural' landscapes. More rainwater runs off, and it runs faster. This substantially changes the catchment: flooding is increased, water and waterways become polluted, bushland degrades and there are numerous other impacts. Sustainable water management is required to counteract this.

Overland flow will traverse the VRS and Melrose Park precinct during severe storms. There is a catchment above Victoria Road that contributes to this overland flow.

At present, overland flow and drainage across Melrose Park is informal but allows overland stormwater to be delayed on its passage through the site into the two key discharge points – Wharf Road, near Jennifer Park, and Hope Street.

Overland flow will traverse the catchment above the Melrose Park South precinct and the precinct itself during severe storms. There are catchments above Victoria Road and west of Melrose Park Precincts that contribute to this overland flow.

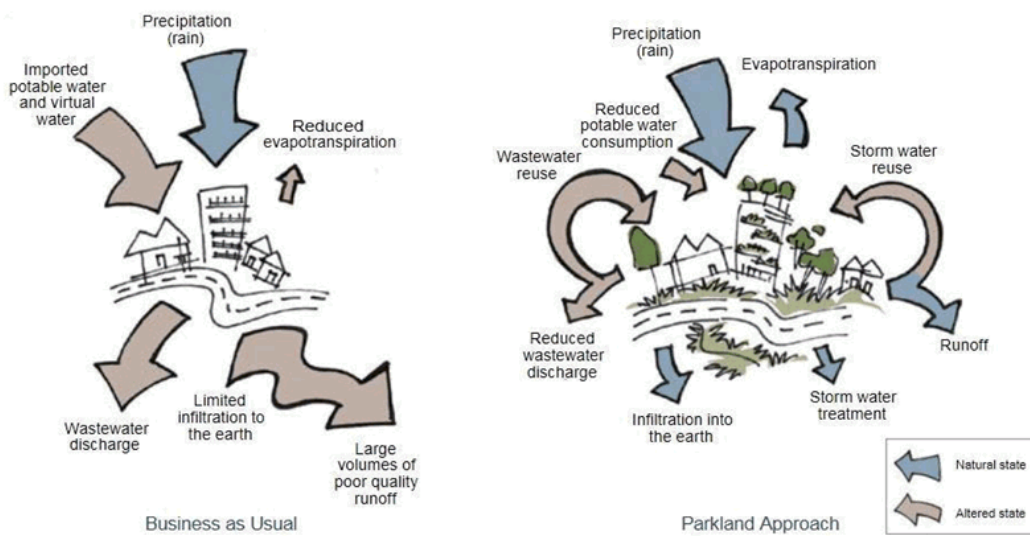


Figure 8.2.6.7.1.1 – Business as Usual' and 'Parkland Approach (Source: Urban Typologies and Stormwater Management – achieving a cool green liveable Western Parkland City, Sydney Water, Bligh Tanner and Architectus 2020)

Once the Melrose Park North precinct development is completed, some but not all, of this overland flow will be managed to prevent accelerated runoff and other factors that would otherwise increase flooding below the site, particularly in Melrose Park South precinct. However, with this size of catchment and its terrain and character, some overland flow flooding is unavoidable, and this must be managed within the Melrose Park South precinct so that overland flow floodwaters are safely conveyed through the precinct to the Parramatta River.

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In Melrose Park North, both private and public stormwater/floodwater detention will be implemented so that peak discharges from the northern precinct are reduced to at or below pre-development peak levels and at the same time Council's obligations regarding on site detention in the Parramatta River Catchment are met. This detention and flood peak management must occur for the range of storm/rainfall events up to the 1% AEP, and for higher events to ensure flood impacts are not significant.

Flood detention within Melrose Park North will not reduce the total volume of water flowing across and out of the site but will delay and reduce its peak so that flood levels are kept below predevelopment levels at least up to the 1% AEP events.

In Melrose Park North, private On-Site-Detention (OSD) will be provided within the privately owned sites for each development in accordance with the Upper Parramatta River Catchment Trust Handbook Edition 4.

Water Sensitive Urban Design (WSUD) within the private sites will manage water quality as well as rainwater capture and use.

In addition, public OSD and WSUD will be provided within the road reserves where practicable, as well as playing fields, parks, and other public lands. The primary purpose of the public OSD systems is to ensure that flooding conditions are not exacerbated in existing development that lies downstream of the Melrose Park North Precinct for all storms up to 1% AEP in intensity. As a minimum, both overland and piped flows are to be detained in two surface detention systems which are to be located in the open space areas which are to be provided adjacent to Wharf Road and Hope Street.

Initial modelling suggests there will be several overland flow paths from Melrose Park North flowing across the Melrose Park South precinct. All of these overland flow paths and those not yet modelled to the east and west that are not part of the Melrose Park precincts must be accommodated by planned and designed overland flow paths through the Melrose Park South precinct site.

These flow paths are likely to be a combination of roadways and open space – which may be public domain, such as parks, or privately owned but protected with easements and covenants on title.

Unlike for the North, OSD within the Melrose Park South precinct may cause worsening of flooding due to this area's close proximity to the Parramatta River. An earlier undetained discharge from the precinct may be preferable. If this negative consequence can be demonstrated, it is possible, at Council's discretion, that the requirements for both public and private OSD will be waived.

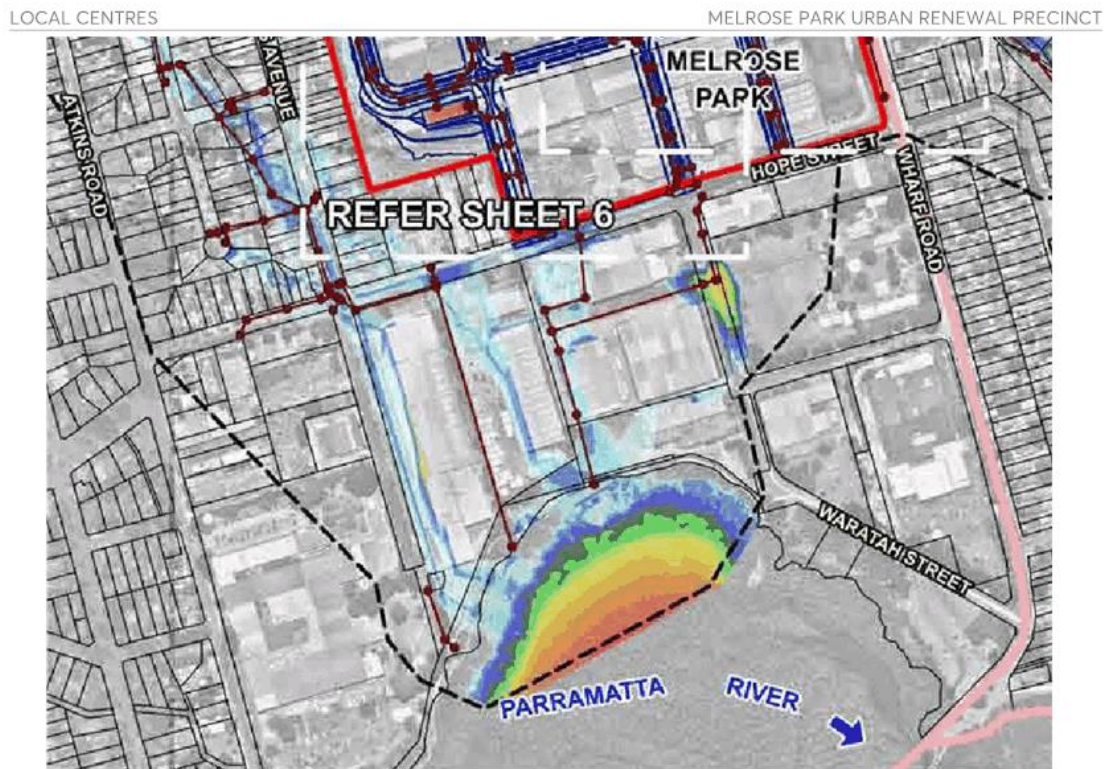


Figure 8.2.6.7.1.2 – Overland flow 1% AEP fully blocked condition. Indicative only. Not adopted by Council

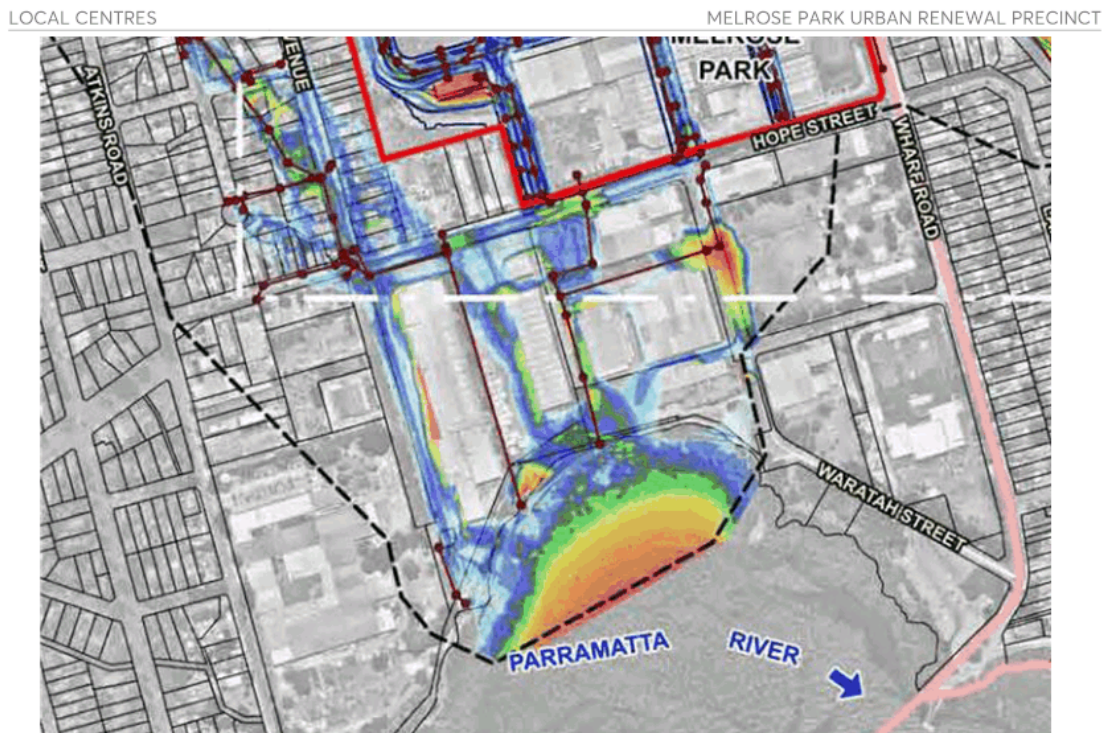


Figure 8.2.6.7.1.3 – Overland flow. PMF Indicative only. Not adopted by Council

Note there are additional catchments to the east and west that are not modelled here. Source of both images: Lyall and Associates, January 2022

The roads will theoretically convey up to the 5% AEP flows in the pipes and between opposite kerbs. The 'public' 1% AEP flows above the 5% AEP flows will be conveyed across the whole road reserve width between property boundaries and in designed floodways if the road width is not sufficient.

Flood planning levels for buildings adjacent to the overland flow paths will be derived from the condition in a 1% AEP event where drainage pits and pipes are assumed to be not functioning and all flow is overland (100% blockage). Flood Planning Levels will include 0.5m freeboard.

Both the private and public WSUD systems must achieve the water quality targets set out in this DCP.

The development of the Parramatta Local Government Area and Melrose Park itself requires integrating water management within the landscape and urban design using appropriate, sustainable technology.

This appendix provides technical guidelines for water management for the whole Melrose Park Precinct. It applies to water management as follows.

The Water Management Strategy must be considered under six (6) interdependent aspects:

- a) Flooding and Overland flow management.
- b) Road and public domain piped drainage.
- c) Flood reduction using public and private water detention systems.

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- d) Environmental management of private and public low flows with Water Sensitive Urban Design (WSUD).
- e) Rainwater harvesting and use.
- f) Interactions with the Parramatta River.

8.2.6.8.2 FLOODING AND OVERLAND FLOW MANAGEMENT

Principles

- P.01 Assess and design for the safe conveyance (and detention) of overland flow through the site with protection of people, buildings, and property during rainfall events of 1% AEP (100 year) plus 0.5m freeboard and up to Probable Maximum Precipitation Floods (PMP, PMF).
- P.02 Design conveyance and detention of overland flow to ensure there is no worsening of flooding in a 1% AEP event anywhere as a result of the development of the precinct and there is no significant worsening of flooding in higher events up to the PMP/PMF anywhere as a result of the development.
- P.03 Protect the Melrose Park South precinct from flooding from the Parramatta River
- P.04 Protect the Parramatta River and its foreshore and riparian zone from suffering adverse environmental impacts caused by flooding and stormwater discharges from the Melrose Park South and North precincts.

Objectives

- O.01 Protect the community and developments from river flooding rising from Parramatta River and its tributaries/creeks.
- O.02 Protect the community and developments from overland flow flooding from rainfall within, and up slope of, the site.
- O.03 Manage the risks for all floods up to the Probable Maximum Flood.
- O.04 Identify and manage overland flow paths and buildings and land affected by them.

Controls

- C.01 A set of hydrologic and hydraulic models are to be developed of the catchments within which the Melrose Park Precinct is located. These models must be to Council's satisfaction and criteria.
- C.02 The 'ensemble approach' prescribed in Australian Rainfall and Runoff (ARR) 2019 is to be adopted for deriving design discharge hydrographs for storms up to 0.2% AEP in intensity, while the 2003 update of the Bureau of Meteorology's "The Estimation of Probable Maximum Precipitation in Australia: Generalised Short-Duration Method" is to be used to derive estimates of Probable Maximum Precipitation.
- C.03 The hydraulic model is to incorporate all of the features which influence flood behaviour in the study catchments, including details of the existing stormwater drainage system.
- C.04 Blockage factors of 20% and 50% are to be applied to on-grade and sag type inlet pits, respectively when designing major/minor drainage systems.
- C.05 Flood and stormwater behaviour is to be defined for design storms with AEPs of 5% and 1%, 1% plus climate change, as well as the Probable Maximum Flood (PMF).

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- C.06 Steady-state design discharge hydrographs are to be adopted for defining the maximum rate at which flow will discharge from each individual super lot within the Melrose Park North Precinct under post-development conditions. Where OSD is to be provided, this flow rate is to be based on the OSD calculations which are referred to in this document and is to be adopted when defining flood behaviour under post-development conditions for storms up to 0.2% AEP in intensity. Uncontrolled flow from each super lot is to be adopted when defining flood behaviour for more intense storm events (for example, the PMF event).
- C.07 The impact that a potential increase in design 1% AEP rainfall intensities associated with future climate change is to be assessed. The assessment is to be in accordance with the NSW Department of Planning, Infrastructure and Environment's floodplain risk management guideline entitled "Practical Considerations of Climate Change". Design storms of 0.5% and 0.2% AEP may respectively be adopted as being analogous to Representative Pathway Concentration 4.5 and 8.5 increases in 1% AEP design rainfall intensities under year 2090 conditions for the purpose of the assessment, noting that the assessment need only be undertaken for post-development conditions.
- C.08 An assessment is to be undertaken into the impact a complete blockage of the existing and proposed piped drainage system in the vicinity of the Melrose Park South Precinct would have on flood behaviour for a 1% AEP storm event, as well as its implications on the proposed developments.
- C.09 When modelling to determine flood levels and flood planning levels with respect to overland flow, the analysis and modelling of the overland flow paths must be with 2D modelling such as Tuflow, and must assume all flow is overland, while piped reticulation is fully blocked and not contributing to conveyance.
- C.10 Flood modelling (and drainage design) must take account of tailwater levels in the Parramatta River, including with climate change.
- C.11 This modelling must also assume that, where it is to be provided, on site detention is fully functional within the private lots and that such flows are discharging on to the surfaces of roads etc.
- C.12 The Flood Planning Levels shall be the adjacent interpolated 1% AEP flood levels (100% blocked) plus 0.5 metre freeboard.
- C.13 Minimum finished floor levels must be the respective Flood Planning Levels as defined above. For sloping sites these levels may be stepped.
- C.14 There must be no habitable rooms/floors below the applicable flood planning level, including residential, retail, community use, gathering and performance spaces and offices. In addition, any uses that would present a significant risk of harm to occupants are not permitted below the applicable Flood Planning Levels.
- C.15 As and if determined by Council, non-habitable rooms and floors such as car parks, waste and loading docks, plant rooms and the like may be constructed below the applicable Flood Planning levels, provided such floors are protected from flooding to Council's satisfaction by the building design from inundation up to the applicable Flood Planning Level(s) and, if required by Council, by additional means such as flood gates and flood doors up to the Probable Maximum Flood Level.

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- C.16 Council may require a sensitivity analysis for the effects of climate change.
- C.17 For a building that is adjacent to a road, or public domain, or other land adjacent, that is part of an overland flow path or flood storage area:
- a) Where Council is satisfied that the roadway, or public domain, or other land adjacent to a building, is an overland flow path or flood storage area in the 1% AEP event with 100% blockage, Council will require minimum finished floor levels of habitable rooms to be 500mm freeboard above the adjacent 1% AEP water surface level as mapped in the 2 Dimension (2D) overland flow model accepted by Council. This level may vary along the site /building boundary with changing water levels.
- C.18 For a building that is adjacent to a road, or public domain, or other land adjacent, that, in Council's view, is not part of an overland flow path or flood storage area:
- a) Finished floor levels at the boundary adjacent to a road that is accepted by Council as not being an overland flow path, or flood storage area, in a 1% event, including 100% blockage, must be a minimum of the adjacent top of kerb levels plus 2% rising grade to the boundary.
 - b) Where there is no road, such as paving or landscape, and Council accepts the area is not part of an overland flow path, or flood storage area, in a 1% event including 100% blockage, surface levels must fall away from the building entrances and openings to the adjacent drainage/WSUD system at a minimum of 2%, or greater if necessary to ensure adequate surface drainage.

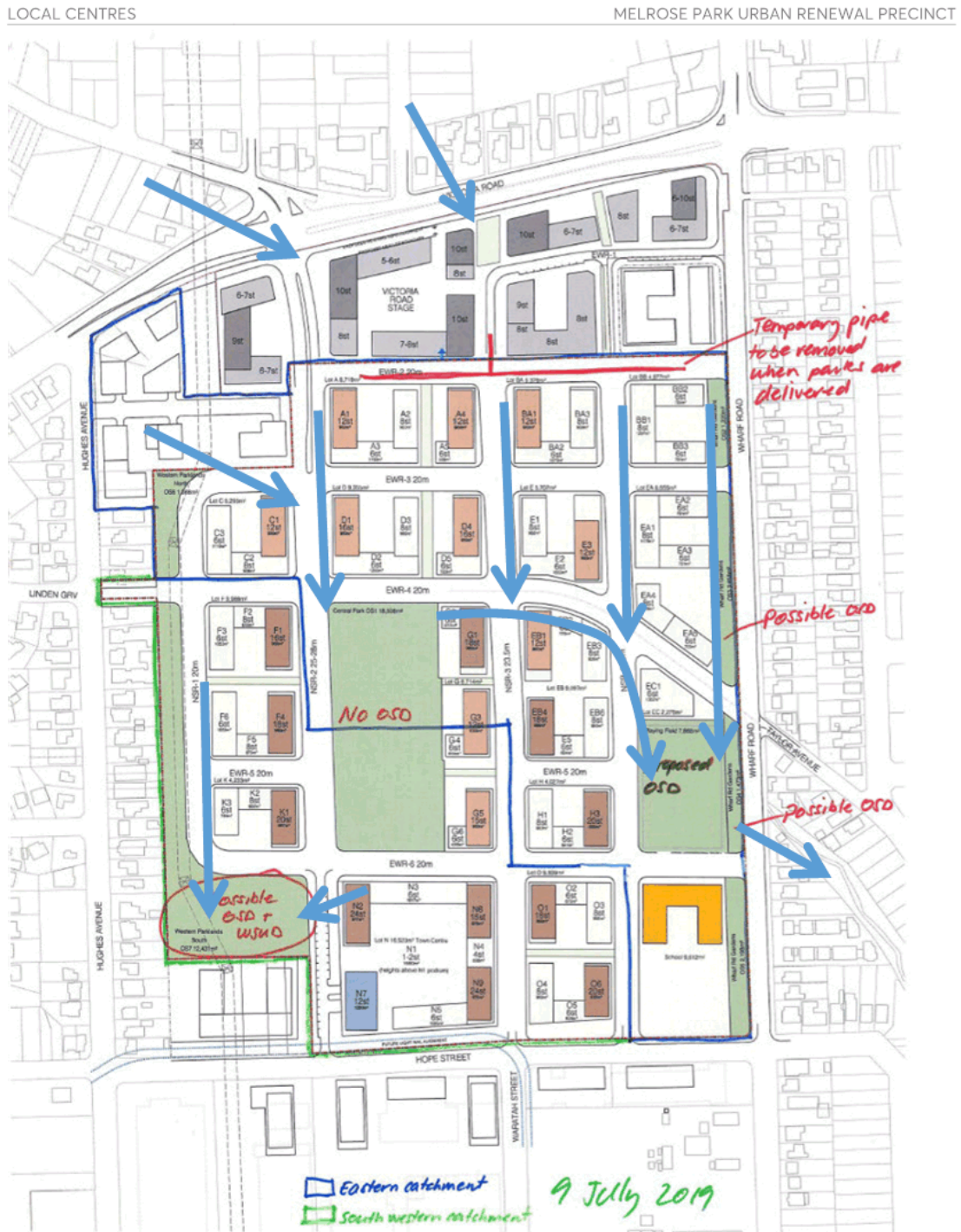


Figure 8.2.6.7.2.1 - Sketch of Melrose Park North approximate overland flow paths and public detention basins. For details refer Lyall and Associates drawings dated 5 November 2020 - Figure 6: Indicative Extent and Depth of Inundation - Post-VRS and PP Development and Complete Blockage Conditions - 1% AEP (9 sheets) (Included as attachment)

8.2.6.8.3 ROAD AND PUBLIC DOMAIN DRAINAGE

Principles

- P.01 Provide effective, safe conveyance of stormwater across the catchment using planned and managed overland flow paths, trunk, and local drainage.

Objectives

- O.01 Protect occupants of roads and the public domain and property from uncontrolled stormwater in events up to the 5% AEP (1 in 20 year) rainfall by installing underground or above ground drainage infrastructure to contemporary standards.

Controls

- C.01 All drainage work to be designed and constructed to Council standards.
- C.02 All civil designs for public infrastructure must be approved in writing by Council's Manager Assets prior to commencement of construction.
- C.03 All construction of public infrastructure must be inspected and approved by Council's representative as the works proceed and upon completion prior to occupation or use.
- C.04 Appropriate easements, restrictions, covenants, and land title dedications must be in place to Council's satisfaction prior to occupation or use.

8.2.6.8.4 FLOOD REDUCTION USING PUBLIC AND PRIVATE STORMWATER DETENTION SYSTEMS

Principles - public and private stormwater detention

- P.01 Manage and moderate stormwater flow across the catchment to minimise the effects of urbanisation, which include increased amount of runoff, shorter times of concentration, faster and deeper overland flows, erosion and flooding.
- P.02 Manage and moderate stormwater flow from individual sites to compensate for increased impervious areas and faster conveyance systems, using on site detention, WSUD, deep soil, permeability, and other measures.
- P.03 Provide sustainable management, conveyance, and detention of stormwater within the Public Domain.
- P.04 Mitigate floods.
- P.05 Melrose Park North requires a combination of on-site detention within the private lots and stormwater detention basins in the public domain to sufficiently attenuate flows prior to discharge from the precinct. These two systems must be designed to work together hydraulically in a full range of design storms.
- P.06 Stormwater from the private lots must be attenuated using OSD in accordance with this DCP and generally in accordance with catchment management criteria advised by the Upper Parramatta River Catchment Trust in their Edition 4 OSD Design Handbook.
- P.07 On site detention within the Melrose Park South precinct may cause worsening of flooding due to his area's close proximity to the Parramatta River. An earlier undetained discharge from the precinct may be preferable. If this negative consequence can be demonstrated, it is possible, at Council's discretion, that the requirements for private OSD will be waived.

Principles - private stormwater detention

- P.01 Council has identified the following design criteria which is to be adopted in the design of the Private OSD systems, noting for OSD on private land that it is generally in accordance with the Fourth Edition Upper Parramatta River Trust's On-site Stormwater Detention Handbook (UPRCT Edition 4). The design principles for stormwater conveyance and detention within private land are:
- a) To ensure that new developments and redevelopments do not increase peak stormwater flows in any downstream area during major storms up to 1% AEP in intensity.
 - b) To reduce post-development peaks throughout the catchment in a 50% AEP storm event to be as close to natural levels as practical and
 - c) To encourage the integration of OSD with other water quality WSUD measures.
 - d) To prevent any increase in the site discharge to the downstream drainage system nor reduction in the volume of storage provided unless specifically allowed in the following sections or for rainwater storage.

Objectives – private stormwater detention

- O.01 To limit flow peaks throughout the catchment in a 1% AEP storm event, to estimated peak flows under 1999 conditions, even if the further development of the catchment is equivalent to full medium/high density redevelopment throughout the catchment thereby preventing any increase in downstream peak flows resulting from new developments or redevelopments by temporarily storing on-site the additional and quicker runoff generated.
- O.02 Prevent increases in downstream flooding and drainage problems that could:
- Increase flood losses.
 - Damage public assets.
 - Reduce property values.
 - Require additional expenditure on flood mitigation or drainage works.
- O.03 Reduce post-development peaks, throughout the catchment, in the 50% AEP storm event to as close to natural levels as practical.
- O.04 Encourage integration of OSD systems into the architectural design and layout of the development so that adequate storage areas are included in the initial stages of the site design.
- O.05 Encourage integration of the OSD facilities into a sustainable overall water management plan for the site.
- O.06 Require construction supervision of OSD systems by the OSD designer to improve construction standards.

Controls

- C.02 The private lot stormwater drainage system (including surface gradings, gutters, pipes, surface drains and overland flow paths) for the property must:
- be able to collectively convey all runoff to the OSD system in a 1% AEP storm event with a duration equal to the time of concentration of the site; and
 - ensure that the OSD storage is by-passed by all runoff from neighbouring properties and any part of the site not being directed to the OSD storage, for storms up to and including the 1% AEP storm event.
 - direct all site runoff to the Private OSD. That is the storage is 'on-line'.
- C.03 The Private OSD is to have two orifices (or other) outlets and a non-piped overflow spillway.
- C.04 The primary or lower orifice or controlled discharge must have a SRDL of 40 L/s/ha. This must be located as close as possible to the storage invert.
- C.05 A secondary orifice must be provided located at the base of a discharge control pit (DCP) providing HED with a SRDU of 150 L/s/ha.
- C.06 SRDL (40 L/s/ha) and SRDU (150 L/s/ha) may need to be adjusted in accordance with the procedures set out in UPRCT ED 4 Section 5.1 when the entire site cannot be drained to the storage.

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- C.07 The crest of the DCP must be designed to be at the water level of the 50% AEP storm event when the volume in the lower storage (SSRL) reaches 245 m³/ha.
- C.08 The secondary orifice must operate from when the water level in the storage exceeds the crest level and water starts to overflow into the DCP.
- C.09 A non-piped spillway, of suitable length must be provided to prevent flooding of neighbouring lands if the OSD outlets become blocked. This overflow must be located at the top of the storage (i.e., at 396 m³/ha).
- C.10 The SSRT and SSRL are only adjusted if a rainwater tank is included in the development/redevelopment and an airspace "credit" is claimed to partially offset the SSR.
- C.11 The site area to be adopted for sizing the Private OSD systems in the individual super lots is to include half of the adjacent road reserve, appreciating that the portion of the site area which is not controlled by each individual Private OSD system may exceed the permissible 30% rule.
- C.12 Unless otherwise advised by Council, Version 9 of the UPRCT Edition 4 OSD calculation sheet shall be used for sizing the various components of the Private OSD systems.
- C.13 Guidelines to assist in determining depths and frequencies of ponding for different classes of storages are given in Table 6.1 of UPRCT Edition 4. It is emphasised that these are general guidelines that will be varied according to the nature of the development and the location of the storage.
- C.14 In general, the maximum depth of ponding in above ground storages is 600 mm.
- C.15 Council may approve deeper ponding in individual cases where the applicant demonstrates that safety issues have been adequately addressed. For example, warning signs and fencing must be installed where the depth exceeds 600 mm, or the ponding is adjacent to pedestrian traffic areas.
- C.16 Surface storages should be constructed so as to be easily accessible, with gentle side slopes permitting walking in or out. A maximum gradient of 1(V):4(H) (i.e. 1 vertical to 4 horizontal) will be required on at least one side to permit safe egress in an emergency. Where steep or vertical sides are unavoidable, due consideration should be given to safety aspects, such as the need for fencing or steps or a ladder, both when the storage is full and empty.
- C.17 Balustrades (fences) must comply with the BCA (See Section D2.16 of the Code), while safety fences should comply with the *Swimming Pool Act 1992*. Fencing must not obstruct overland flow and floodwaters.

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Table 8.2.6.7.4.1 – Private OSD System Glossary

Detention storage	Detention devices capture and temporarily store stormwater runoff during major (infrequent) storm events. Stormwater is then discharged to the drainage system at a controlled rate. Detention devices act to mitigate potential downstream flooding impacts.
Extended Detention storage	The lower portion of the OSD storage, which detains stormwater in smaller, frequent storms up to the 50% AEP event in order to reduce stormwater runoff closer to the rates under natural, pre-development conditions. This helps minimise damage and disturbance to downstream watercourses and aquatic ecosystems.
Flood Detention storage	The upper portion of the OSD storage that detains stormwater to prevent any increase in downstream flooding in moderate to major storms. Water held in the Flood Detention storage drains away through both the primary and secondary orifice outlets.
PSD	Permissible Site Discharge - the maximum allowable discharge leaving the site in litres/sec/hectare (L/s/ha)
SRDL	The Site Reference Discharge from the extended detention storage in litres/sec/hectare (L/s/ha), or in litres/sec (L/s) when applied to a specific site, when the volume of runoff stored in the extended detention storage equals the SRDL. In the case of the Melrose Park North Precinct, the SRDL has been set at 40 L/s/ha.
SRDU	The Site Reference Discharge from the DCP that receives stormwater when the volume of runoff exceeds the volume of the extended detention storage in litres/sec/hectare (L/s/ha), or in litres/sec (L/s) when applied to a specific site. The site reference discharge occurs when the DCP is completely filled and HED conditions are established at the commencement of flood detention. In the case of the Melrose Park North Precinct, the SRDU has been set at 150 L/s/ha.
SSRL	33 the minimum volume (in m ³ /hectare or in m ³ when applied to a specific site) required for the lower Extended Detention storage when the outflow is restricted to the SRD. In the case of the Melrose Park North Precinct, the SSRL has been set at 245 L/s/ha.
SSRT	3 the total volume (in m ³ /hectare or in m ³ when applied to a specific site) required for overall storage (combined Extended Detention storage and Flood Detention storage) when outflows occur through the primary and secondary orifice outlets. In the case of the Melrose Park North Precinct, the SSRT has been set at 396 L/s/ha.

8.2.6.8.5 PUBLIC STORMWATER DETENTION SYSTEMS

Principles

- P.01 The following principles, objectives and controls must be adopted in the design of the public stormwater conveyance and detention systems, noting that it is generally in accordance with the latest addition of Australian Rainfall and Runoff (ARR 2019).
- P.02 Public stormwater detention within the Melrose Park South precinct may cause worsening of flooding due to this area's close proximity to the Parramatta River. An earlier undetained discharge from the precinct may be preferable. If this negative consequence can be demonstrated, it is possible, at Council's discretion, that the requirements for public OSD will be waived.

Objectives

- O.01 Flooding conditions and risks must not be worsened anywhere for all storms up to 1% AEP in intensity.
- O.02 Flooding conditions and risks must not be significantly worsened anywhere for storms that are more intense than 1% AEP up to the Probable Maximum Precipitation.
- O.03 Ensure Safety, amenity, aesthetic, and ecological values affected by the detention systems are satisfactory.
- O.04 Detention infrastructure can readily be maintained in perpetuity.

Controls

- C.01 Sufficient area must be provided for above ground detention purposes within the public domain of the Melrose Park South precinct assuming max depths of 300mm – 600mm. To this is to be added sloping sides, inflow, and outflow swales etc.
- C.02 Playing fields and open space are in suitable locations and of appropriate size to be used for stormwater detention purposes.
- C.03 Unless otherwise approved by Council, basins shall be designed as a dry basin, with low level inundation potentially occurring statistically every 18 months (approx.) and will remain temporarily wet (for a few hours) after a triggering rain event.
- C.04 The depth of the basins during severe storms will be typically 300mm to 600mm although greater depths may be necessary in extreme events. Basins must not pose a safety hazard or affect overall usability of the playing field under normal weather conditions.

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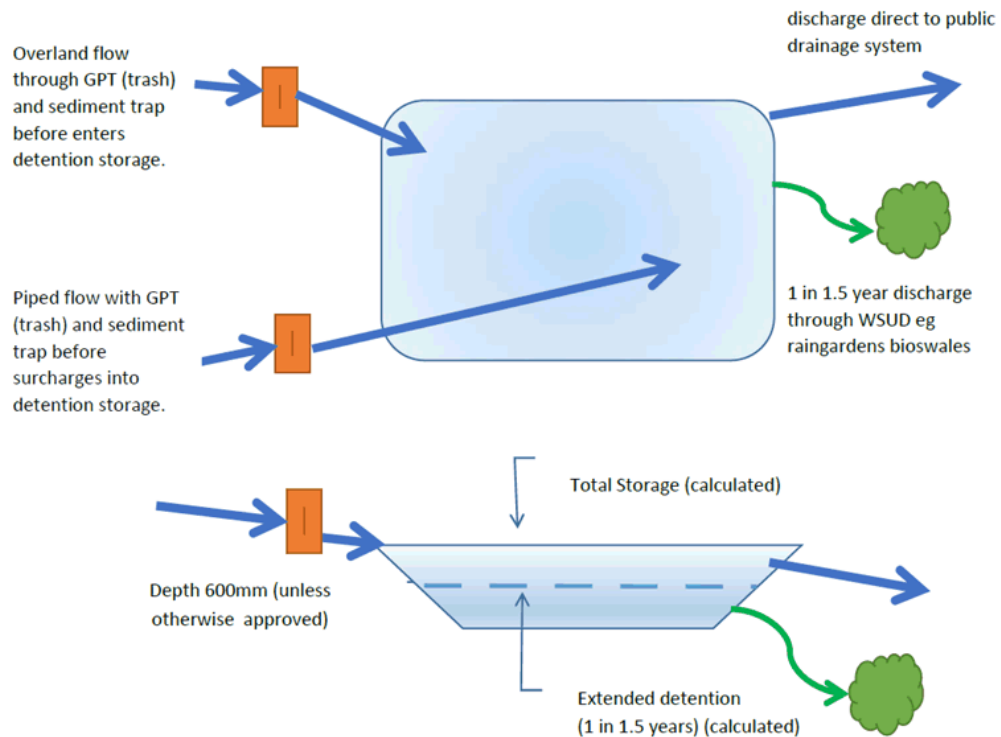


Figure 8.2.6.7.5.1 – Melrose Park - Typical above-ground overland flow detention 1% AEP (1 in 100 year)

8.2.6.8.6 WSUD - ENVIRONMENTAL MANAGEMENT OF PRIVATE AND PUBLIC LOW FLOWS WITH WATER SENSITIVE URBAN DESIGN

Principles

- P.01 In the Melrose Park North Precinct all developments must implement Water Sensitive Urban Design (WSUD).
- P.02 WSUD is used to ensure runoff water quality is within acceptable limits using landscape integration and if necessary, treatment technology.
- P.03 Water sensitive urban design is used to enhance the landscape, support tree canopies with rainwater and deep soil to increase evapotranspiration, urban heat reduction and to reduce uncontrolled runoff.
- P.04 A water sensitive stormwater system must be designed to minimise the impact of urban development on the catchment, by improving the quality and quantity of stormwater runoff as well as providing ancillary benefits.

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- P.05 A WSUD system may contribute to aspects such as biodiversity, reduction of potable water use, carbon sequestration, habitat provision, amenity, community engagement in water resource management and reduction of urban heat island effect.
- P.06 Protect and enhance natural water systems (creeks, rivers, wetlands, estuaries, lagoons, groundwater systems etc.).

Objectives

- O.01 Use Water Sensitive Urban Design to manage water, particularly for rainfall events up to 1 in 1.5 years probability.
- O.02 Implement successful Water Sensitive Urban Design and Stormwater Quality improvements for the public domain.
- O.03 Implement successful Water Sensitive Urban Design and Stormwater Quality improvements for private developments.

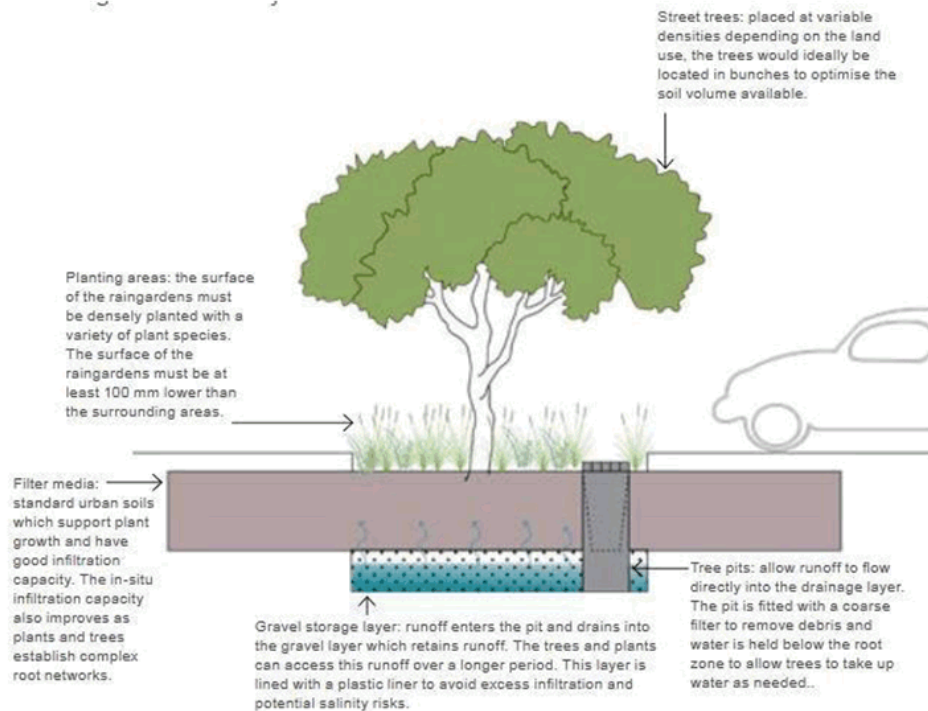


Figure 8.2.6.7.6.1 – Street Trees using WSUD – design and benefits (Source: Urban Typologies and Stormwater Management – achieving a cool green liveable Western Parkland City, Sydney Water, Bligh Tanner and Architectus 2020)

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Figure 8.2.6.7.6.2 – Stormwater Swales (Source: Sydney Water – ‘Water Sensitive Urban Design’ SW277 03/18)



Figure 8.2.6.7.6.3 – WSUD at Northern Beaches Hospital

Controls

- C.01 WSUD principles are to be integrated into the development through the design of the stormwater systems and landscaping scheme and in the orientation of the development rather than relying on 'end of pipe' treatment devices prior to discharge.
- C.02 Some options for WSUD measures at Melrose Park include:
- a) Vegetated and grassy swales.
 - b) Vegetated filter and buffer strips.
 - c) Wetlands.
 - d) Sand and gravel filters (depending on indigenous soil suitability).
 - e) Bio-retention systems.
 - f) Permeable/porous pavements.
 - g) Infiltration basins.
 - h) Rainwater tanks.
 - i) Gross pollutant traps and filters.
 - j) Passive watering systems for landscaped areas.
 - k) Additional deep soil areas.
 - l) Naturalised watercourses.
 - m) Rain gardens.
 - n) 'End of pipe' proprietary treatment devices (these must be used in conjunction with other landscape integrated measures to provide ancillary social, environmental, and economic benefits).
 - o) This is not an exclusive list and Council does not specify particular measures for particular types of development. These measures are typically employed in a 'treatment train' to maximise the range of pollutants removed.
- C.03 Development is to be sited and designed to minimise disturbance of natural watercourses and overland flow paths.
- C.04 Impervious surfaces are to be minimised and soft landscaping with deep soil and tree planting extensively used to promote infiltration, evapotranspiration and reduced stormwater run-off.
- C.05 WSUD elements should be located and configured to maximise the impervious area that is treated.
- C.06 WSUD must be adopted for the following development types:
- a) Residential on lots greater than 1500m² or with 5 or more dwellings.
 - b) Commercial and Industrial – development, redevelopment and alterations/additions which increase gross floor area by more than 150m² or alter and/or add more than 150m² of impervious area. (Approach to WSUD will vary depending on lot size.)

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- c) Subdivisions of Industrial/commercial properties.
- d) Subdivision of residential properties where the existing lot is greater than 1500m² or 5 or more lots are being created.
- e) Other development >\$50k in value which exceeds either of the following criteria:
- Development which alters and/or adds more than 150m² of impervious area.
 - Development which results in an increase in gross floor area of more than 150m².
- C.07 WSUD systems shall generally be designed to treat storm events up to the 1 in 1.5 year average recurrence interval. Low flows of this frequency must be separated from higher flows that will be diverted into OSD and other stormwater quantitative management systems.
- C.08 WSUD must achieve the following pollution reduction targets:

Table 8.2.6.7.5.1 – WSUD Pollution Reduction Targets

Pollutant NOTE: Reductions in loads are relative to the pollution generation from the same development without treatment.	Performance Target (% reduction in the post development mean annual load of pollutant)
Gross Pollutants (greater than 5mm)	90%
Total Suspended Solids (TSS)	85%
Total Phosphorus (TP)	60%
Total Nitrogen (TN)	45%
Hydrocarbons, motor oils, oil and grease	90%

- C.09 The post development mean annual runoff volume from the entire site must be reduced by at least 10% from that pre-development. This may be achieved with rainwater tanks, infiltration into deep soil, minimising impervious areas, using permeable paving and other methods.
- C.10 Rainwater is a valuable water resource to be harvested and used if possible.
- C.11 The receiving waterway must be protected and enhanced.
- C.12 Where water sensitive urban design measures are required, Development Application or other proposal lodgement must be supported by the following documentation to Council's satisfaction:
- a) A WSUD report, describing the treatment train including all measures used, justification for this selection and a summary of design ancillary benefits.
 - b) MUSIC software modelling (or equivalent) to demonstrate that the proposed WSUD design achieves the required pollution reduction targets. Both a written summary of the assumptions, configuration and results of the model, and a digital copy of the model file must be submitted.
 - c) The above documentation must be prepared by a qualified hydraulic/environmental engineer in consultation with the project landscape and architectural professionals.

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- d) Council requires simple WSUD landscape designs that achieve water management objectives without unusual or complicated maintenance demands.
 - e) The Development Application must be accompanied with a management and maintenance Plan for the WSUD biological and landscape facilities for both establishment phase (3-5 years) and the long-term phase.
 - f) The Development Application must be accompanied with a Management and Maintenance Plan for the WSUD proprietary treatment devices (such as GPT's, filters etc).
 - g) The Applicant must also provide evidence to Council that they have signed a minimum 3-year contract with a suitable maintenance contractor to carry out ongoing maintenance of the water treatment facilities and technology installed on site.
- C.13 The discharge of polluted waters from any site is not permitted. Discharges from premises of any matter, whether solid, liquid, or gaseous is required to conform to the *Protection of the Environment Operations Act 1997* and its Regulations, or a pollution control approval issued by the NSW Environment Protection Authority for Scheduled Premises.



Figure 8.2.6.7.6.4 – WSUD at Northern Beaches Hospital

8.2.6.8.7 RAINWATER HARVESTING AND USE

Principles

- P.01 Rainwater harvesting and use is encouraged in any water management system for individual lots and for the public domain.
- P.02 Rainwater captured by WSUD direction of flows into deep soil will assist plant and tree growth, reduce ambient temperatures, trap pollutants and moderate runoff flows.
- P.03 Captured rainwater is readily suited for landscape irrigation and, with treatment, for other internal uses such as toilet flushing.

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- P.04 Rainwater may be captured in a separate rainwater tank or a combined rainwater and on-site detention tank. Refer Edition 4 of the Upper Parramatta River Catchment Trust On-Site Detention Handbook.
- P.05 Refer to Section 8.2.6.5 – Sustainability of this DCP; Section 8.2.6.5.1 – Energy and Water Efficiency; and Section 8.2.6.5.2 – Recycled Water.

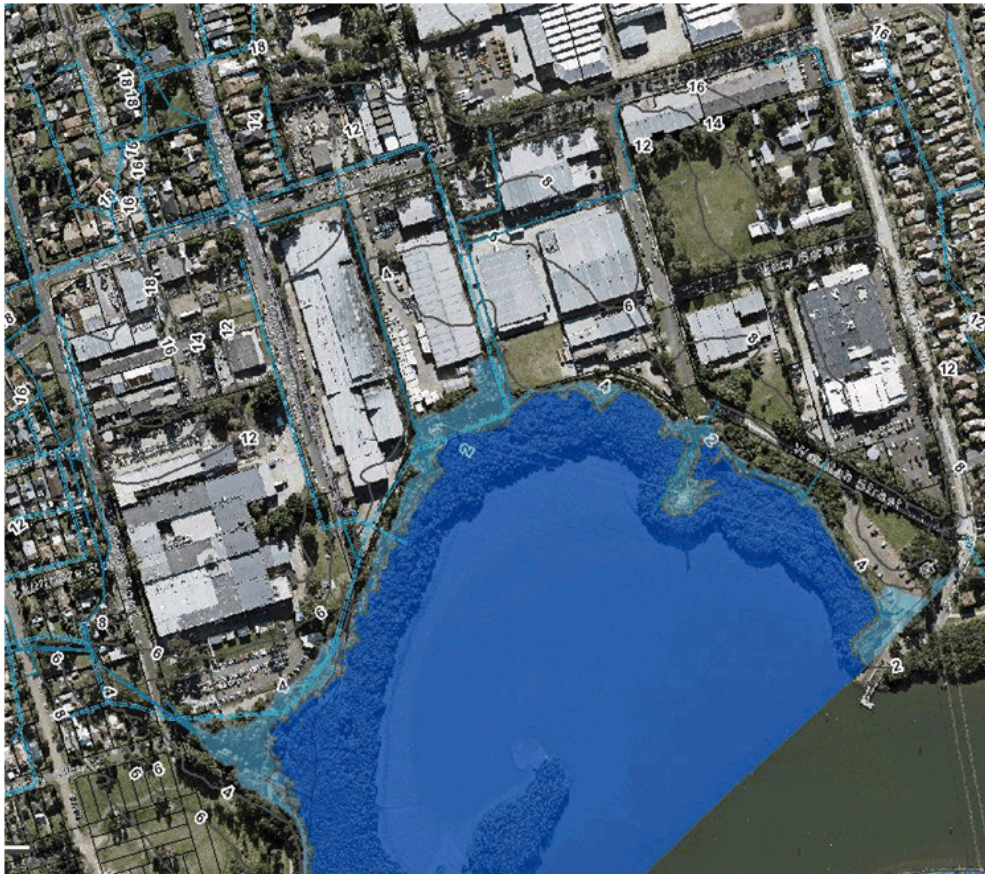


Figure 8.2.6.7.7.1 – Council GIS Parramatta River: PMF, 1% AEP and 5% AEP river flood extents as adopted by Council

Principles

- P.01 Melrose Park South precinct has a large interface with Parramatta River which must be managed to control environmental impacts.
- P.02 The river's flooding for events up to the PMF does partially affect the precinct.

Controls

- C.01 All water management planning, implementation, and associated infrastructure, such as floodways, stormwater pipes and headwalls, must result in minimum disturbance and must not adversely affect the riparian and aquatic environment and riparian and aquatic ecology.
- C.02 Flooding of the site by the Parramatta River for all flood events up to the PMF must be considered to Council's satisfaction in planning the precinct.
- C.03 Elevated river levels must be considered (tailwater levels) to Council's satisfaction in design of hydraulic systems including floodways, stormwater pipes and detention systems.

Resources and Further Information

Australian Disaster Resilience Handbook 7, Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (AIDR 2017), Australian Government

Australian Runoff Quality, Engineers Australia 2005

Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I, (Editors) Australian Rainfall and Runoff: A Guide to Flood Estimation, © Commonwealth of Australia (Geoscience Australia), 2019.

Book 9: Runoff in Urban Areas: Coombes, P., and Roso, S. (Editors), 2019 Runoff in Urban Areas, Book 9 in Australian Rainfall and Runoff - A Guide to Flood Estimation, Commonwealth of Australia, © Commonwealth of Australia (Geoscience Australia), 2019

CRC for Water Sensitive Cities, <https://www.watersensitivecities.org.au>

Facility for Advancing Water Biofiltration 2008, Guideline Specifications for Soil Media in Bioretention Systems

Flood Risk Management Manual NSW 2023, <https://www.environment.nsw.gov.au/research-and-publications/publications-search/flood-risk-management-manual>

Flood Emergency Planning for Disaster Resilience, Australian Institute for Disaster Resilience, First Edition 2020

Melrose Park Flooding and Drainage Investigation, VRS and PP Development Sites, Lyall and Associates, 5 November 2020, Figure 6: *Indicative Extent and Depth of Inundation - Post-VRS and PP Development and Complete Blockage Conditions - 1% AEP* (9 sheets)

MUSIC Modelling Guidelines for New South Wales, eWater Cooperative Research Centre 2009

South East Queensland Healthy Waterways Partnership 2010, Water by Design Guidelines and Resources, <http://www.waterbydesign.com.au>

Urban Typologies and Stormwater Management, achieving a cool green liveable Western Parkland City, Sydney Water, Bligh Tanner and Architectus 2020

Water Sensitive Planning Guide, <http://www.wsud.org>

Water Sensitive Urban Design Engineering Procedure: Stormwater, Melbourne Water.

Water Sensitive Urban Design Technical Guidelines for Western Sydney (UPRCT, 2004), <http://www.wsud.org/tech>

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8.2.6.9 APPENDIX C – MELROSE PARK NORTH FLOODING MAPS

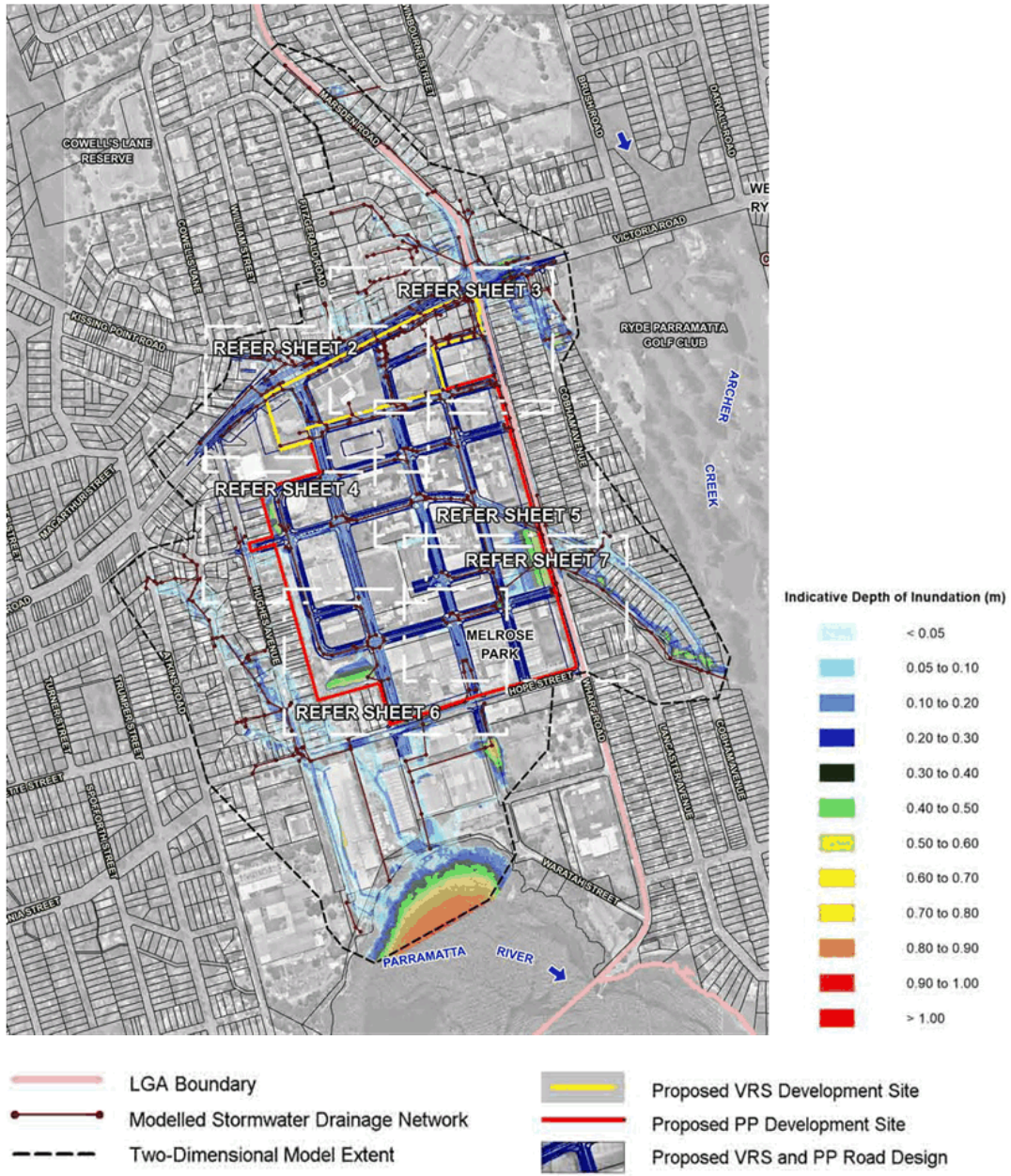


Figure 8.2.6.8.1 – Melrose Park Stormwater Sheet 1 (Source: Lyall & Associates)



Figure 8.2.6.8.2 – Melrose Park Stormwater Sheet 2 (Source: Lyall & Associates)

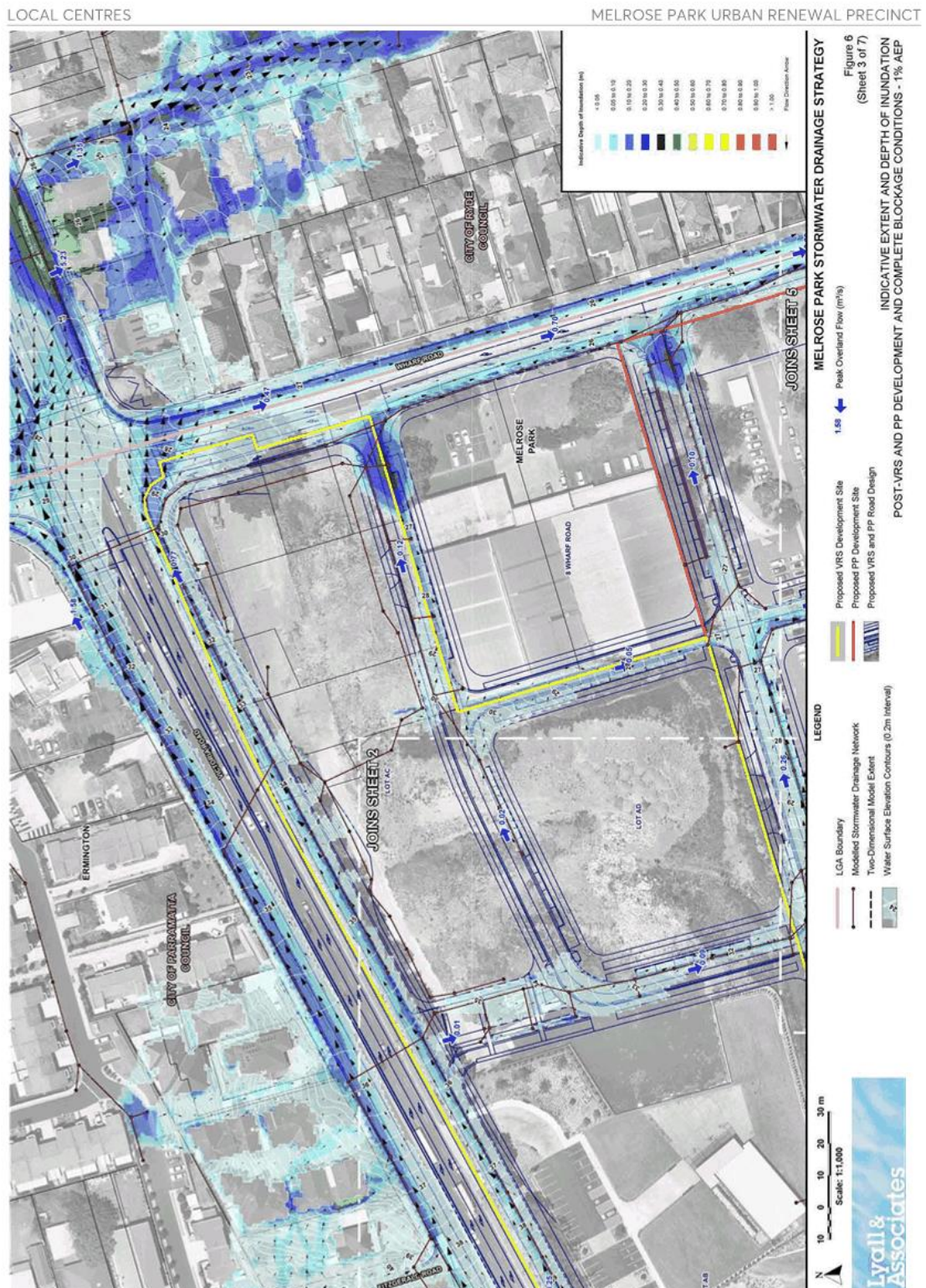
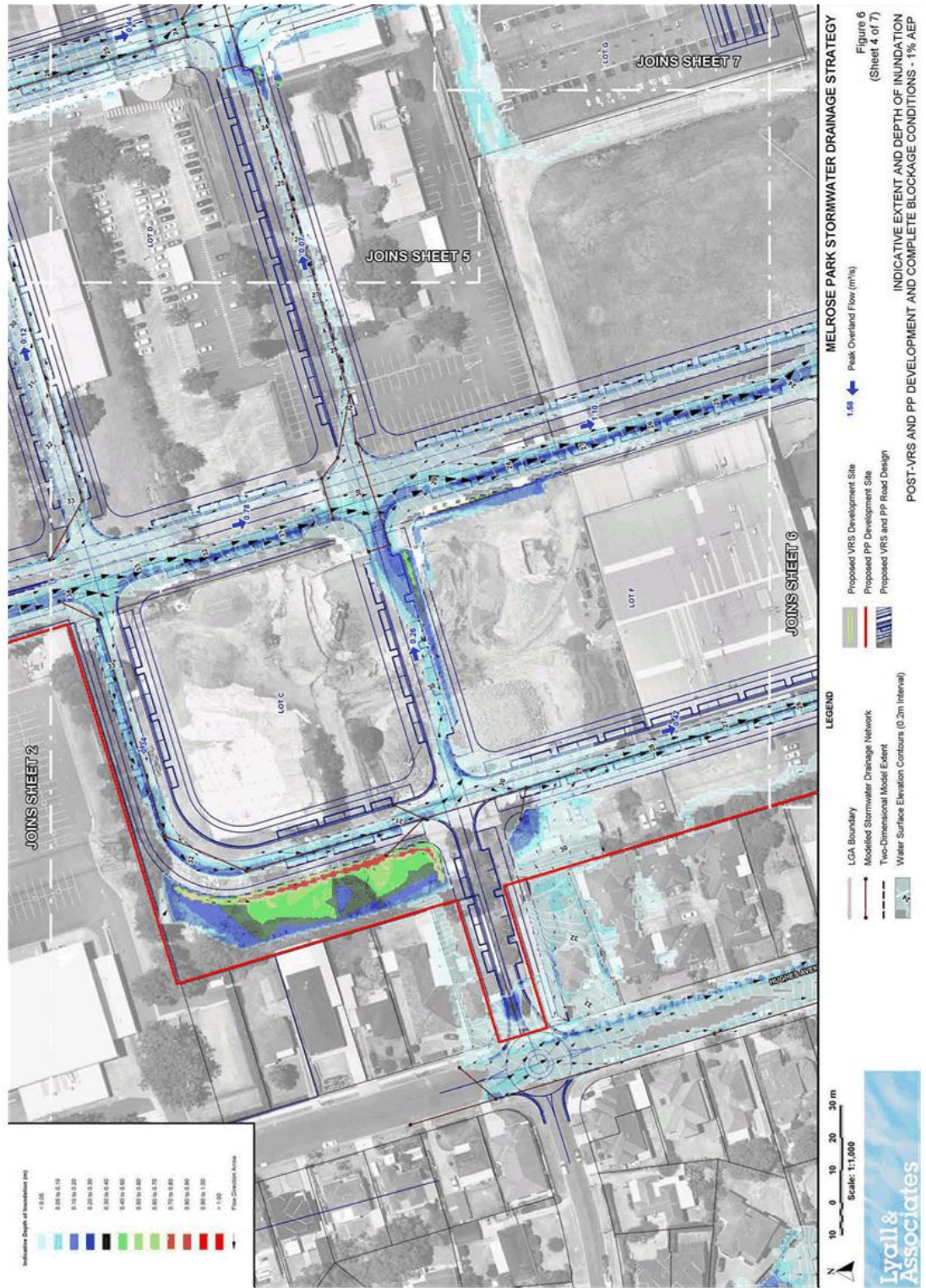


Figure 8.2.6.8.2 – Melrose Park Stormwater Sheet 3 (Source: Lyall & Associates)

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MELROSE PARK URBAN RENEWAL PRECINCT

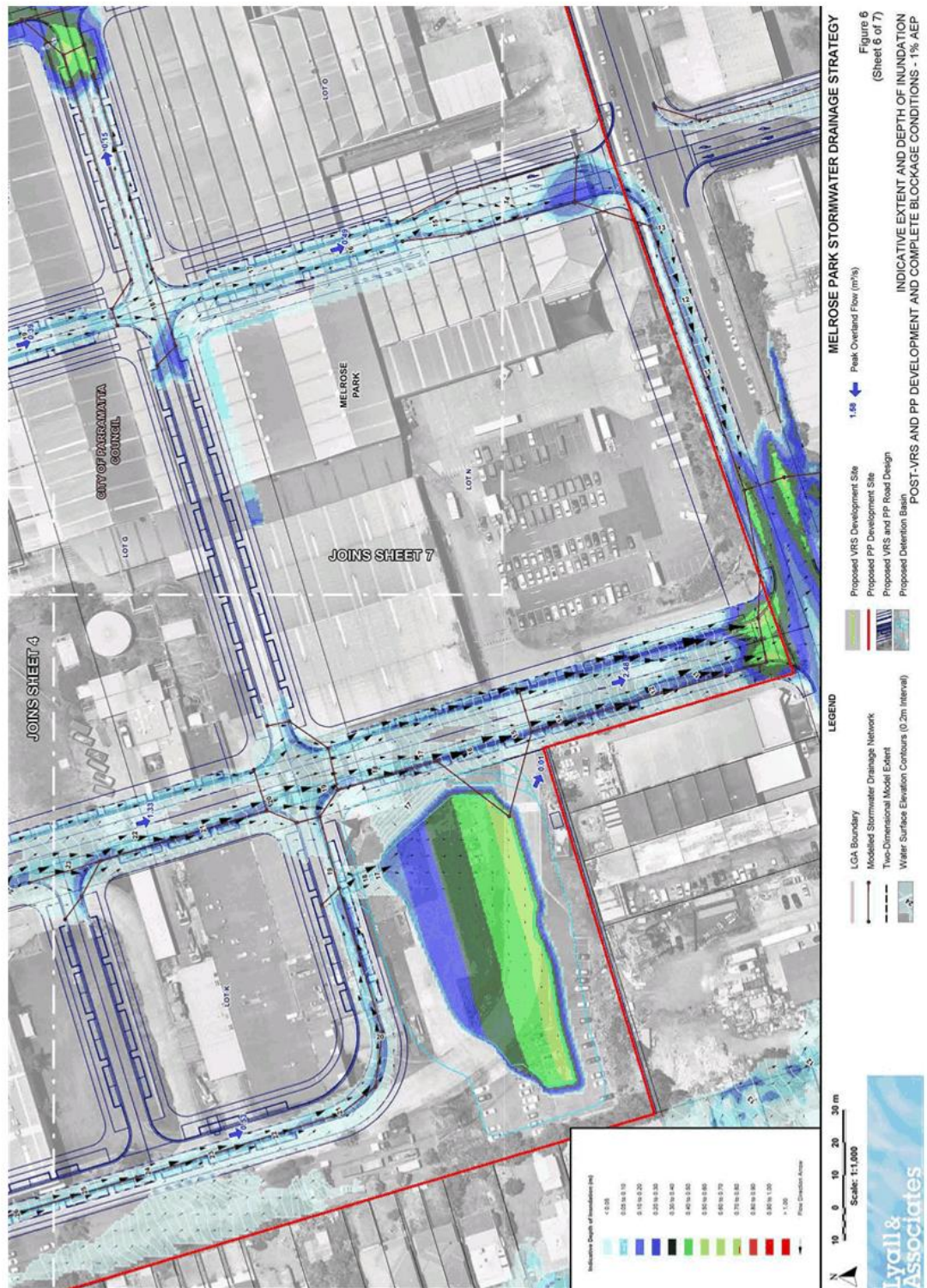
Figure 8.2.6.8.4 – Melrose Park Stormwater Sheet 4 (Source: Lyall & Associates)



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Figure 8.2.6.8.5 – Melrose Park Stormwater Sheet 5 (Source: Lyall & Associates)



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Figure 8.2.6.8.6 – Melrose Park Stormwater Sheet 6 (Source: Lyall & Associates)

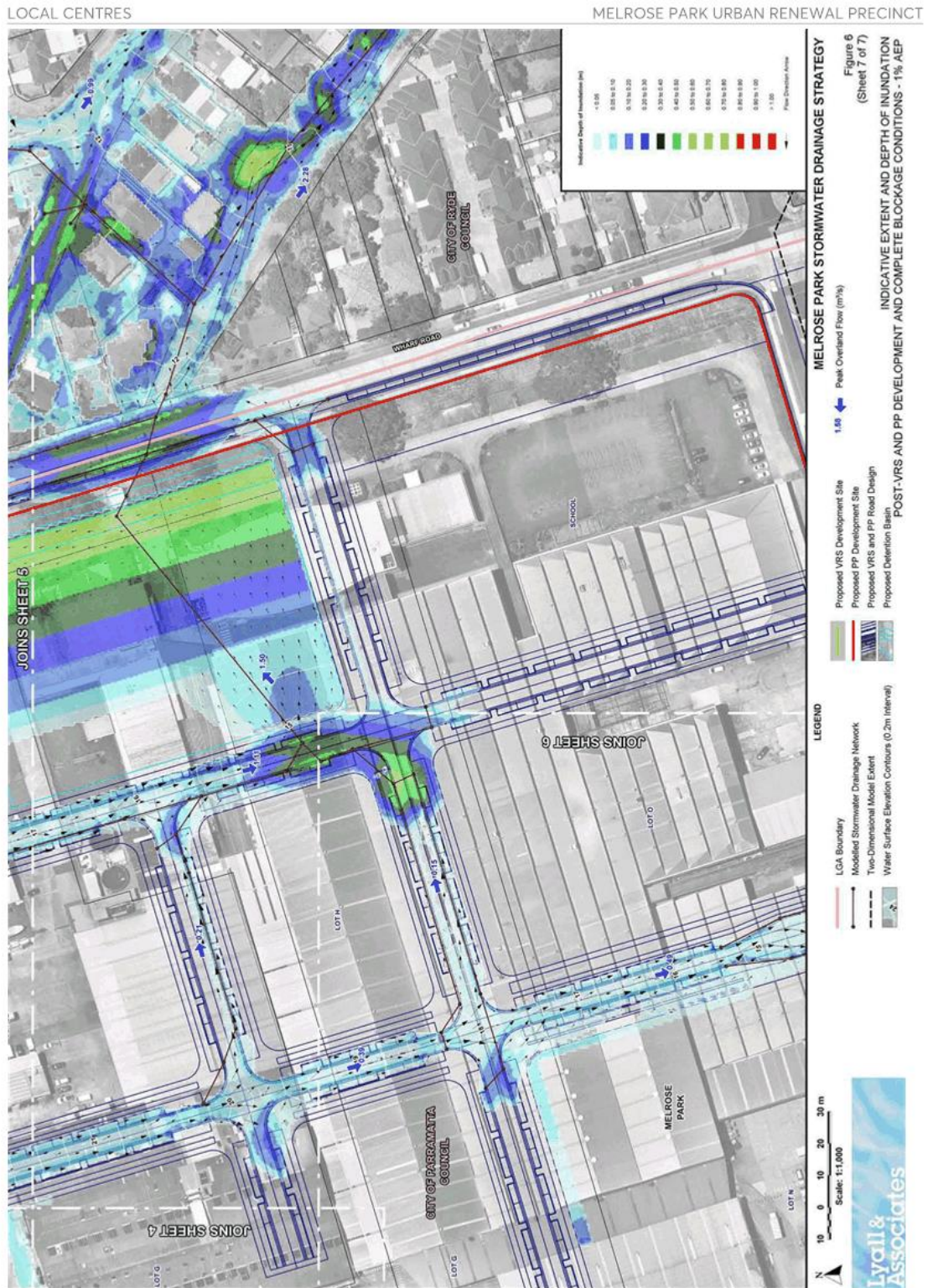


Figure 8.2.6.8.7 – Melrose Park Stormwater Sheet 7 (Source: Lyall & Associates)

Voluntary Planning Agreement

City of Parramatta Council

ABN 49 907 174 773

Hope & Hughes Pty Ltd

ACN 672 844 549 atf Hope and Hughes Trust

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Agreement

Date

Parties

First party

Name City of Parramatta Council (**Council**)
ABN 49 907 174 773
Address 126 Church Street, Parramatta
Contact Manager, Land Use Planning
Telephone (02) 9806 5050
Email: council@cityofparramatta.nsw.gov.au

Second party

Name Hope & Hughes Pty Ltd atf Hope and Hughes Trust
ACN 672 844 549
Address Level 37, Chifley Tower
2 Chifley Square
Sydney NSW 2000
Contact Rebecca Edwards/Tony Wishart
Telephone (02) 8080 2300
Email: redwards@payce.com.au; twishart@payce.com.au

Background

- A. A Planning Proposal was submitted seeking amendments to the LEP for the purpose of making Development Applications to the Council for Development Consent to carry out the Development on the Land.
- B. The Planning Proposal was approved by Council to seek a Gateway Determination on 14 June 2022.
- C. The Planning Proposal was submitted to the Department of Planning and Environment on 10 August 2023.
- D. Gateway Determination was issued on 5 October 2023.
- E. On 16 November 2023, Council received an offer to enter into this agreement in connection with the Planning Proposal and Instrument Change.
- F. The Landowner has offered to enter into this agreement to make contributions for public purposes in connection with the Instrument Change and the Development.

Operative part

1 Definitions

In this agreement, unless the context indicates a contrary intention:

Act means the *Environmental Planning and Assessment Act 1979* (NSW);

Address means a party's address set out in the Notices clause of this agreement;

Affordable Housing Unit means an affordable housing strata lot provided as a Contribution as per Contribution Item 2 of this Deed;

Approval means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this agreement;

Associated Entity has the same meaning as in section 50AAA of the *Corporations Act 2001* (Cth);

Authority means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person;

Bank Guarantee means an irrevocable and unconditional undertaking that is not limited in time and does not expire by one of the following trading banks:

- (a) Australia and New Zealand Banking Group Limited,
- (b) Commonwealth Bank of Australia,
- (c) Macquarie Bank,
- (d) National Australia Bank,
- (e) St George Bank Limited,
- (f) Westpac Banking Corporation, or
- (g) Other financial institution approved by the Council,

to pay an amount or amounts of money to the Council on demand and containing terms and

conditions reasonably acceptable to the Council;

Bond means an insurance bond provided by an insurer licensed by the Australian Prudential Regulatory Authority (APRA) to operate in Australia or has an investment grade rating from an industry recognised rating agency such as Moody's, Standard & Poors or Bests, or a cash bond;

Build-to-Rent Housing means housing approved as build-to-rent housing in accordance with Chapter 3, Part 4 of *State Environmental Planning Policy (Housing) 2021*;

Business Day means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays;

Certificate of Practical Completion means the written certificate confirming the Works, or part of the Works, have been completed to the Council's satisfaction issued under clause 10.1(b)(i) of the Construction Terms;

Certification Regulation means the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;

Claim means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this agreement;

Construction Certificate means a construction certificate as defined under section 6.4 of the Act;

Construction Terms means the terms set out in Schedule 2;

Contribution and **Contribution Item** mean an item from the Contributions Table;

Contributions Plan has the same meaning as under the Act;

Contributions Table means the table at Schedule 1;

CPI means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics;

Damages means all liabilities, losses, damages, costs and expenses, including legal fees and disbursements and costs of investigation, litigation, settlement, judgment, interest and penalties;

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land;

Dedication Land means that part of the Land to be dedicated to Council in accordance with this agreement, as generally shown on the Land Dedication and Concept Plan, being part of Lot G DP 369480 in accordance with the Contributions Table;

Development means the development of the Land for mixed use and high-density residential purposes in accordance with the LEP once the Instrument Change has occurred;

Development Application has the same meaning as in the Act;

Development Consent has the same meaning as in the Act;

Dwelling has the same meaning as in the LEP;

Gateway Determination means the gateway determination issued under section 3.34 of the Act for the Planning Proposal on 5 October 2023 by the Minister's delegate;

GST has the same meaning as in the GST Law;

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of the GST;

Insolvent means, in relation to a party:

- (a) that party makes an arrangement, compromise or composition with, or assignment for, the benefit of its creditors or a class of them;
- (b) a receiver, receiver and manager, administrator, provisional liquidator, trustee, controller, inspector or analogous person is appointed in relation to, or over, all or any part of that party's business, assets or securities;
- (c) a presumption of insolvency has arisen under legislation because of the party's failure to comply with a statutory demand or analogous process;
- (d) an application for the winding up of, or for the appointment of a receiver to, that party, other than winding up for the purpose of solvent reconstruction or re amalgamation, is presented and not withdrawn or dismissed within 21 days (or such longer period agreed to by the parties), or an order is made or an effective resolution is passed for the winding up of, or for the appointment of a receiver to, that party, or any analogous application is made or proceedings initiated;
- (e) any shareholder or director of that party convenes a meeting for the purpose of considering or passing any resolution for the winding up or administration of that party;
- (f) that is an individual, a creditor's petition or a debtor's petition is presented to the Official Receiver or analogous authority in relation to that party;
- (g) an execution or analogous process is levied or enforced against the property of that party;
- (h) that party ceases or suspends, or threatens to cease or suspend, the conduct of all or a substantial part of its business;
- (i) that party disposes of, or threatens to dispose of, a substantial part of its assets;
- (j) that party stops or suspends, or threatens to stop or suspend, payment of all or a class of its debts; or
- (k) that party is unable to pay the party's debts as and when they become due and payable.

Instrument Change means an amendment to the LEP in response to the Planning Proposal, as amended in accordance with the Gateway Determination;

Land means 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington, with legal particulars and ownership details as of the date of this agreement described in Schedule 4;

Land Dedication and Concept Plan means the plan at Annexure A;

Landowner means Hope & Hughes Pty Ltd being the owner of the Land;

Law means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and
- (c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

LEP means the *Parramatta Local Environmental Plan 2023*;

Modification Application means any application to modify the Development Consent under section 4.55 of the Act;

Monetary Contribution means a monetary contribution payable under clause 7.7 of this

agreement and Contribution Item 3;

MP Planning Proposals means planning proposal PP-2020-4038 applying to land at 112 Wharf Road, 30 & 32 Waratah Street, Melrose Park and 82 Hughes Avenue Ermington, and planning proposal PP-2020-1983 applying to land at 38-42, 44 & 44A Wharf Road, Melrose Park and the VRS site at 657-661 Victoria Rd & 4-6 Wharf Rd Melrose Park;

Occupation Certificate means an occupation certificate as defined under section 6.4 of the Act and includes an Occupation Certificate for a part of a building;

Park Works means those Works required under Contribution Item 1;

Planning Proposal means the proposal to amend the LEP(Ref PP-2023-1736) to rezone and amend the development provisions that apply to the Land to permit a mix of high density residential and commercial land uses as well as new community and open space areas, and generally described in Schedule 5;

Proposed Cost means the proposed cost of carrying out the Development or any part of the Development (excluding the Park Works), determined in accordance with section 208 of the Regulation;

Public Reserve has the same meaning as in the *Local Government Act 1993* (NSW);

Public Road has the same meaning as in the *Roads Act 1993* (NSW);

Register means the Torrens title register maintained under the *Real Property Act 1900* (NSW);

Regulation means the *Environmental Planning and Assessment Regulation 2021*;

Related Body Corporate has the meaning given to that term in section 9 of the *Corporations Act 2001* (Cth);

Residential Gross Floor Area means the gross floor area (as defined in the LEP) of the Development that is used for residential purposes;

Residential Lot means a strata lot containing a Dwelling that is not an Affordable Housing Unit;

Social Housing Provider has the same meaning as in the *State Environmental Planning Policy (Housing) 2021*.

Strata Certificate has the same meaning as in the Strata Schemes Act;

Strata Plan means a strata plan, a strata plan of subdivision or a strata plan of consolidation that is registered in accordance with the Strata Schemes Act;

Strata Schemes Act means the *Strata Schemes Development Act 2015* (NSW);

Transferee has the meaning given in clause 13.2(a); and

Works means the works required for the Park Works and any work required to construct the Affordable Housing Units, as set out in the Contributions Table, except Affordable Housing Units to be dedicated under clause 7.4(b)(ii).

2 Interpretation

In this agreement, unless the context indicates a contrary intention:

- (a) **(documents)** a reference to this agreement or another document includes any document which varies, supplements, replaces, assigns or novates this agreement or that other document;
- (b) **(references)** a reference to a party, clause, paragraph, schedule or annexure is a

reference to a party, clause, paragraph, schedule or annexure to or of this agreement;

- (c) **(headings)** clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this agreement;
- (d) **(person)** a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;
- (e) **(party)** a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;
- (f) **(president, CEO, general manager or managing director)** the president, CEO, general manager or managing director of a body or Authority includes any person acting in that capacity;
- (g) **(requirements)** a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (h) **(including)** including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;
- (i) **(corresponding meanings)** a word that is derived from a defined word has a corresponding meaning;
- (j) **(singular)** the singular includes the plural and vice-versa;
- (k) **(gender)** words importing one gender include all other genders;
- (l) **(parts)** a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;
- (m) **(rules of construction)** neither this agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;
- (n) **(legislation)** a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;
- (o) **(time and date)** a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in Sydney, Australia, even if the obligation is to be performed elsewhere;
- (p) **(joint and several)** an agreement, representation, covenant, right or obligation:
 - (i) in favour of two or more persons is for the benefit of them jointly and severally; and
 - (ii) on the part of two or more persons binds them jointly and severally;
- (q) **(writing)** a reference to a notice, consent, request, approval or other communication under this agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;
- (r) **(replacement bodies)** a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially

succeeds to its power or functions;

- (s) **(Australian currency)** a reference to dollars or \$ is to Australian currency;
- (t) **(month)** a reference to a month is a reference to a calendar month; and
- (u) **(year)** a reference to a year is a reference to twelve consecutive calendar months.

3 Planning Agreement under the Act

- (a) The parties agree that this agreement is a planning agreement within the meaning of section 7.4 of the Act.
- (b) Schedule 3 of this agreement summarises the requirements for planning agreements under section 7.4 of the Act and the way this agreement addresses those requirements.
- (c) The parties acknowledge and agree that, in accordance with section 4.15 of the Act, the terms of this agreement must be considered by any consent authority when determining a Development Application for the Development, or any part of the Development.

4 Application of this agreement

This agreement applies to:

- (a) the Instrument Change;
- (b) the Development; and
- (c) the Land.

5 Operation of this agreement

- (a) This agreement commences on and from the date it is executed by all parties.
- (b) For the avoidance of doubt, the obligations to deliver contributions under clause 7 do not take effect until the Instrument Change has been published on the NSW legislation website.

6 Staged provision of Contributions

- (a) Subject to (b), below, each Contribution Item must be delivered by no later than the timeframe specified in the Contributions Table. However, a Contribution Item may be completed and delivered earlier than the timeframe specified in the Contributions Table.
- (b) Council may, at its sole discretion, agree to the delayed delivery of a Contribution Item provided security is provided to the Council's satisfaction. Council's decision regarding the delayed delivery of a Contribution Item may not be the subject of a dispute under this agreement.

7 Contributions to be made under this agreement

7.1 Works

- (a) The Landowner will carry out the Works in accordance with this agreement, including the Construction Terms and any Development Consent granted for the Works.
- (b) The Works or any part of the Works required under this agreement will be taken to have been completed for the purposes of this agreement when a Certificate of Practical Completion has been issued for those Works.
- (c) The Works or any part of the Works required under this agreement will be taken to have been delivered to Council when the land on which those Works are located is dedicated to Council.

- (d) The Works must be delivered to the Council in accordance with the timeframes provided in the Contributions Table.
- (e) The parties agree and acknowledge that the Works serve the public purposes specified in the Contributions Table.

7.2 *Dedication of Land*

- (a) The Landowner must dedicate or cause to be transferred to the Council, at no cost to the Council, the relevant part of the Dedication Land owned by it.
- (b) On dedication or transfer to Council, the Dedication Land must be freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements (except the electricity supply easement F168263 registered on Lot G DP 369480, and associated infrastructure existing as at the date of this agreement and interests or rights required as a condition of Development Consent), rights, charges, rates and contracts in, over or in connection with the land, including but not limited to, any outstanding municipal rates and charges, water rates and land tax, except as permitted by Council prior to the creation of the interest.
- (c) The Landowner must not:
 - (i) grant or allow, or agree to grant or allow, the registration of any estate, interest, easement or right in or over the Dedication Land, other than a mortgage that will be discharged prior to the Dedication Land being transferred or dedicated to Council or an interest or right required as a condition of Development Consent , or
 - (ii) construct any works, other than the Works under a Development Consent, on the Dedication Land over which an estate, interest, easement or right will be required,
 unless Council has provided its prior written consent.
- (d) A Contribution comprising the dedication of land is made for the purposes of this agreement when either:
 - (i) a Certificate of Title (or electronic equivalent) is issued by NSW Land Registry Services for the relevant Dedication Land identifying the Council as the registered proprietor of that land without encumbrances as required by clause 7.2(b); or
 - (ii) where the relevant Dedication Land is a Public Reserve, when a subdivision plan is registered by NSW Land Registry Services which shows the relevant Dedication Land as being a "public reserve" in accordance with section 49 of the *Local Government Act 1993*.
- (e) The Dedication Land must be dedicated or transferred to Council in accordance with the timeframes provided in the Contributions Table or as permitted under clause 6.
- (f) The parties agree and acknowledge that the embellishment and dedication of the Dedication Land serve the public purposes specified in the Contributions Table.

7.3 *Maintenance of Works*

- (a) In this clause, the following definitions apply:

Maintain means works to bring an item to a state of reasonable condition and in accordance with relevant standards applicable at the time of construction of the item, including:

 - (i) repairing any defects due to use of poor materials or due to poor workmanship;

and

- (ii) removing graffiti or repairing or replacing any item damaged as a consequence of vandalism, provided that works required as a consequence of graffiti or vandalism do not exceed \$50,000 per annum.

Maintained and **Maintenance** have corresponding meanings.

Maintenance Bond means a Bond or Bank Guarantee in the amount of 2.5% of the cost of the Park Works to be Maintained.

Maintenance Period is:

- (a) for hard landscaping components of the Park Works, the period of 2 years, and
 - (b) for soft landscaping components of the Park Works, the period of 5 years,
- commencing from the time the relevant item of Park Works is delivered to Council in accordance with this agreement.

Maintenance Schedule means the schedule of proposed Maintenance works as required by clause 7.3(g).

- (b) The Park Works must be Maintained by the Landowner to the reasonable satisfaction of the Council for the Maintenance Period.
- (c) Not used.
- (d) Not used.
- (e) Council will permit the Landowner and its contractors and agents to access the land on which the Park Works were carried out to carry out any Maintenance required under clause 7.3(b). The Landowner must provide at least two Business Days' notice prior to entering the land to carry out the Maintenance.
- (f) The Landowner must follow relevant Council policies and obtain all Approvals necessary to carry out the Maintenance required under this clause.
- (g) Prior to the issue of a Certificate of Practical Completion for any part of the Park Works, the Landowner must provide to Council:
 - (i) a Maintenance Schedule setting out the proposed Maintenance works (if any),
 - (ii) details of the costs of the relevant Park Works prepared by a suitably qualified quantity surveyor or otherwise established by reference to invoices provided by contractors who carried out the Park Works; and
 - (iii) the Maintenance Bond.
- (h) The Council agrees to promptly return the Maintenance Bond provided under paragraph (g) of this clause at the end of the Maintenance Period for the Park Works, subject to paragraphs (m) and (n) of this clause.
- (i) Forty (40) Business Days prior to the end of any Maintenance Period, the Landowner must request Council to carry out an inspection of the relevant Park Works or any part of those Park Works.
- (j) The Council must carry out the inspection as requested by the Landowner within 10 Business Days of the request.
- (k) The Council may, within 10 Business Days of carrying out the inspection notify the Landowner of any Maintenance work required, including any Maintenance required in addition to the work set out in the Maintenance Schedule.

- (l) If the Landowner is issued with a notice to carry out Maintenance work under paragraph (k) of this clause, the Landowner must, at the Landowner's cost, carry out the Maintenance work as specified in the notice and in the timeframe specified by the notice.
- (m) If the Council issues a notice under paragraph (k) of this clause, the Council may retain any Maintenance Bond provided by the Landowner under paragraph (g) of this clause until the Maintenance work required under the notice has been completed, or any dispute about the notice has been resolved, despite the expiration of any Maintenance Period.
- (n) If the Landowner fails to substantially comply with an approved Maintenance Schedule or does not rectify any defects in the Park Works as required, and does not rectify that failure within 21 Business Days of being notified of that failure or within a reasonable period of time agreed between the parties, or if the Landowner fails to comply with a notice issued under paragraph (k) of this clause, the Council may, by itself, its employees, contractors or agents, carry out the required works and may:
 - (i) call on the Maintenance Bond provided under paragraph (g) of this clause in satisfaction of the costs of carrying out the maintenance work; and
 - (ii) recover as a debt due to the Council by the Landowner in a court of competent jurisdiction, any difference between the amount of the Maintenance Bond and the costs incurred by the Council in carrying out the maintenance work

7.4 *Affordable Housing Units*

- (a) Not used.
- (b) The Landowner will either:
 - (i) dedicate or transfer, at no cost to Council, 2 fully completed and fitted out Affordable Housing Units, containing at least 2 bedrooms and 1 car park each, within the Development to Council; or
 - (ii) subject to clauses 7.4(c) and (d), dedicate or transfer, at no cost to Council, 2 fully completed and fitted out Affordable Housing Units, containing at least 2 bedrooms and 1 carpark each, located outside of the Development within the area of Melrose Park subject to the MP Planning Proposals.
- (c) Prior to the issue of a Construction Certificate for the Development (excluding for the Park Works):
 - (i) the Landowner must notify Council in writing whether it will be providing Affordable Housing Units within or outside of the Development; and
 - (ii) if the Landowner elects to deliver Affordable Housing Units that are located outside of the Development, provide documentary evidence confirming that 100% of the Residential Lots within the proposed Development will be:
 - (A) sold to a Social Housing Provider; and/or
 - (B) will be approved as co-living housing but will not be approved as Build-to-Rent Housing.
- (d) For the avoidance of doubt:
 - (i) clause 7.4(b)(ii) does not apply unless:
 - (A) the Landowner provides notice under clause 7.4(c); and
 - (B) 100% of the Residential Lots within the Development will be sold to a Social Housing Provider or will be approved as co-living housing but will not be

approved as Build-to-Rent Housing; and

- (ii) if clause 7.4(b)(ii) does not apply, the Landowner must comply with clause 7.4(b)(i).
- (e) The Affordable Housing Units will be constructed, completed and transferred to Council in the manner and timeframes specified in the Contributions Table.
- (f) An Affordable Housing Unit must not be transferred to Council unless and until an Occupation Certificate has been issued for that unit.
- (g) On transfer to Council:
 - (i) Each Affordable Housing Unit must be freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land, including but not limited to, any outstanding municipal rates and charges, water rates, land tax and strata levies, except as permitted by Council or that is required by a condition of Development Consent or relates to usual strata rights; and
 - (ii) the Landowner must ensure that Council receives the benefit of and is entitled to claim against any warranties, bonds and insurance for the relevant Affordable Housing Units, including but not limited to statutory warranties, bonds and insurance, applicable to other Residential Lots in the Development.
- (h) The Landowner must not grant or allow, or agree to grant or allow, the registration of any estate, interest, easement or right in or over an Affordable Housing Unit, and must not permit the construction of any works within an Affordable Housing Unit, other than the construction and fit out of the Affordable Housing Unit itself, for which such an interest will be created, unless otherwise contemplated by clause 7.4(g)(i) or for which Council has provided its prior written consent.
- (i) A Contribution comprising the dedication or transfer of an Affordable Housing Unit is made for the purposes of this agreement when a Certificate of Title (or electronic equivalent) is issued by NSW Land Registry Services for the relevant Affordable Housing Unit identifying the Council as the registered proprietor of that land without encumbrances as required by clause 7.4(g) and Council agrees to accept such dedication or transfer.
- (j) The parties agree and acknowledge that the provision of Affordable Housing Units under this clause serves the public purposes of providing affordable housing in the vicinity of the Development and the Council intends to engage an approved community housing provider for the ongoing management of the Affordable Housing Units.

7.5 Access to Council owned land

- (a) The Council agrees to permit the Landowner on terms to be determined by Council, to enter, pass through or occupy any Council owned or controlled land in order to enable the Landowner to properly perform their obligations under this agreement, provided the Landowner gives at least 15 Business Days' notice. Nothing in this clause creates or gives the Landowner any estate or interest in any part of the Council owned or controlled land.
- (b) The Landowner indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the entry or access by the Landowner to, or any presence of the Landowner on, Council owned or controlled land for the purposes of performing its obligations under this agreement, except to the extent such Claim arises directly as a result of the negligence, default, act or omission of Council or its employees, officers, agents, contractors or workmen.

7.6 Contribution Values

The parties acknowledge and agree that the contribution values set out in the Contributions Table are estimates only and:

- (a) the Landowner assumes all cost and risk in relation to the provision and the making of the Contributions, including any variations over time to the value of land to be dedicated or the cost of carrying out the Works, and
- (b) the Landowner must provide the Contributions notwithstanding that the actual cost of Works or the value of a land dedication may be different to the indicative cost in the Contributions Table.

7.7 Monetary Contribution

- (a) The Landowner will pay to Council a monetary contribution in the amount calculated in accordance with the following formula:

$$\text{Monetary Contribution} = 1\% \text{ of Proposed Cost} \times \frac{\text{The CPI at the time of payment}}{\text{The CPI at the date the Proposed Cost is determined}}$$

- (b) The Monetary Contribution must be paid in instalments prior to the issue of each Construction Certificate for the Development (other than for demolition), with the amount of each instalment calculated in accordance with clause 7.7(a) based on the Proposed Cost of that part of the Development subject to the Construction Certificate to be issued.
- (c) Notwithstanding clause 7.7(b), if the Act or Regulation is amended, or a Ministerial direction is made under section 7.17 of the Act that would ordinarily apply to contributions payable under sections 7.11 or 7.12 for the Development, and that amendment or direction provides that monetary contributions are to be paid prior to the issue of an Occupation Certificate, Council will agree to deferred payment of the Monetary Contribution so that each instalment is paid prior to the issue of an Occupation Certificate, with the amount of each instalment calculated in accordance with clause 7.7(a) based on the Proposed Cost of that part of the Development subject to the Occupation Certificate to be issued.
- (d) The Monetary Contribution must be paid by way of bank cheque in favour of Council or by deposit by means of electronic funds transfer into an account specified by Council.
- (e) The Monetary Contribution will be taken to have been made when the Council notifies the Landowner in writing that the bank cheque has been received and cleared funds or electronic funds have been deposited in the Council's bank account.
- (f) The parties agree and acknowledge that the Monetary Contribution will be used by the Council towards the public purposes specified in any Contributions Plan adopted by Council at the time the Monetary Contribution is received.

8 Application of s 7.11, s 7.12 and s 7.24 of the Act to the Development

- (a) Subject to subclause (d), this agreement excludes the application of section 7.11 of the Act to the Development, but only to the extent that the Residential Gross Floor Area of the Development does not exceed 14,067 square metres.
- (b) Subject to subclause (d), this agreement excludes the application of section 7.12 of the Act to the Development, but only to the extent that the Residential Gross Floor Area of

the Development does not exceed 14,067 square metres.

- (c) This agreement does not exclude the application of Division 7.1, Subdivision 4 of the Act to the Development.
- (d) Despite subclause (a), if the Residential Gross Floor Area of the Development exceeds 14,067 square metres:
 - (i) sections 7.11 and 7.12 of the Act will apply to the extent of the exceedance; and
 - (ii) the requirement to pay the Monetary Contribution under clause 7.7 will not apply to the extent of the exceedance.

9 Registration of this agreement

9.1 Landowner Interest

The Landowner represents and warrants to the Council that on the date of this agreement the Landowner is the registered proprietor of the Land, as set out in Schedule 4.

9.2 Registration of this agreement

- (a) The Landowner agrees to procure the registration of this agreement under the *Real Property Act 1900* (NSW) in the relevant folios of the Register of the Land in accordance with section 7.6 of the Act.
- (b) The Landowner, at its own expense, must:
 - (i) procure the lodgement of this agreement with the Registrar-General on the relevant folios as soon as reasonably practicable after this agreement comes into operation, but in any event, no later than 10 Business Days after that date;
 - (ii) procure the registration of this agreement by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this agreement is lodged for registration; and
 - (iii) provide documentary evidence that the registration of this agreement has been completed to Council within 5 Business Days of receiving confirmation that the registration has occurred.
- (c) The Landowner must at its own expense take all practical steps, and otherwise do anything that the Council reasonably requires to procure:
 - (i) the consent of each person who:
 - (A) has an estate or interest in the relevant Land registered under the *Real Property Act 1900* (NSW); or
 - (B) is seized or possessed of an estate or interest in the Land,
 - (ii) an acceptance of the terms of this agreement and an acknowledgement in writing from any existing mortgagee in relation to the relevant land that the mortgagee will adhere to the provisions of this agreement if it takes possession of the land as mortgagee in possession,
 - (iii) the execution of any documents; and
 - (iv) the production of the relevant duplicate certificates of title,

to enable the registration of this agreement in accordance with this clause 9.2, on the Land which the Landowner owns.
- (d) The Landowner consents to the registration of the agreement in accordance with this clause 9.2.

9.3 Removal from Register

- (a) The Council will provide a release and discharge of this agreement so that it may be removed from the folios of the Register for the Land (or any part of it) provided the Council is satisfied the relevant obligations under this agreement have been duly fulfilled, and the Landowner is not otherwise in default of any of its obligations under this agreement.
- (b) For the avoidance of doubt, the Council may provide a release and discharge allowing removal of this agreement from the folios of the Register for any part of the Land to be subdivided into Residential Lots, provided that the Landowner has fulfilled any obligations under this agreement that, in accordance with the Contributions Table, will be due at the time an Occupation Certificate is to be issued for those Residential Lots to be released. Where a building in the Development is to contain Affordable Housing Units as required by clause 7.4(b)(i), and Council has confirmed its satisfaction under clause 12.4(d)(ii), Council may provide a release and discharge allowing removal of this agreement from the folios of the Register in relation to the Residential Lots to be created within that building, but may require this agreement to be registered on the folios of the Register for the Affordable Housing Units and any common property within that building.

9.4 Caveat

- (a) The Landowner acknowledges and agrees that:
 - (i) when this agreement is executed, the Council is deemed to have acquired and the Landowner is deemed to have granted, an equitable estate and interest in the relevant part of the Land for the purposes of section 74F(1) of the *Real Property Act 1900 (NSW)* and consequently the Council will have a sufficient interest in the Land in respect of which to lodge a caveat over the Land notifying that interest;
 - (ii) it will not object to the Council lodging a caveat in the relevant folios of the Register for the Land nor will it seek to remove any caveat lodged by the Council provided the caveat does not prevent registration of any dealing or plan other than a transfer.
- (b) The Council must, at the Landowner's cost, register a withdrawal of any caveat in respect of the Land within five Business Days after the Landowner complies with clause 9.2 and must not lodge any other caveats on the titles to any of the Land, other than in accordance with clause 9.4(c).
- (c) The Landowner acknowledges and agrees that:
 - (i) when this agreement is executed, Council is deemed to have acquired, and the Landowner is deemed to have granted, an equitable estate and interest in the Dedication Land and each Affordable Housing Unit for the purposes of section 74F(1) of the *Real Property Act 1900 (NSW)* and consequently Council has sufficient interest in the Dedication Land and each Affordable Housing Unit in respect of which to lodge a caveat over that land notifying Council's interest;
 - (ii) it will notify the Council that any subdivision plan or Strata Plan creating a lot consisting wholly of Dedication Land or an Affordable Housing Unit in the Development has been registered within 2 Business Days of registration; and
 - (iii) it will not object to Council lodging a caveat over the Dedication Land or any Affordable Housing Unit in the Development once the relevant title has been created, nor will it seek to remove any such caveat lodged by Council.

10 Review of this agreement

- (a) This agreement may be reviewed or modified. Any review or modification of this agreement will be conducted in the circumstances and in the manner determined by the parties.
- (b) No modification or review of this agreement will be of any force or effect unless it is in writing and signed by the parties to this agreement.
- (c) A party is not in breach of this agreement if it does not agree to an amendment to this agreement requested by a party in, or as a consequence of, a review.
- (d) Without limiting subclauses (a)-(c), the parties agree that if Council adopts a policy that authorises Council to impose conditions on a Development Consent for the Development for affordable housing under section 7.32 of the Act, the parties will negotiate in good faith in respect of a review of the provision of affordable housing in this agreement.

11 Dispute Resolution

11.1 Reference to Dispute

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

11.2 Notice of Dispute

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other parties of:

- (a) The nature of the dispute,
- (b) The alleged basis of the dispute, and
- (c) The position which the party issuing the Notice of Dispute believes is correct.

11.3 Representatives of Parties to Meet

- (a) The representatives of the parties must promptly (and in any event within 20 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.
- (b) The parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting,
 - (ii) agree that further material or expert determination in accordance with clause 11.6 about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or
 - (iii) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

11.4 Further Notice if Not Settled

If the dispute is not resolved within 10 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Determination Notice**) by mediation under clause 11.5 or by expert determination under clause 11.6.

11.5 Mediation

If a party gives a Determination Notice calling for the dispute to be mediated:

- (a) The parties must agree to the terms of reference of the mediation within 15 Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) The mediator will be agreed between the parties, or failing agreement within 15 Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) The mediator appointed pursuant to this clause 11.5 must:
 - (i) Have reasonable qualifications and practical experience in the area of the dispute; and
 - (ii) Have no interest or duty which conflicts or may conflict with his or her function as a mediator he or she being required to fully disclose any such interest or duty before his or her appointment;
- (d) The mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;
- (e) The parties must within 15 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the Council must advise of the representative within 5 Business Days of the resolution);
- (f) The parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and
- (g) In relation to costs and expenses:
 - (i) Each party will bear its own professional and expert costs incurred in connection with the mediation; and
 - (ii) The costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

11.6 Expert determination

If the dispute is not resolved under clause 11.3 or clause 11.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

- (a) The dispute must be determined by an independent expert in the relevant field:
 - (i) Agreed upon and appointed jointly by the parties; and
 - (ii) In the event that no agreement is reached or no appointment is made within 20 Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
- (b) The expert must be appointed in writing and the terms of the appointment must not be

inconsistent with this clause;

- (c) The determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
- (d) The expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
- (e) Each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and
- (f) Any determination made by an expert pursuant to this clause is final and binding upon the parties except unless:
 - (i) Within 20 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or
 - (ii) The determination is in respect of, or relates to, termination or purported termination of this agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal.

11.7 *Litigation*

If the dispute is not finally resolved in accordance with this clause 11, then any party is at liberty to litigate the dispute.

11.8 *No suspension of contractual obligations*

Subject to any interlocutory order obtained under clause 11.1, the referral to or undertaking of a dispute resolution process under this clause 11 does not suspend the parties' obligations under this agreement.

12 Enforcement

12.1 *Default*

- (a) In the event a party considers another party has failed to perform and fulfil an obligation under this agreement, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.
- (b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.
- (c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 11 of this agreement.

12.2 *Security for Works*

- (a) The Developer must provide to the Council a Bank Guarantee to secure the completion of the Park Works in an amount that is 75% of the estimated cost of the Works.
- (b) The Council may reject any Bank Guarantee that contains errors, or if it has received the Bank Guarantee, require at any time the Developer to obtain a replacement Bank Guarantee that rectifies any such errors or otherwise obtain rectification of the errors. The Developer must provide the replacement Bank Guarantee, or otherwise obtain rectification of the errors, within 5 Business Days of receiving the Council's request.
- (c) The Council may call on a Bank Guarantee or Bond provided under this clause if:

- (i) the Developer is in material or substantial breach of this agreement in failing to deliver the Park Works within the timeframe required by the Contributions Table, or where a revised timeframe has been agreed by Council, within that revised timeframe and has failed to rectify the breach within a reasonable period of time after having been given reasonable notice (which must not be less than 21 Business Days) in writing to do so in accordance with clause 12.1 of this agreement; or
 - (ii) the Developer becomes Insolvent.
- (d) Within 20 Business Days of each anniversary of a Bank Guarantee provided under clause 12.2(a), the Developer must provide Council with one or more replacement Bank Guarantees (Replacement Bank Guarantee) in an amount calculated in accordance with the following:

$$A = \frac{B \times D}{C}$$

Where:

A is the amount of the Replacement Bank Guarantee,

B is the amount of the Bank Guarantee to be replaced,

C is the CPI for the quarter ending immediately before the date of the Bank Guarantee to be replaced,

D is the CPI for the quarter ending immediately before the date of the Replacement Bank Guarantee,

provided A is greater than B.

- (e) On receipt of a Replacement Bank Guarantee provided under clause 12.2(d), the Council must release and return to the Developer, as directed, the Bank Guarantee that has been replaced as soon as reasonably practicable.
- (f) At any time following the provision of a Bank Guarantee or Bond under this clause, the Developer may provide the Council with one or more replacement Bank Guarantees or Bonds totalling the amount of all Bank Guarantees or Bonds required to be provided under this clause for the time being. On receipt of such replacement Bank Guarantee or Bond, the Council must release and return to the Developer, as directed, the Bank Guarantee(s) or Bond(s) which it holds that have been replaced as soon as reasonably practicable.
- (g) Subject to clause 12.2(c), the Council may apply the proceeds of a Bank Guarantee or Bond in satisfaction of:
 - (i) any obligation of the Developer to deliver the Contribution Item that is secured by the Bank Guarantee or Bond; and
 - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement.
- (h) The Council must promptly return a Bank Guarantee to the Landowner when the Contribution to which the Bank Guarantee relates is discharged by the delivery of a Contribution Item and the Developer has provided any Security for maintenance required under clause 7.3(g) and for defects liability required under the Construction Terms.
- (i) Nothing in this clause 12.2 prevents or restricts the Council from taking any enforcement action in relation to:
 - (i) any obligation of the Developer under this agreement; or

- (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement,
- (iii) that is not or cannot be satisfied by calling on a Bank Guarantee.

12.3 Compulsory Acquisition

- (a) If the Landowner does not dedicate the Dedication Land to Council as required by this agreement, the Council may compulsorily acquire the relevant land, in which case the Landowner consents to the Council compulsorily acquiring that land for compensation in the amount of \$1.00 without having to follow the pre-acquisition procedures in the *Land Acquisition (Just Terms Compensation) Act 1991* and may call upon any Bank Guarantee provided under clause 12.2 to cover any costs, including legal costs, incurred by the Council on acquisition of the land.
- (b) Clause 12.3(a) constitutes an agreement for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (c) Except as otherwise agreed between the Landowner and Council, the Landowner must ensure the Dedication Land is freed and discharged from all estates, interests (except the electricity supply easement F168263 registered on Lot G DP 369480, associated infrastructure existing as at the date of this agreement and interests required as a condition of Development Consent), trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, except as may be permitted by this agreement on the date that the Council will acquire the land in accordance with clause 12.3(a).
- (d) The Landowner indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the relevant Dedication Land under clause 12.3(a) (except in relation to the electricity supply easement F168263 registered on Lot G DP 369480 existing as at the date of this agreement, associated infrastructure existing as at the date of this agreement and interests required as a condition of Development Consent - which will not be resumed).
- (e) The Landowner must pay the Council, promptly on demand, an amount equivalent to all costs, including legal costs, incurred by the Council acquiring the whole or any part of the relevant Dedication Land under clause 12.3(a) that are not or cannot be recovered by calling on a Bank Guarantee.

12.4 Security for Affordable Housing Units

- (a) Any Development Application for the erection of a building that will contain an Affordable Housing Unit or units to be dedicated to Council under this agreement must identify the following:
 - (i) The Affordable Housing Unit or units proposed to be dedicated to Council.
 - (ii) The location of each Affordable Housing Unit in the building.
 - (iii) The proposed layout and fit out of each Affordable Housing Unit in the building, including the estimated cost of fit out.
- (b) Prior to the issue of a Construction Certificate for any above ground works for a building containing any residential component of the Development, the Landowner must provide to Council a Bank Guarantee or Bond in the amount of the estimated cost of the fit out of each Affordable Housing Unit in the building (if and as applicable).
- (c) The provisions of clause 12.2 apply to a Bank Guarantee provided under this clause 12.4.

- (d) Prior to the issue of an Occupation Certificate for any building containing an Affordable Housing Unit, or any part of such a building, the Landowner must:
 - (i) provide, or arrange to provide, access to the Council to inspect the Affordable Housing Unit and any other part of the building if required by Council; and
 - (ii) obtain written confirmation from Council that it is satisfied (acting reasonably) the Affordable Housing Unit, including any car parking allocation, has been completed and fitted out in accordance with the requirements of this agreement.
- (e) An Occupation Certificate applying to an Affordable Housing Unit must be provided before that unit can be transferred to Council.
- (f) For the avoidance of doubt, clauses 12.4(a) to (c) do not apply to Affordable Housing Units dedicated under clause 7.4(b)(ii).

12.5 *Restriction on the issue of Certificates*

- (a) In accordance with section 6.8 of the Act and section 21 of the Certification Regulation a Construction Certificate must not be issued for any part of the Development unless:
 - (i) relevant obligations to provide Bank Guarantees under clause 12.2 and clause 12.4 have been satisfied; and
 - (ii) any other obligations required prior to the issue of the Construction Certificate as specified in the Contributions Table have been met; and
 - (iii) the Monetary Contribution has been paid, except where clause 7.7(c) applies.
- (b) In accordance with section 6.10 of the Act and section 48 of the Certification Regulation an Occupation Certificate must not be issued for any part of the Development unless:
 - (i) relevant obligations to provide Bank Guarantees under clause 12.2 have been satisfied;
 - (ii) Council has issued written confirmation (acting reasonably) that any Affordable Housing Unit located within the building subject to the Occupation Certificate has been completed and fitted out in accordance with this agreement;
 - (iii) any obligation to deliver a Contribution required prior to the issue of that Occupation Certificate as specified in the Contributions Table has been met;
 - (iv) where clause 7.7(c) applies, the Monetary Contribution has been paid;
 - (v) any Bank Guarantee or Bond for maintenance required under clause 7.3 has been provided; and
 - (vi) any Bank Guarantee or Bond for defects liability required under the Construction Terms has been provided.

12.6 *General Enforcement*

- (a) Without limiting any other remedies available to the parties, this agreement may be enforced by any party in any Court of competent jurisdiction.
- (b) Nothing in this agreement prevents:
 - (i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this agreement or any matter to which this agreement relates; and
 - (ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this agreement or any matter to which this agreement relates.

13 Assignment and Dealings

13.1 Assignment

- (a) A party must not assign or deal with any right under this agreement without the prior written consent of Council (acting reasonably).
- (b) Any change of ownership or control (as defined in section 50AA of the *Commonwealth Corporations Act 2001*) of a party (excluding the Council) shall be deemed to be an assignment of this agreement for the purposes of this clause.
- (c) Any purported dealing in breach of this clause is of no effect.

13.2 Transfer of Land

- (a) The Landowner may not transfer, assign or dispose of the whole or any part of its right, title or interest in the applicable Land (present or future) or in the Development to another person (**Transferee**) unless before it sells, transfers or disposes of that right, title or interest:
 - (i) the Landowner satisfies the Council (acting reasonably) that the proposed Transferee is financially capable of complying with the party's obligations under this agreement;
 - (ii) the Landowner satisfies the Council (acting reasonably) that the rights of the Council will not be diminished or fettered in any way;
 - (iii) the Transferee delivers to the Council a novation deed in favour of Council generally in the terms of the novation deed included in Schedule 6, signed by the Transferee and the continuing relevant Landowner (and such parties agree to act reasonably and promptly in signing and returning the deed) containing provisions under which the Transferee agrees to comply with all the outstanding obligations of the applicable relevant Landowner under this agreement;
 - (iv) the Transferee delivers to the Council replacement Bonds or Bank Guarantees as required by this agreement;
 - (v) any default under any provisions of this agreement has been remedied or waived by the Council, on such conditions as the Council may determine;
 - (vi) the Landowner and the Transferee pay the Council's reasonable costs in relation to the assignment.

13.3 Right to transfer Strata Lots

- (a) Notwithstanding clause 13.2, the relevant Landowner may enter into a contract for sale with a Transferee for a Residential Lot on a proposed Strata Plan that has not yet been registered, without having to obtain consent from Council.
- (b) For the avoidance of doubt, the transfer of a Residential Lot is not permitted under clause 13.3(a) unless the Council has provided a written release and discharge of this agreement under clause 9.3.

13.4 Exempt Transfers

- (a) Clause 13.2 does not apply where the relevant Landowner transfers:
 - (i) any part of the Land it owns to another party comprising the Landowner under this agreement or an Associated Entity of the Landowner or to Council in accordance with this agreement;
 - (ii) and this agreement has been registered against the title to the relevant land; or

- (iii) Council has provided a written release and discharge of this agreement for the relevant land under clause 9.3.
- (b) The Landowner must notify the Council in writing:
 - (i) 20 Business Days prior to any transfer under clause 13.4(a) identifying the part of the Land that is to be transferred and the proposed transferee; and
 - (ii) 5 Business Days after the transfer has taken place, confirming any changes to representatives of the Landowner for the purposes of this agreement and clause 16.

14 Approvals and consents

Except as otherwise set out in this agreement, and subject to any statutory obligations, Council may give or withhold an approval or consent to be given under this agreement in Council's absolute discretion and subject to any conditions determined by Council. Council is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15 No fetter

15.1 Discretion

This agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council, including, but not limited to, any statutory power or discretion of the Council relating to the Development Application or any other application for Development Consent (all referred to in this agreement as a "**Discretion**").

15.2 No fetter

No provision of this agreement is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this agreement is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:

- (a) They will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied,
- (b) In the event that (a) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this agreement has full force and effect, and
- (c) To endeavour to satisfy the common objectives of the parties in relation to the provision of this agreement which is to be held to be a fetter on the extent that is possible having regard to the relevant court judgment.

15.3 Planning Certificates

The Landowner acknowledges that Council may, at its discretion, include advice on any planning certificate issued under section 10.7 of the Act that this agreement affects the Land.

16 Notices

16.1 Notices

Any notice given under or in connection with this agreement (**Notice**):

- (a) must be in writing and signed by a person duly authorised by the sender;
- (b) must be addressed as follows and delivered to the intended recipient by hand, by prepaid post or by email at the address below, or at the address last notified by the intended recipient to the sender after the date of this agreement:

- (i) to City of Parramatta Council: PO Box 32, Parramatta, NSW 2124
Email: council@cityofparramatta.nsw.gov.au
Attention: Manager, Land Use Planning
- (ii) to Landowner: Hope & Hughes Pty Ltd
Level 37, Chifley Tower
2 Chifley Square
Sydney NSW 2000
Email: redwards@payce.com.au;
twishart@payce.com.au
Attention: Rebecca Edwards/Tony Wishart
- (c) is taken to be given or made:
 - (i) in the case of hand delivery, when delivered;
 - (ii) in the case of delivery by post, three Business Days after the date of posting (if posted to an address in the same country) or seven Business Days after the date of posting (if posted to an address in another country); and
 - (iii) in the case of an email, when the sender receives an email acknowledgement from the recipient's information system showing the email has been delivered to the email address for the recipient stated in clause 16.1(b); and
- (d) if under clause (c) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.

17 Release and Discharge

The Council will notify Landowner in writing that it is released and discharged from its obligations under this agreement if any of the following occur:

- (a) The Instrument Change is declared void or invalid by a Court of competent jurisdiction and all opportunities for appeal have been exhausted.
- (b) The relevant party has fulfilled all of its obligations under this agreement to the Council's reasonable satisfaction.
- (c) The parties agree in writing to terminate the agreement on the basis that the performance of the agreement has been frustrated by an event outside the control of the parties to this agreement.
- (d) A decision is made by the NSW Government to not make the Instrument Change and communicated to the parties in writing, and Council (acting reasonably) is satisfied that the Instrument Change will not be made.

18 General

18.1 Relationship between parties

- (a) Nothing in this agreement:
 - (i) constitutes a partnership between the parties; or
 - (ii) except as expressly provided, makes a party an agent of another party for any purpose.

- (b) A party cannot in any way or for any purpose:
 - (i) bind another party; or
 - (ii) contract in the name of another party.
- (c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

18.2 *Not Used*

18.3 *Time for doing acts*

- (a) If the time for doing any act or thing required to be done or a notice period specified in this agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

18.4 *Further assurances*

Each party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this agreement.

18.5 *Joint and individual liability and benefits*

Except as otherwise set out in this agreement, any agreement, covenant, representation or warranty under this agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

18.6 *Variations and Amendments*

A provision of this agreement can only be varied by a later written document executed by or on behalf of all parties and in accordance with the provisions of the Act.

18.7 *Counterparts*

This agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

18.8 *Legal expenses and stamp duty*

- (a) The Landowner must pay the Council's reasonable legal costs and disbursements in connection with the negotiation, preparation, execution, carrying into effect, enforcement and release and discharge of this agreement, including the reasonable costs of obtaining any legal advice in connection with this agreement, no later than 10 Business Days after receiving a demand from the Council to pay such costs.
- (b) The Landowner agrees to pay or reimburse the reasonable costs and expenses incurred by Council in connection with the advertising and exhibition of this agreement in accordance with the Act.
- (c) The Landowner agrees to pay Council any administrative fees as required by Council, acting reasonably, in connection with the administration of this agreement.

18.9 *Entire agreement*

The contents of this agreement constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this agreement, whether orally or in writing.

18.10 Representations and warranties

The parties represent and warrant that they have the power and authority to enter into this agreement and comply with their obligations under the agreement and that entry into this agreement will not result in the breach of any law.

18.11 Severability

If a clause or part of a clause of this agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this agreement, but the rest of this agreement is not affected.

18.12 Invalidity

- (a) A word or provision must be read down if:
 - (i) this agreement is void, voidable, or unenforceable if it is not read down;
 - (ii) this agreement will not be void, voidable or unenforceable if it is read down; and
 - (iii) the provision is capable of being read down.
- (b) A word or provision must be severed if:
 - (i) despite the operation of clause (a), the provision is void, voidable or unenforceable if it is not severed; and
 - (ii) this agreement will be void, voidable or unenforceable if it is not severed.
- (c) The remainder of this agreement has full effect even if clause 18.12(b) applies.

18.13 Waiver

- (a) A right or remedy created by this agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.
- (b) The fact that a party fails to do, or delays in doing, something the party is entitled to do under this agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

18.14 GST

- (a) Words and expressions which are not defined in this agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this agreement are exclusive of GST.
- (c) If GST is imposed on any supply made under or in accordance with this agreement, the Landowner must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.
- (d) If the Council is obliged to pay any GST on any supply made under or in accordance with this agreement, the Landowner indemnifies the Council for the amount of any such payment is required to make.

18.15 Governing law and jurisdiction

- (a) The laws applicable in New South Wales govern this agreement.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

18.16 Trustee limitation of liability

- (a) Unless otherwise specifically contemplated in this Deed, and subject to clause 18.16(c), the Trustee enters into this Deed only in its capacity as trustee of the Trust and in no other capacity. A liability arising under or in connection with this Deed can be enforced against the Trustee only to the extent to which the Trustee is actually indemnified for the liability out of the property of the Trust. The limitation of the Trustee's liability applies and extends to all liabilities and obligations of the Trustee in any way connected with any representations, warranties, conduct, omission, agreement, or transaction related to this Deed.
- (b) Unless otherwise specifically contemplated in this Deed, and subject to clause 18.16(c), a party to this Deed may not sue the Trustee in any capacity other than as trustee in respect of the Trust, including seeking the appointment to the Trustee of a receiver (except in relation to property of the Trust), a liquidator, administrator or any similar person or proving in any liquidation, administration or arrangement of or affecting the Trustee (except in relation to the Trust).
- (c) The provisions of this clause 18.16 do not apply to any obligation or liability of the Trustee to the extent that it is not satisfied because under the trust deed establishing the Trust, or by operation of law, there is a reduction in the extent, or elimination of, the Trustee's right of indemnification out of the assets of the Trust, or such right does not exist at all, as a result of:
 - (i) having incurred the obligation or liability as a result of fraud, gross negligence, wilful default or breach of trust by the Trustee; or
 - (ii) the failure of the Trustee to exercise any right of indemnity it has under the trust deed establishing the Trust in respect of that obligation or liability.
- (d) As at the date of this Deed, the Trustee warrants as follows:
 - (i) the Land forms part of the assets of the Trust,
 - (ii) it is the sole trustee of the Trust,
 - (iii) it has not been removed as trustee and no action has been taken to remove or replace it as trustee, or to terminate the Trust,
 - (iv) no release or revocation of its powers under the Trust Deed has occurred,
 - (v) it is authorised and empowered under the Trust Deed to enter into and to perform its obligations and satisfy or discharge its liabilities under this Deed;
 - (vi) it is not in breach of the Trust Deed;
 - (vii) it is entitled under the Trust Deed to be indemnified in full in respect of the obligations and liabilities incurred by it under this Deed;
 - (viii) it is not aware of any reason why the assets of the Trust might be insufficient to satisfy or discharge the obligations and liabilities incurred by it under this Deed.

- (e) The Trustee indemnifies the Council, and agrees to keep the Council indemnified, in respect of any loss or liability in any way connected with a breach of a warranty in clause 18.16.
- (f) If the Trustee is to be replaced as trustee of the Trust, then:
 - (i) prior to the replacement, the Trustee must:
 - (ii) notify the Council of the proposed replacement, and
 - (iii) novate its obligations and liabilities under this Deed to the replacement trustee of the Trust on and from the date the Trustee ceases to be a trustee of the Trust, and
 - (iv) the novation is to be on terms as per clause 13.2(a)(iii)
- (g) Immediately upon the Trustee becoming aware of a proposed termination of the Trust, the Trustee must notify the Council, and the Parties must negotiate in good faith and without delay, any necessary changes to this Deed, or other arrangements arising from the proposed termination of the Trust, to secure the provision of the Trustee's obligations under this Deed.
- (h) The warranties and representations in this clause 18.16 survive the execution of this Deed.
- (i) In this clause 18.16:
 - (i) **Trust** means Hope & Hughes Unit Trust, and
 - (ii) **Trustee** means Hope & Hughes Pty Ltd.
 - (iii) **Trust Deed** means the deed dated 22 November 2023 as amended from time to time.

Schedule 1 Contributions Table

No.	Item	Public Purpose	Type of Contribution	Scope	Timing of Provision ¹ See clause 6	Timing for provision of Bank Guarantee	Estimated Amount / Value of Item
1	Open Space (Park Works)	Provides passive recreation opportunities and access to public open space	Works	Construction and embellishment of a minimum of 2,673 sqm of open space in accordance with the concept design and specifications in Annexure A to this agreement. Landscaping on land burdened by the electricity easement or infrastructure is subject to Ausgrid approval.	Works to be completed prior to dedication of land and prior to the issue of an Occupation Certificate for the first Residential Lot in the Development.	Prior to the issue of a Construction Certificate for the Development	\$1,639,859.50
			Works – Maintenance	Maintenance in accordance with the Maintenance Schedule required under this agreement	In accordance with clause 7.3.	Prior to practical completion, in accordance with clause 7.3(g)	2.5% of the cost of the Park Works.
			Land Dedication	Dedication to Council of a minimum of 2,673 sqm of land identified in Annexure A to this agreement.	Land to be dedicated to Council prior to the issue of an Occupation Certificate for the first Residential Lot in the Development, but not before the completion of Works to construct and embellish the open space and not before the external components of the building are completed, scaffolding is removed and any structural interface works between the Development and the Park Works are completed.	N/A	Nil

No.	Item	Public Purpose	Type of Contribution	Scope	Timing of Provision ¹ See clause 6	Timing for provision of Bank Guarantee	Estimated Amount / Value of Item
2	Affordable housing	Providing access to affordable housing in the vicinity of the Development.	Works	If Affordable Housing Units within the Development are to be provided to Council in accordance with clause 7.4(b)(i), construction and fit out of 2 Affordable Housing Units, comprising of 2 bedrooms each and associated car parking in accordance with the specifications in Annexure B and the terms of this agreement. The Affordable Housing Units must be located within the first building containing Residential Lots in the Development. The Affordable Housing Units are intended to be managed by a Community Housing Provider and rented exclusively to very low income households, low income households or moderate income households, being such households as are prescribed in clause 13 of <i>State Environmental Planning Policy (Housing) 2021</i> , but Council may, at its discretion, provide affordable housing in other ways.	Affordable Housing Units are to be constructed, completed and an Occupation Certificate issued for the relevant Strata Lot prior to dedication.	Prior to the issue of a Construction Certificate for above ground works for a building containing any residential component of the Development.	\$900,000 per Affordable Housing Unit for a total of \$1,800,000
			Land Dedication	If Affordable Housing Units within the Development are to be provided to Council in accordance with clause 7.4(b)(i), dedication of 2 Affordable Housing Units in the Development to Council, in accordance with clause 7.4.	All units must be dedicated to Council within 28 days after the issue of the first Occupation Certificate for the first building containing a Residential Lot in the Development, which must apply to the Affordable Housing Units.	Nil	Nil

No.	Item	Public Purpose	Type of Contribution	Scope	Timing of Provision ¹ See clause 6	Timing for provision of Bank Guarantee	Estimated Amount / Value of Item
			Land Dedication	If Affordable Housing Units are to be provided outside of the Development, in accordance with clause 7.4(b)(ii), the dedication or transfer to Council of 2 Affordable Housing Units within the area of Melrose Park subject to the MP Planning Proposals. The location (including the location within any particular building), fit out and associated parking for the Affordable Housing Units must be agreed by Council acting reasonably. Any Affordable Housing Unit to be transferred under clause 7.4(b)(ii) to Council must be less than 3 years old and, if not new, repainted, recarpeted, deep cleaned, and fixtures and fittings to be functionally operating. The Council's acceptance (acting reasonably) in writing to the proposed transfer must be obtained prior to dedication or transfer.	Prior to the issue of any Construction Certificate for the Development (except where issued solely for the Park Works).	N/A	Nil
3.	Monetary contribution	Provision of public benefits by Council.	Monetary contribution	Payment of a monetary contribution in accordance with clause 7.7	Prior to the issue of any construction certificate (excluding demolition or solely for the Park Works) for the Development, in accordance with clause 7.7	Nil.	1% of the Proposed Cost of the Development
Estimated Total for Contribution Items (excluding item 3)							\$3,439,860 + Monetary contribution

Schedule 2 Construction terms for the Works

1 Interpretation

For the purposes of this Schedule 2, the defined terms in clause 1 of this agreement and the Interpretation principles in clause 2 of this agreement will apply and, unless the context indicates a contrary intention or is otherwise defined below:

Builder means any entity contracted under the Construction Contract to carry out the Works.

Construction Contract means the contract to carry out the Works (whether or not that is a contract for the Works only or forms part of a contract for the building of other components of the Development).

Defects Liability Period means in respect of the Works to which clauses 10.4 and 10.5 of this Schedule apply, the period of 12 months from the date on which the Certificate of Practical Completion is issued for the Works.

Detailed Design means the final specifications and finishes for the Works prepared in accordance with clause 5.2 or clause 5.3 of this Schedule 2 and will include the design of the Works, the location for the Works, installation specifications and estimated costs of construction and/or installation.

Services means all water, gas, electricity, television, drainage, sewerage, cable TV, data communications, telecommunications and other services which are required under a development consent within the meaning of the Act or an Approval and which are necessary or desirable for the construction or operation of the Development.

Superintendent means the Superintendent appointed under any Construction Contract.

Works includes any part of the Works but excludes the Affordable Housing Units to be dedicated under clause 7.4(b)(ii).

2 Requirements of Authorities and Approvals

2.1 These Construction Terms must be read and construed subject to:

- (a) any requirements or conditions of any Development Consent;
- (b) the requirements of and conditions imposed by all relevant Authorities and all Laws relating to the Development and the construction of the Development.

2.2 If Approvals are required in order to carry out the obligations under this agreement, then the Landowner will acquire all Approvals necessary to carry out the Works at its own cost.

2.3 The Landowner must ensure that the Works carried out under this agreement are carried out:

- (a) in accordance with the relevant Development Consent for the Works and all Approvals and the requirements of all Laws, including without limitation, work health and safety legislation; and
- (b) in a good and workmanlike manner and so that they are diligently progressed until completion;

AND it is acknowledged that to the extent that there is any inconsistency between this agreement and any Approval the terms of the Approval shall take precedence.

3 Costs of Works

All costs of the Works must be borne by the Landowner.

4 Project Management and Contractor Engagement

- 4.1 The Landowner will be responsible for managing the Works.
- 4.2 The Landowner will ensure that any contractor it engages to carry out the Works agrees to:
- (a) carry out the obligations in these Construction Terms as part of any Construction Contract; and
 - (b) request a Council representative to be present at each on-site meeting attended by the Superintendent.

5 Design Development and Approvals

5.1 Concept Design for Works

Council and the Landowner have agreed to the concept plans (**Concept Design**) for the Works at Annexure A.

5.2 Detailed Design for Park Works

- (a) This clause 5.2 applies to the preparation of a Detailed Design for the Park Works.
- (b) Prior to submitting any Development Application or application for any other Approval for the Park Works, the Landowner must provide a copy of the draft Detailed Design to the Council for approval, prepared in accordance with:
 - (i) the Concept Design;
 - (ii) any relevant Australian Standard; and
 - (iii) any relevant design standards or guidelines and any other requirements or policies applied by the Council from time to time in assessing the adequacy of any works or improvements proposed for public domain areas.
- (c) The Landowner will obtain any relevant standards (including design standards), specifications, or guidelines and any other requirements or policies referred to in clause 5.2(b)(iii) of this Schedule from Council if the Council fails to deliver them to the Landowner.
- (d) Within 28 Business Days of receiving the draft Detailed Design, Council will respond to the Landowner with any suggested amendments to the Detailed Design.
- (e) Council and the Landowner must work in consultation with each other to prepare and agree to the Detailed Design and must both act reasonably, promptly and in good faith in their consultations with each other.
- (f) If the Detailed Design is not completed and agreed within 28 Business Days of Council providing its suggested amendments in accordance with clause 5.2(d) of this Schedule 2, to avoid possible delays to the issue of a Certificate of Practical Completion, the Council will, in its sole discretion, be entitled to decide on any outstanding or undecided matter or item relating to areas that are to be accessible to the public, provided that any decision made by Council under this clause:
 - (i) is consistent with the Concept Design for the Park Works;
 - (ii) is consistent with the obligation to carry out the Park Works and dedicate the Dedication Land under this agreement;
 - (iii) does not materially and adversely affect the Development; and
 - (iv) is not unreasonable.

- (g) Any acceptance by the Council of the Detailed Design under this clause 5.2 of Schedule 2 is not to be taken as approval of or to any Development Application or application for any other Approval for the Park Works.

5.3 Detailed Design for Affordable Housing Units

- (a) Not used.
- (b) Prior to submitting a Development Application for any building that will contain an Affordable Housing Unit or Units to be dedicated to Council under this agreement, the Landowner must provide to Council draft plans for the building showing the location and layout of each Affordable Housing Unit in the building and specifications for fit out of each Affordable Housing Unit (together referred to in this clause as the Detailed Design).
- (c) The Affordable Housing Units must be designed in accordance with:
 - (i) the specifications in Annexure B;
 - (ii) any relevant design guidelines for affordable housing or residential flat buildings; and
 - (iii) so the Affordable Housing Units are of a quality and standard equivalent to other Residential Lots in the same building.
- (d) The Landowner will obtain any relevant standards (including design standards), specifications, or guidelines and any other requirements referred to in clause 5.3(c) from Council, if the Council fails to deliver them to the Landowner.
- (e) Within 28 Business Days of receiving the draft Detailed Design for Affordable Housing Units, Council will respond to the Landowner with suggested amendments. For the avoidance of doubt, Council may request a change to the location and layout of any Affordable Housing Unit in the relevant building and the proposed fit out of each Affordable Housing Unit prior to lodgement of the Development Application.
- (f) The Landowner must make any changes to the Detailed Design requested by Council and provide final plans and specifications for approval within 15 Business Days of receiving the Council's response, provided that the requested changes:
 - (i) are consistent with the obligation to deliver the Affordable Housing Units under this agreement;
 - (ii) do not require construction standards and quality of materials for Affordable Housing Units to be higher than those applied to or used in other Residential Lots in the building; and
 - (iii) are not unreasonable.
- (g) Council and the Landowner must act reasonably, promptly and in good faith to finalise the Detailed Design for Affordable Housing Units.
- (h) For the avoidance of doubt, any acceptance by the Council of the Detailed Design for Affordable Housing Units under this clause 5.3 is not to be taken as approval of or to any Development Application relating to those Affordable Housing Units.

6 Construction Drawings

- 6.1 Prior to applying for a Construction Certificate for any Works, or if a Construction Certificate is not required, prior to commencement of the Works, the Landowner must provide to Council for approval draft construction drawings for those Works prepared in accordance with the

Detailed Design.

- 6.2 Within 15 Business Days of receiving the draft construction drawings, Council may, acting reasonably, require a variation to the construction drawings to comply with the Detailed Design, the Building Code of Australia, any relevant Australian standard or any relevant design standards or guidelines referred to in clause 5.2(b) or clause 5.3(c) of this Schedule.
- 6.3 The Landowner must amend the construction drawings in accordance with a requirement issued by Council under clause 6.2 of this Schedule.
- 6.4 For the avoidance of doubt, any approval of the construction drawings provided by the Council under this clause 6 is not to be taken as approval of or to any Construction Certificate for the Works.

7 Review of Construction Document

The Landowner acknowledges and agrees that:

- (a) Council may, but is not obliged to critically analyse the draft Detailed Design and draft construction drawings for the Works in accordance with clauses 5 and 6 of this Schedule;
- (b) Council is not responsible for any errors, omissions or non-compliance with any Law or the requirement of any Authority by reason of approving the Detailed Design and construction drawings for the Works;
- (c) Council is not liable for any liability, loss or cost incurred by the Landowner, or any Claim made against the Landowner, because of any defect in the design or construction of any part of the Works; and
- (d) no comment, review or information supplied to the Landowner by Council alters or alleviates the obligation to construct and complete the Works in accordance with this agreement.

8 Carrying out of Works

8.1 Communication

The Landowner must keep Council reasonably informed of progress of the Works and provide to Council such information about the Works as Council reasonably requests.

8.2 Standard of Works

- (a) The Landowner must procure the execution and completion of the Works and must cause the Builder to use suitable new materials and proper and tradesmanlike workmanship when carrying out the Works.
- (b) The Works must be diligently progressed to Practical Completion in accordance with:
 - (i) the Detailed Design and construction drawings approved by Council under this Schedule;
 - (ii) any Development Consent and Approvals applying to the Works;
 - (iii) the requirements of all Laws, including without limitation, workplace health and safety legislation; and
 - (iv) the obligations of this agreement.
- (c) Construction of any Works must not commence until the Landowner has given the Council copies of all Approvals necessary for the construction of the Works.

- (d) The Landowner may but is not obliged to reinstate any Works where damage or destruction is as a result of:
 - (i) any act or omission of the Council or its employees, consultants or agents relating to any part of the Works under this agreement; or
 - (ii) the use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of the Council of any part of the Works.

8.3 Damage to people, property & utilities

- (a) The Landowner is to ensure to the fullest extent reasonably practicable that, in performing its obligations under this agreement:
 - (i) all necessary measures are taken to protect people and property;
 - (ii) unnecessary interference with the passage of people and vehicles is avoided; and
 - (iii) nuisances and unreasonable noise and disturbances are prevented.
- (b) Without limiting clause 8.3(a) of this Schedule, the Landowner is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

9 Inspection

- (a) On completion of the Detailed Design, the Council will provide a schedule of inspections to be undertaken by Council (**Inspection Schedule**) to occur at specified stages of the construction of the Works (**Inspection Stage**). If the Council does not provide the Inspection Schedule, the Landowner must request the Inspection Schedule from the Council prior to the Works commencing.
- (b) Five Business Days prior to reaching an Inspection Stage as set out in the Inspection Schedule, the Landowner must notify the Council of the proposed inspection date (Inspection Date).
- (c) On the Inspection Date, or other agreed date, the Landowner must ensure that any employees, contractors, agents or representatives of Council have access to and may enter the Land to inspect the Works.
- (d) In addition to carrying out inspections in accordance with the Inspection Schedule, the Council may enter the Land or any part of the Land on which the Works are located to inspect the progress of the Works, subject to:
 - (i) the terms of the Construction Contract (save for any clause of the Construction Contract which prevents the Council from accessing the Land);
 - (ii) giving reasonable notice to the Landowner;
 - (iii) complying with all reasonable directions of the Landowner; and
 - (iv) being accompanied by the Landowner or a nominee, or as otherwise agreed.
- (e) The Council may, acting reasonably, within 5 Business Days of carrying out an inspection (either under clause 9(c) or 9(d) of this Schedule 2), notify the Landowner

of any defect or non-compliance in the Works and direct the Landowner to carry out work to rectify that defect or non-compliance within a reasonable period of time.

Such work may include, but is not limited to:

- (i) removal of defective or non-complying material;
 - (ii) demolishing defective or non-complying work;
 - (iii) reconstructing, replacing or correcting any defective or non-complying work; and
 - (iv) not delivering any defective or non-complying material to the site of the Works.
- (f) If a Landowner is issued a direction to carry out further work under clause 9(e) of this Schedule 2, the Landowner must, at its cost, rectify the defect or non-compliance specified in the Notice within the time period specified in the Notice, provided that it is reasonable having regard to the nature of the works.
- (g) If the Landowner fails to comply with a direction to carry out work given under 9(e) of this Schedule 2, the Council will be entitled to refuse to accept that the Works (or the relevant part of the Works) meet the Council's standards and specifications and may refuse to issue a Certificate of Practical Completion, until the required Works have been completed to the Council's satisfaction, acting reasonably.
- (h) For the avoidance of doubt, any acceptance by the Council that the Landowner has rectified a defect or non-compliance identified in a notice issued under 9(e) of this Schedule 2 does not constitute:
- (i) acceptance by the Council that the Works comply with all Approvals and Laws; or
 - (ii) an Approval by the Council in respect of the Works; or
 - (iii) an agreement or acknowledgment by the Council that the Works or the relevant part of the Works are complete and may be delivered to the Council in accordance with this agreement.

10 Completion

10.1 Practical Completion

- (a) When the Landowner considers that the Works, or any part of the Works, are complete, the Landowner must send a Notice to the Council accompanied by complete works as executed plans, any relevant certificates or consents of any public utility authority and a request for written certification from the Council that the Works are complete.
- (b) Within 10 Business Days of receipt of the notice under clause 10.1(a) of this Schedule 2, the Council will carry out an inspection of the Works and will, acting reasonably, either:
- (i) provide written certification to the Landowner that the Works have been completed; or
 - (ii) notify the Landowner of any additional information required or matters which must be addressed by the Landowner prior to the certification being issued.
- (c) If the Landowner is required to provide additional information or address any matters under clause 10.1(b)(ii) of this Schedule 2, the Landowner will provide that information to Council or address those matters within 10 Business Days of receiving the notice or

within a reasonable period of time and make a further request under clause 10.1(a) of this Schedule 2 for written certification that the Works have been completed.

- (d) Practical completion will be achieved in relation to the Works or any part of the Works when a Certificate of Practical Completion has been issued for those Works.
- (e) For the avoidance of doubt, Council will require any works to integrate the Park Works with the Development to have been completed prior to issuing a Certificate of Practical Completion for those Works.

10.2 Delivery of documents

- (a) The Landowner must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works deliver to the Council, complete and legible copies of:
 - (i) all "as built" full-sized drawings, specifications and relevant operation and service manuals;
 - (ii) all necessary certificates including the certificates of any consultants of the Landowner that the Council may reasonably require, and Approvals of any public utility authority (where relevant); and
 - (iii) copies of all Approvals required for use of the land subject to the Works.
- (b) The Landowner must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works, provide the Council with a tour of the land subject to the Works and provide reasonable instructions on the operation and use of the Services on that land.

10.3 Assignment of Warranties and Causes of Action

- (a) The Landowner must assign (as beneficial owner) or cause to be assigned to Council the benefit of any warranties and guarantees obtained by the Landowner and the Builder (and capable of assignment) with respect to any material or goods incorporated in or forming part of the Works.
- (b) To the extent that any such warranties or guarantees cannot be assigned, the Landowner must at the request of Council do anything reasonably required by Council to enforce such warranties or guarantees for the benefit of Council.

10.4 Defects Liability Period

- (a) This clause 10.4 and clause 10.5 of this Schedule apply to works to construct and fit out Affordable Housing Units to be delivered under this agreement.
- (b) During the Defects Liability Period, the Council (acting reasonably) may give to the Landowner a notice (**Rectification Notice**) in writing that identifies a defect in the Works and specifies:
 - (i) action required to be undertaken by the Landowner to rectify that defect (**Rectification Works**); and
 - (ii) the date on which the defect must be rectified (**Rectification Date**).
- (c) The Landowner must comply with the Rectification Notice by:
 - (i) procuring the performance of the Rectification Works by the Rectification Date, or

such other date as agreed between the parties;

- (ii) keeping the Council reasonably informed of the action to be taken to rectify the defect; and
- (iii) carrying out the Rectification Works.
- (d) The Council must give the Landowner and its contractors any access required to carry out the Rectification Works.
- (e) When the Landowner considers that the Rectification Works are complete, either the Landowner must notify the Council and provide documentation, plans or invoices which establish that the Rectification Works were carried out.
- (f) The Council may inspect the Rectification Works within 15 Business Days of receiving a Notice from the Landowner under clause 10.4(e) of this Schedule 2 and, acting reasonably:
 - (i) issue a further Rectification Notice if it is not reasonably satisfied that the Rectification Works are complete; or
 - (ii) notify the Landowner in writing that it is satisfied the Rectification Works are complete.
- (g) The Landowner must meet all costs of and incidental to rectification of defects under this clause 10.4.
- (h) If the Landowner fails to comply with a Rectification Notice, then the Council may do such things or take such action as is necessary to carry out the Rectification Works, including accessing and occupying any part of the Land without further notice to the Landowner, and may:
 - (i) call upon any Bond or Bank Guarantee provided to the Council under clause 10.5 of this Schedule 2 to meet its costs of carrying out Rectification Works; and
 - (ii) recover as a debt due to the Council by the Landowner in a court of competent jurisdiction, any difference between the amount of the security deposit and the costs incurred by the Council in carrying out Rectification Works.
- (i) The Landowner must request that Council inspect the Works 28 days prior to the end of the Defects Liability Period. The Council must inspect the Works at any time after receiving the request from the Landowner and before the end of the Defects Liability Period.
- (j) If, prior to the end of the Defects Liability Period:
 - (i) The Landowner fails to request the inspection, or
 - (ii) the Council does not carry out the inspection,
 the Council may extend the Defects Liability Period so that the inspection may be carried out.

10.5 Security for Defects Liability

- (a) Prior to the issue of any Certificates of Practical Completion for the Affordable Housing Units the Landowner must deliver to the Council Bonds or Bank Guarantees in an amount equivalent to 2.5% of the construction costs for the Affordable Housing Units.
- (b) The Landowner advises and the Council acknowledges its awareness that the

Bonds or Bank Guarantees may be supplied by the Builder and form a part of the security held by the Landowner from the Builder under the terms of the Construction Contract, provided that:

- (i) any Bond or Bank Guarantee provided by the Builder benefits the Council and satisfies the requirements of this agreement; and
 - (ii) the Landowner procures an agreement from the Builder that the Council will be entitled to call on any Bond or Bank Guarantee provided by the Builder, in accordance with the terms of this agreement and the terms of any Construction Contract.
- (c) Within 10 Business Days after the Defects Liability Period for the Affordable Housing Units has expired Council must (if it has not called on it) return the Bond or Bank Guarantee referred to in clause 10.5(a) of this Schedule 2 for that item of Works (or any remaining balance of it) to the relevant Landowner.
 - (d) Notwithstanding clause 10.5(c) of this Schedule 2, if during the Defects Liability Period for the Affordable Housing Units, the Council issues a Rectification Notice and the Rectification Notice is not complied with, then the Council need not deliver the balance of any Bonds or Bank Guarantees provided to it until that defect has been rectified.
 - (e) The Council must deliver the balance of any Bond or Bank Guarantee for the Defects Liability Period to the Landowner within 14 days after the Defects Liability Period has ended.

11 Risk

The Landowner undertakes the Works entirely at its own risk.

12 Insurance

- (a) Prior to the commencement of the construction of any of the Works, the Landowner must ensure the Builder effects and the Landowner must produce evidence to the Council of the following insurances issued by an insurer approved by the Council (acting reasonably) in a form approved by the Council (acting reasonably):
 - (i) construction works insurance for the value of the Works;
 - (ii) public risk insurance for at least \$20 million per claim;
 - (iii) workers compensation insurance as required by Law.
- (b) The Landowner must provide evidence of currency of insurance required by clause 12(a) of this Schedule 2 upon request by the Council, acting reasonably, throughout the term of this agreement.

13 Indemnities

The Landowner indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the carrying out by the Landowner of the Works except to the extent such Claim arises as a result of the negligence, default, act or omission of the Council or its employees, officers, agents or contractors.

14 Intellectual Property Rights

The Council acknowledges that the Landowner or its contractors hold all rights to copyright and any intellectual property which may exist in the Works. To the extent the Landowner has or receives intellectual property rights for the Works, the Landowner shall assign those

intellectual property rights to Council or permit use thereof.

15 Risk of contamination

- (a) This clause 15 of Schedule 2 applies to all Dedication Land.
- (b) In this clause:

Assessment Guidelines means the following guidelines and any other guidelines made or approved by an Authority under section 105 of the CLM Act:

- National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)
- NSW EPA (1995) Sampling Design Guidelines
- NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites

CLM Act means the *Contaminated Land Management Act 1997*;

Contamination and **Contaminated Land** have the same meaning as in the CLM Act;

Consultant means an appropriately qualified environmental consultant, certified by one of the following schemes:

- the Site Contamination Practitioners Australia (SCPA) scheme
- the Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme
- the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification

and, if undertaking and reporting on asbestos sampling, with a minimum of 2 years continuous relevant experience in the identification and management of asbestos contamination;

Contamination Planning Guidelines means the Contaminated Land Planning Guidelines under the CLM Act, being as at the date of this agreement *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land* dated 1998;

CSM means conceptual site model;

Detailed Investigation Report means a report prepared by a Consultant detailing the outcome of a detailed site investigation as described in the Contamination Planning Guidelines;

Preliminary Investigation Report means a report prepared by a Consultant detailing the outcome of a preliminary investigation as defined in SEPP 55 and the Contamination Planning Guidelines;

RAP means a Remediation Action Plan or Remedial Action Plan as described in the Contamination Planning Guidelines;

Remediation has the same meaning as in the CLM Act;

Remediation Standard means the standard specified in clause 15(c) of this Schedule;

SEPP 55 means *State Environmental Planning Policy No 55 – Remediation of Land*;

Site Audit Report, Site Audit Statement and **Site Auditor** have the same meaning as in the CLM Act; and

Validation Report means a report prepared by a Consultant on completion of Remediation as described in the Contamination Planning Guidelines.

- (c) Prior to dedication or transfer the land for the Park Works and Affordable Housing Units must be Remediated to a standard suitable for its intended use.
- (d) The Landowner must, at its cost, assess all Dedication Land for Contamination and carry out any Remediation of that land in accordance with this clause 15, the CLM Act, SEPP 55 and any other legislation and guidelines relating to the remediation of contaminated land.
- (e) All assessments and reports required under this clause must be carried out in accordance with the Assessment Guidelines.
- (f) Prior to commencement of any Works on Dedication Land, the Landowner must provide to Council a Preliminary Investigation Report, despite any conclusion the Landowner has reached about whether or not Contamination is an issue on the Dedication Land.
- (g) The Preliminary Investigation Report must include, but is not limited to, the following information:
 - (i) land history,
 - (ii) any past or present potentially contaminating activities on the Dedication Land or adjoining land;
 - (iii) a preliminary assessment of any Contamination including a CSM identifying sources, pathways and receptors; and
 - (iv) where contaminating activities are suspected to have had an impact on the land or the land use history is incomplete, the results of any sampling and analysis undertaken to confirm the extent of any potential Contamination.
- (h) If a Preliminary Investigation Report indicates that the land the subject of that report may be or is potentially contaminated, the Landowner must engage a Consultant to carry out a detailed site investigation and provide a Detailed Investigation Report to Council as part of any Development Application, or other application for an Approval, for the Works on the relevant land.
- (i) The Detailed Investigation Report must include, but is not limited to, the following information:
 - (i) the nature, extent and degree of Contamination on, in or under the relevant land;
 - (ii) a revision of the CSM based on the results of the detailed site investigation;
 - (iii) an assessment of the potential risk posed by contaminants to human health and the environment; and
 - (iv) a clear statement as to whether the relevant land meets the Remediation Standard.
- (j) If the Detailed Investigation Report provides that Remediation of the relevant land is required, the Landowner must engage a Consultant to prepare a RAP and provide a draft of the RAP to Council.
- (k) The draft RAP must include, but is not limited to, the following information:
 - (i) the process by which the relevant land should be Remediated and how the Remediation will be validated to demonstrate the site meets the Remediation Standard; and
 - (ii) if there are several options for Remediation, details as to the process for each

option, identification of the preferred option for Remediation and the reasons why that option is preferred, including details for each option of the likely ongoing maintenance obligations and estimated costs of maintenance.

- (l) Council may consider the draft RAP and, within 10 Business Days of receiving the draft RAP, provide comments on the draft RAP including any preferences Council has for Remediation of the land.
- (m) The Landowner must require the Consultant to have regard to the Council's comments and preferences when finalising the RAP and, where options for remediation are available, direct the Consultant to prepare the RAP based on Council's preferred option.
- (n) The Landowner must obtain all Approvals required to Remediate the land and must carry out the Remediation in accordance with those Approvals, the RAP and Council's preferences for Remediation, so that the site meets the Remediation Standard.
- (o) On completion of Remediation, the Landowner must provide to Council a Validation Report that includes, but is not limited to, the following information:
 - (i) a description of, and documentary evidence confirming, all Remediation works that have been performed;
 - (ii) results of validation testing and monitoring;
 - (iii) a clear statement as to whether the relevant land meets the Remediation Standard;
 - (iv) if Council has approved that any residual contamination may be left onsite, a site environmental management plan that includes:
 - (A) a description of the exact location, depth and lateral extent of contamination left onsite;
 - (B) a risk assessment of potential exposures scenarios, including demonstration that there is no off-site migration of contamination from the site, or where there is off-site migration or its potential, that contamination within the site is managed or monitored so it does not present an unacceptable risk to either the on-site or off-site environments;
 - (C) likely receptors and necessary control measures to management inadvertent exposure;
 - (D) responsible parties including who will be the responsible entity to implement the management plan; and
 - (E) an approved long term Site Management Plan (or equivalent management plan resulting from revisions of the approved long term Site Management Plan) is to remain in place and be implemented until such time as it is determined by Council that a long term Site Management Plan is no longer required.
- (p) Council will not accept dedication of any part of the Dedication Land that is subject to residual contamination, unless otherwise previously approved by Council.
- (q) Prior to dedication or transfer of any Dedication Land to Council, Council may, at its sole discretion, require the provision of a Site Audit Report and Site Audit Statement prepared by a Site Auditor, confirming that any Contamination of the land does not present a risk of harm to human health or any other aspect of the environment and that

the relevant land meets the Remediation Standard.

- (r) The Landowner must comply with any conditions of a Site Audit Statement, including any measures required to be implemented to ensure any ongoing monitoring obligations.

Schedule 3 Summary of requirements (section 7.4)

Subject and subsection of the Act	Planning Agreement
<p>Planning instrument and/or Development Application – Section 7.4(1)</p> <p>The Landowner has:</p> <p>(a) Sought a change to an environmental planning instrument</p> <p>(b) Made, or propose to make a Development Application</p> <p>(c) Entered into an agreement with, or are otherwise associated with, a person to whom paragraph (a) or (b) applies</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Description of the land to which the planning Agreement applies – Section 7.4(3)(a)</p>	<p>The land subject to this agreement is described in Schedule 4.</p>
<p>Description of the application – Section 7.4(3)(b)</p>	<p>See the description of Planning Proposal in Schedule 5 and the definitions of Development and Instrument Change in clause 1.</p>
<p>The scope, timing and manner of delivery of contribution required by the Planning Agreement – Section 7.4(3)(c)</p>	<p>See clause 7 and the Contributions Table.</p>
<p>Applicability of section 7.11 of the Act – Section 7.4(3)(d)</p>	<p>Excluded. See clause 8.</p>
<p>Applicability of section 7.12 of the Act – Section 7.4(3)(d)</p>	<p>Excluded. See clause 8.</p>
<p>Applicability of section 7.24 of the Act – Section 7.4(3)(d)</p>	<p>Not excluded. See clause 8.</p>
<p>Mechanism for dispute resolution – Section 7.4(3)(f)</p>	<p>See clause 11.</p>
<p>Enforcement of the Planning Agreement – Section 7.4(3)(g)</p>	<p>See clause 12.</p>
<p>Registration of the Planning Agreement – Section 7.4(3)(g) and section 7.6</p>	<p>See clause 9.</p>
<p>No obligation to grant consent or exercise functions – Section 7.4(9)</p>	<p>See clause 15.</p>

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Schedule 4 Land

Address	Lot and DP Reference	Registered Proprietor
19 Hope Street, Melrose Park	Lot G DP 369480	Hope & Hughes Pty Ltd
69-77 Hughes Avenue, Ermington	Lot A DP 356298 Lot B DP 356298 Lot D DP 369480 Lot E DP 369480 Lot F DP 369480	Hope & Hughes Pty Ltd

Schedule 5 Planning Proposal

1 Planning Proposal

- 1.1 As at the date of this agreement, the Planning Proposal, as amended in accordance with the Gateway Determination, seeks the following amendments to the LEP:
- (a) Amend the Land Use Zone map to rezone the site from part IN1 General Industrial and part R2 Low Density Residential to part MU1 Mixed Use, and part RE1 Public Recreation.
 - (b) Amend the Height of Buildings map to increase the building heights from part 9m and part 12m to multiple heights ranging from 13m (4 storeys) to 48m (approximately 14 storeys).
 - (c) Amend the Floor Space Ratio (FSR) map to increase the FSR from part 0.5:1 (R2) and part 1:1 (IN1) to 1.85:1.
 - (d) Amend the Land Reservation Acquisition map to reflect areas of open space to be dedicated to Council for public recreation.
 - (e) Amend the Additional Local Provisions map to include the site and insert a site-specific provision in Part 6 Additional local provisions to include a site specific provision which mandates a minimum of 1,400sqm of non-residential floor space.

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Schedule 6 Deed of Novation

Deed of Novation
Voluntary Planning Agreement

City of Parramatta Council

and

[Insert name of Existing Party]

and

[Insert name of Incoming Party]

and

[Insert name of Continuing Party]

Dated: **[Insert Date]**

Deed of Novation Voluntary Planning Agreement

Summary Sheet

Council:

Name: City of Parramatta Council
Address: 126 Church Street, Parramatta
Telephone: (02) 9806 5050
Representative: Manager, Land Use Planning

Existing Party:

Name: [Drafting Note: Insert name]
Address: [Drafting Note: Insert address]
Telephone: [Drafting Note: Insert contact number]
Email: [Drafting Note: Insert contact email]
Representative: [Drafting Note: Insert name]

Incoming Party:

Name: [Drafting Note: Insert name]
Address: [Drafting Note: Insert address]
Telephone: [Drafting Note: Insert contact number]
Email: [Drafting Note: Insert contact email]
Representative: [Drafting Note: Insert name]

Continuing Party:

Name: [Drafting Note: Insert name]
Address: [Drafting Note: Insert address]
Telephone: [Drafting Note: Insert contact number]
Email: [Drafting Note: Insert contact email]
Representative: [Drafting Note: Insert name]

Deed of Novation

Voluntary Planning Agreement

Parties

Council	City of Parramatta Council , 126 Church Street, Parramatta
Existing Party	[Insert details]
Incoming Party	[Insert details]
Continuing Party	[Insert details of any continuing party]

Background

- A The Existing Party, Continuing Party and the Council are parties to the Planning Agreement.
- B The Existing Party owns the Land which is part of the land to which the Planning Agreement relates.
- C The Existing Party wishes to transfer the Land to the Incoming Party.

[If, as a result of the transfer, the Existing Party will no longer own any of the land to which the Planning Agreement relates:]

- D The Existing Party wishes to novate the Planning Agreement and all of its respective rights and obligations in the Planning Agreement to the Incoming Party.
- E The Council consents to the transfer of the Land to the Incoming Party and agrees to the novation of the Planning Agreement to the Incoming Party on the terms set out in this Deed.

[If, as a result of the transfer, the Existing Party will still own part of the land to which the Planning Agreement relates:]

- F The Incoming Party has agreed to accept and assume the rights and obligations in the Planning Agreement as a Landowner under the Planning Agreement.
- G The Council consents to the transfer of the Land to the Incoming Party and the inclusion of the Incoming Party as a Landowner party to the Planning Agreement.
- H The Council, the Existing Party, the Incoming Party and the Continuing Party agree to enter into this Deed to give effect to the above.

Operative provisions

1 Definitions & Interpretation

Definitions

- 1.1 In this Deed, the words and phrases appearing in Column 1 of the following table have the meaning set out in Column 2 of that table corresponding to those words or phrases except in so far as the context or subject-matter otherwise indicates or requires.

Table

Column 1 Word or phrase	Column 2 Meaning
Act	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
Claim	all actions, suits, claims, demands, investigations and proceedings of any kind, open, pending or threatened, whether mature, unmatured, contingent, known or unknown, at law or in equity, in any forum.
Contract for Sale	means the contract for sale of the Land between the Existing Party and the Incoming Party dated [##].
Deed	means this Deed.
Development	has the same meaning as in the Planning Agreement.
Effective Date	means the date when the Contract for Sale completes.
Land Party	[Insert title details of land to be transferred] means a party to this Deed.
Planning Agreement	means the planning agreement pursuant to s7.4 of the Act titled entered into between Council, Existing Party and the Continuing Party on [date].

Interpretation

- 1.2 In this Deed:
- (a) words denoting any gender include all genders,
 - (b) headings are for convenience only and do not affect interpretation,
 - (c) the singular includes the plural and vice versa,
 - (d) any schedule or annexure attached to this Deed forms part of it,
 - (e) a reference to a Party includes its legal personal representatives, successors and permitted assigns, servants, contractors and agents.
 - (f) a reference to a person includes a corporation, trust, partnership, unincorporated body or other entity, whether or not it comprises a separate legal entity,
 - (g) a reference to a statute or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them,

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- (h) all references to dates and times are to New South Wales time,
- (i) all references to '\$' and 'dollars' are to the lawful currency of Australia,
- (j) no rule of construction applies to the disadvantage of a Party because that Party was responsible for the preparation of, or seeks to rely on, this Deed or any part of it,
- (k) unless expressly stated to be otherwise, the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar inclusive expressions,
- (l) a reference to this Deed includes any schedules, annexures and appendices to this Deed, and any variation or replacement of this Deed.

2 Commencement

- 2.1 This Deed commences and has effect on and from the date when the Parties have:
 - 2.1.1 all executed the same copy of this Deed, or
 - 2.1.2 each executed separate counterparts of this Deed and exchanged, whether by physical or electronic transmission of, the counterparts.
- 2.2 The Parties are to insert the date when this Deed commences on the front page and on the execution page.

3 Novation of Planning Agreement

[If, as a result of the transfer, the Existing Party will no longer own any of the land to which the Planning Agreement relates:]

- 3.1 Subject to this Deed and with effect from the Effective Date:
 - 3.1.1 the Incoming Party is substituted for the Existing Party as a Party to the Planning Agreement,
 - 3.1.2 the Incoming Party is bound by the Planning Agreement to perform all of the obligations of the Existing Party in the Planning Agreement,
 - 3.1.3 the Incoming Party is entitled to the benefit of the Planning Agreement as if the Incoming Party was a Party to the Planning Agreement when it was entered into, and
 - 3.1.4 the Existing Party is released and discharged from all obligations and liabilities, and from all Claims, arising under the Planning Agreement, except in relation to any breaches of the Planning Agreement which arose prior to the Effective Date.
- 3.2 With effect from the Effective Date:
 - 3.2.1 all references to the Existing Party in the Planning Agreement are construed as references to the Incoming Party, and
 - 3.2.2 the Council must address all notices and communications given or made by it under the Planning Agreement to the Incoming Party using the address noted on the Summary Sheet to this Deed for the Incoming Party.

[If, as a result of the transfer, the Existing Party will still own part of the land to which the Planning Agreement relates:]

- 3.3 Subject to this Deed and with effect from the Effective Date:
 - 3.3.1 the Incoming Party taken to be a party to the Planning Agreement,

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- 3.3.2 the Incoming Party is bound by the Planning Agreement to perform all of the obligations imposed on the Existing Party in the Planning Agreement,
- 3.3.3 the Incoming Party is entitled to the benefit of the Planning Agreement as if the Incoming Party was a Party to the Planning Agreement when it was entered into.
- 3.4 With effect from the Effective Date:
 - 3.4.1 the definition of 'Landowner' in the Planning Agreement is taken to include the Incoming Party, and
 - 3.4.2 the Council must address all notices and communications given or made by it under the Planning Agreement to the Incoming Party using the address noted on the Summary Sheet to this Deed for the Incoming Party.

4 Affirmation of Planning Agreement

- 4.1 The Planning Agreement is to be read and construed subject to this Deed, and in all other respects the provisions of the Planning Agreement are ratified and confirmed, and, subject to the variation and novation contained in this Deed, the Planning Agreement will continue in full force and effect.
- 4.2 Subject to this Deed:
 - 4.2.1 on and from the Effective Date, the Incoming Party must properly and punctually observe and perform all of the Existing Party's obligations (both present, future, actual and contingent) under the Planning Agreement or which arise as a result of the Council exercising any right under the Planning Agreement and which are due to be performed on or after the Effective Date,
 - 4.2.2 until the Effective Date, the Existing Party must continue to properly and punctually observe and perform all of the Existing Party's obligations both future, actual and contingent under the Planning Agreement.

5 Council Satisfaction

- 5.1 For the purposes of clause 13.2(a)(iii) of the Planning Agreement, the Council confirms that:
 - 5.1.1 this Deed is the deed in favour of the Council referred to in that clause,
 - 5.1.2 the Council is satisfied that the Incoming Party is reasonably capable of performing the obligations under the Planning Agreement.

6 Representations & Warranties

- 6.1 Each Party represents and warrants that at the time of execution of this Deed and at the Effective Date:
 - 6.1.1 it has capacity unconditionally to execute, deliver and comply with its obligations under this Deed,
 - 6.1.2 it has taken all necessary action to authorise the unconditional execution and delivery of, and the compliance with, its obligations under this Deed,
 - 6.1.3 this Deed is a valid and legally binding obligation and is enforceable against it by each other Party in accordance with its terms, and

6.1.4 its unconditional execution and delivery of, and compliance with its obligations under this Deed do not contravene:

- (a) any law or directive from a government entity,
- (b) its constituent documents,
- (c) any agreement or instrument to which it is a Party, or
- (d) any obligation of it to any other person.

6.2 The warranties and representations in clause 6.1 survive the execution of or any termination of this Deed and the novation and assignment of the Planning Agreement.

7 Trustee Developer [Insert if Incoming Party is a trustee]

7.1 The Incoming Party enters into this Deed in its capacity as the trustee for the Trust constituted by a trust deed (**Trust Deed**).

7.2 The Incoming Party warrants as follows:

- 7.2.1 it is the sole trustee of the Trust,
- 7.2.2 it has not been removed as trustee and no action has been taken to remove or replace it as trustee, or to terminate the Trust,
- 7.2.3 no release or revocation of its powers under the Trust Deed has occurred,
- 7.2.4 it is authorised and empowered under the Trust Deed to enter into and to perform its obligations and satisfy or discharge its liabilities under this Deed and the Planning Agreement;
- 7.2.5 it is not in breach of the Trust Deed;
- 7.2.6 it is entitled under the Trust Deed to be indemnified in full in respect of the obligations and liabilities incurred by it under this Deed and the Planning Agreement;
- 7.2.7 the Land will form part of the assets of the Trust and it is not aware of any reason why the assets of the Trust might be insufficient to satisfy or discharge the obligations and liabilities incurred by it under this Deed and the Planning Agreement.

7.3 The Incoming Party indemnifies the Council, and agrees to keep the Council indemnified, in respect of any loss or liability in any way connected with a breach of a warranty in clause 7.2.

7.4 The warranties and representations in this clause 7 survive the execution of and any termination of this Deed and the novation and assignment of the Planning Agreement.

7.5 In this clause:

- 7.5.1 **Trust** means [Insert]

8 General

Costs and Stamp Duty

8.1 The Existing Party and the Incoming Party are jointly and severally liable for the Council's legal costs associated with the negotiation, preparation, and execution of this Deed.

8.2 The Incoming Party must pay all stamp duty (if any) arising directly or indirectly from this Deed.

8.3 This clause continues to apply after termination of this Deed.

GST

8.4 Where a supply made under this Deed gives rise to a liability for GST, the consideration to be provided for that supply (other than under this clause) is to be increased by an additional amount equal to the GST payable on the supply.

8.5 The additional amount must be paid, and the supplier must provide a tax invoice, at the same time as the other consideration for that supply is to be provided under this Deed.

8.6 Terms used in this clause have the meanings in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Further acts

8.7 Immediately upon settlement of the sale of the Land to the Incoming Party, the Existing Party is to notify the Council in writing of the Effective Date.

8.8 Each Party will take all steps, execute all deeds and do everything reasonably required by any other Party to give effect to any of the actions contemplated by this Deed.

8.9 This Deed binds each Party which signs it even if other parties do not, or if the execution by other parties is defective, void or voidable.

Entire Deed

8.10 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.

8.11 No Party can rely on an earlier document, or anything said or done by another Party, or a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

Amendment

8.12 This Deed may only be varied or replaced by a document executed by the Parties.

Governing law and jurisdiction

8.13 This Deed is governed by the laws of New South Wales and the Commonwealth of Australia.

8.14 Each Party irrevocably submits to the non-exclusive jurisdiction of the courts of New South Wales and the Commonwealth of Australia.

Severability

8.15 If a provision of this Deed is invalid, illegal, or unenforceable, it must, to the extent that it is invalid, illegal, or unenforceable, be treated as severed from this Deed.

8.16 Severance of a provision will not affect the validity and enforceability of the remaining provisions.

Electronic Execution

- 8.17 Each Party:
- 8.17.1 consents to this Deed being signed by electronic signature by the methods set out in clause 8.19;
 - 8.17.2 agrees that those methods validly identify the person signing and indicates that person's intention to sign this Deed;
 - 8.17.3 agrees that those methods are reliable as appropriate for the purpose of signing this Deed, and
 - 8.17.4 agrees that electronic signing of this Deed by or on behalf of a Party by those methods indicates that Party's intention to be bound.
- 8.18 If this Deed is signed on behalf of a legal entity, the persons signing warrant that they have the authority to sign.
- 8.19 For the purposes of clause 8.17, the methods are:
- 8.19.1 insertion of an image (including a scanned image) of the person's own unique signature onto the Deed; or
 - 8.19.2 insertion of the person's name onto the Deed; or
 - 8.19.3 use of a stylus or touch finger or a touch screen to sign the Deed,
- provided that in each of the above cases, words to the effect of '*Electronic signature of me, [insert full name], affixed by me, or at my direction, on [insert date]*' are also included on the Deed; or
- 8.19.4 use of a reliable electronic signing platform (such as DocuSign or AdobeSign) to sign the Deed; or
 - 8.19.5 as otherwise agreed in writing between the Parties.

Execution

Executed as a Deed.

Dated:

Executed by the Council:

[Insert execution clause]

Executed by the Existing Party:

[Insert execution clause]

Executed by the Incoming Party:

[Insert execution clause]

Executed by the Continuing Party:

[Insert execution clause]

[End of Novation Deed

Executed as an agreement

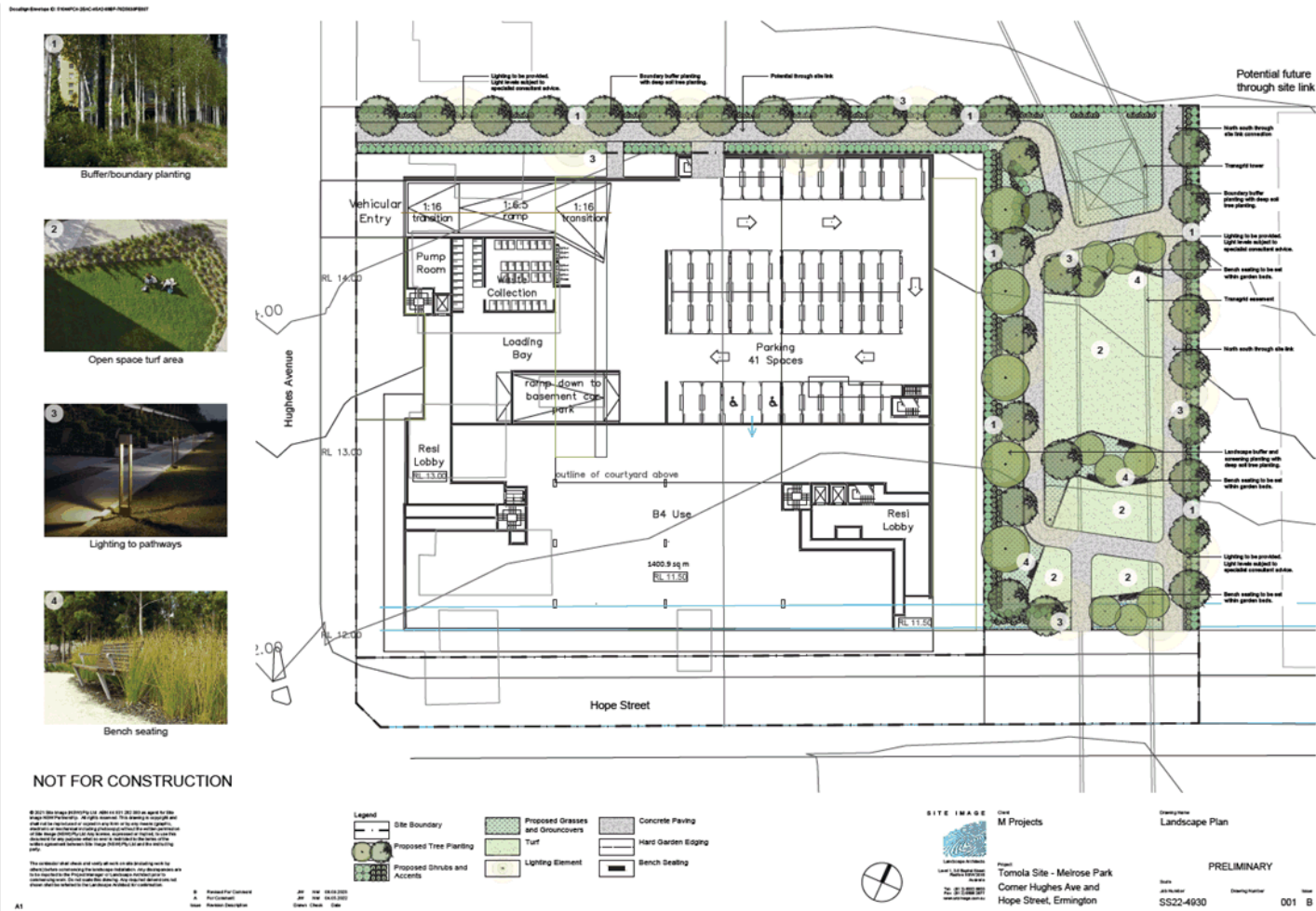
Signed on behalf of **City of Parramatta Council** (ABN 49 907 174 773) by its authorised delegate pursuant to section 377 of the *Local Government Act 1993* in the presence of:

_____ Signature of witness	_____ Signature of authorised delegate
_____ Name of witness	_____ Name of authorised delegate
_____ Address of witness	_____ Position of authorised delegate

Executed by Hope & Hughes Pty Ltd ACN 672 844 549 in accordance with section 127 of the *Corporations Act 2001* (Cth) by:

_____ Signature of Director	_____ Signature of Director / Secretary
_____ Print name of Director	_____ Print name of Director / Secretary

Annexure A Land Dedication and Concept Design Plan



Annexure B Specifications for Affordable Housing Units

<p>Description of Works</p>	<p>Dedication of 2 affordable housing units with a minimum of 2 bedrooms in each, including any associated car parking (at least 1 car park per unit)</p> <p>Finishing to include all fixtures and fittings to enable occupation including but not limited to:</p> <ul style="list-style-type: none"> • Air conditioning (split system) • Floor coverings • Window dressing • Dishwasher • Kitchen appliances
<p>Core Elements</p>	<ul style="list-style-type: none"> • Provision of affordable housing units with a minimum of 4 bedrooms (2 x 2 bed). • Units to be distributed throughout the Development. Location of units by mutual agreement acting reasonably but no higher than Level 5 of the building and not all on the ground floor. • Each unit must have been issued an Occupation Certificate.

Submissions Summary Table - Planning Proposal at 9 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington

Author (Date)	Issues Raised	Officers Response
<p>Submission 1 - Keylan Consulting on behalf of the owner of the site, PAYCE (17 July 2024)</p>	<p>This submission was made by Keylan Consulting on behalf of the owner, PAYCE, who are generally supportive of the Planning Proposal at the site.</p> <p>The owner wishes to include self-storage units as an additional permitted use within the MU1 Mixed Use Zone at the site.</p> <p>The Applicant posits that the proposed addition of self-storage units as an additional permitted use is justified on site-specific merit, as follows:</p> <ul style="list-style-type: none"> • compatible with adjoining land uses in terms of use, density & design outcomes • compatible with the other proposed uses on the site • low environmental impacts • low amenity impacts on surrounding existing and approved development • low traffic and transport impacts • can address other site constraints (flooding, transmission lines etc) <p>The Applicant also justifies the proposal on the basis that self-storage units on the site are consistent with Council's LSPP in that it will stimulate job growth.</p>	<p>Council Officers are not supportive of the Applicant's request to include self-storage units as an additional permitted use under the MU1 zone under Schedule 1 of the Parramatta LEP 2023.</p> <p>A light industrial land use, such as for self-storage units, is not considered to be compatible with the endorsed objectives and outcomes of the proposal. Such a land use is not considered to be conducive to facilitating a high-quality public domain and activated street frontages.</p> <p>The request raised in this submission is inconsistent with the strategic planning framework and desired future character for the Melrose Park Precinct as it would not promote the delivery of an activated mixed-use and walkable neighborhood.</p> <p>Furthermore, the proposed self-storage units APU would be premature as the precinct is yet to be developed and the feasibility of other permitted uses that are more compatible with these aims and the mixed-use zoning of the site has not been tested.</p> <p>There are already a number of self-storage facilities in the Rydalmere industrial precinct to the west of Melrose Park. Self-storage units are more appropriately located in these industrial areas where the use is permissible.</p>

Author (Date)	Issues Raised	Officers Response
<p>Submission 2 - Transport for New South Wales (7 August 2024)</p>	<p>TfNSW require that:</p> <ul style="list-style-type: none"> • The proposal must be setback 12m from the new property boundary. • The proposal cannot include any awnings, footpaths, access points, public domain elements, building foundation structures or subsurface infrastructure elements located within the 12m setback to the new property boundary. • The proposal must comply with all relevant TfNSW standards. • A detailed Traffic Impact Statement will be required for any future Development Applications. • The proposal should accommodate the minimum number of loading / servicing spaces required under the TfNSW Urban Freight Forecasting Model tool. <p>TfSNW also provided feedback on the site-specific DCP. Key issues raised include:</p> <ul style="list-style-type: none"> • Control C.02 is to be amended to clearly state that the 12m setback requirement is to be new property boundary, not the building envelope. • The proposed car parking rates are to be lowered to align with carparking rates applicable to developments located within 800m walking distance of a light rail stop. 	<p>TfNSW's concern regarding the required 12m setback from the site boundary to the PLR2 corridor are acknowledged.</p> <p>The draft DCP will be amended to clarify that the future property boundary will indeed be setback 12m from Hope Street and the PLR2 corridor thereby addressing this concern. There is no change to the proposed built form.</p> <p>Council Officers approach is to ensure that the proposal is consistent with what has been approved for the Deicorp Town Centre development to the east (DA/764/2024).</p> <p>The proponent will coordinate their design to integrate with the eventual approved design of the 12m setback for PLR2.</p> <p>A Traffic Impact Statement will be provided at the DA stage. The exact number of loading and servicing spaces will also be determined at the DA stage.</p> <p>Control C.02 within Section 8.2.6.6.2 'General Controls' will be amended to clearly state that the proposed new property boundary will be setback 12m from Hope Street, avoiding any conflict with the PLR corridor.</p> <p>The existing carparking rates within the Melrose Park DCP will be retained and continue to apply, as these account for the site's proximity to the future PLR2.</p>

Author (Date)	Issues Raised	Officers Response
<p>Submission 3- Individual on behalf of the Melrose Park Residents Action Group (31 July 2024)</p>	<p>This submission was made by the coordinator of the Melrose Park Residents' Action Group.</p> <p>Residents from the Ryde LGA express their concern at not receiving notification of the DA has previously promised by Parramatta Council. Therefore, it is requested that the notification period be extended and notification be sent to all residents, as previously agreed in the original Melrose in order they be given the opportunity to respond.</p> <p>The MPRAG has been provided with a copy of the very detailed and professional submission provided by [submitter 5]. They are a highly qualified in areas of town planning and acts as an unofficial advisor to the residents of MPRAG in order that the ramifications of developments are understood. Please note that MPRAG supports the arguments made in Mr. Wotton's submission and requests that they are all be addressed in detail and responses made publicly available.</p> <p>It has been disappointing , not only to our members in the Ryde LGA but also those in the Parramatta LGA that issues and questions raised in various submissions relative to the Parramatta controlled Melrose Park Developments have not been given due consideration. In fact many residents question why they would bother making a submission believing it is nothing more than a box ticking exercise.</p>	<p>Council Officers consider no changes are required to the public exhibition of the Planning Proposal that was undertaken in accordance with Council's Community Engagement Strategy. The Planning Proposal was on public exhibition from 18 June to 18 July 2024 and 86 letters were mailed to all properties within 150 metres of the subject site. The Melrose Park Action Group was also notified by email.</p> <p>It is acknowledged that the Melrose Park South Planning Proposal and the Melrose Park North Planning Proposals were notified to Ryde LGA residents. However, both Planning Proposals bordered Wharf Road (the boundary between the LGAs) and resulted in total approximately 7,425 dwellings. These significant and highly complicated planning proposals were also more broadly notified as they were critical in establishing the strategic direction for Melrose Park to develop into a predominantly high-density residential precinct.</p> <p>By contrast the subject site Planning Proposal will facilitate approximately 160 dwellings and is located over 400 metres from the Ryde LGA and does not impact the strategic direction already established for Melrose Park. All submissions that were received following the conclusion of public exhibition period were accepted by Council officers and are considered as part of this report.</p> <p>Council's previous communications to Ryde LGA residents about a larger notification radius in Melrose</p>

Author (Date)	Issues Raised	Officers Response
	<p>The submission requested confirmation that</p> <ol style="list-style-type: none"> 1. The notification period will be extended and Ryde Melrose Park residents will be afforded the opportunity to make a submission 2. Any submissions made will be given due consideration and all questions/issues raised will receive a response which is publicly available. 	<p>Park was made in relation to Development Applications. No such commitments have been made regarding Planning Proposals.</p> <p>It's noted that no residents within the 150m notification area made a submission on the Planning Proposal. The 3 submissions from residents were all from the Ryde LGA located over 400m away</p> <p>The matters raised in all submissions are considered and addressed in this report and will also be included in the post exhibition report to Council. All submitters have been notified (including the Melrose Park Residents Action Group) of the Local Planning Panel meeting associated with this report and will be notified when this matter is in turn considered by Council. All information relating to the consideration of submissions in any report that is considered by the Local Planning Panel and then Council is publicly available.</p>
<p>Submission 4 - Knight Frank on behalf of George Weston Foods (11 July 2024)</p>	<p>It is noted that this submission does not object to the proposal in principle, rather it seeks clarification and assurance on several matters.</p> <p>Key points raised include:</p> <ul style="list-style-type: none"> • George Weston Foods are seeking assurance that their operations will not be hindered by the proposed redevelopment. • The facility is a key employer of local jobs and any future relocation costs would be significant. 	<p>It is acknowledged that the presence of contrasting land uses while the precinct undergoes redevelopment is a matter that will need to be carefully managed, however it is considered that the DCP and other applicable controls will ensure that any potential negative amenity impacts, and interface issues are minimised as the precinct transitions away from industrial uses. The loss of industrial employment will be largely offset by the introduction of retail and commercial employment principally within the town centre.</p>

Author (Date)	Issues Raised	Officers Response
	<ul style="list-style-type: none"> • George Weston Foods seeks assurance that similar flexibility will be provided for future planning on other sites within the Melrose Park Precinct to vary the structure plan to ensure equitable planning outcomes for all landowners. • Traffic conflict between George Weston Foods trucks and residential traffic on local roads, further complicated by the future Stage 2 Parramatta Light Rail. • Traffic impacts during construction and operation. 	<p>It is noted that George Weston Foods operates a significant food processing facility at the site and has done so continuously for over 50 years. Despite the changing character of Melrose Park, the George Weston Foods site has not yet been rezoned accordingly and, there is no obligation for George Weston Foods to justify its continued operation at the site.</p> <p>The planning proposal's Traffic Impact Assessment (TIA) finds that the traffic generated by the development would be minimal and can be easily accommodated within the road network under the works required for Stage 1A of the Melrose Park Precinct. A detailed traffic and transport assessment will accompany the future detailed DA.</p>
<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024)</p>	<p><u>Public Exhibition</u></p> <p>Public exhibition of the Planning Proposal has not adequately occurred despite previous assurances from Council Officers and the former Mayor, that Melrose Park property owners would be notified for all applications.</p> <p>Following concerns raised by Melrose Park residents in relation to the public notification of DA/1100/2021, the residents were advised that Council would expand the extent of public notification of all proposals /applications to include all properties in Melrose Park in the Ryde LGA between Wharf Road and the Ryde Parramatta</p>	<p><u>Public Exhibition</u></p> <p>Council Officers consider no changes are required to the public exhibition of the Planning Proposal that was undertaken in accordance with Council's Community Engagement Strategy. The Planning Proposal was on public exhibition from 18 June to 18 July 2024 and 86 letters were mailed to all properties within 150 metres of the subject site. The Melrose Park Action Group was also notified by email.</p> <p>It is acknowledged that the Melrose Park South Planning Proposal and the Melrose Park North Planning Proposals were notified to Ryde LGA residents. However, both Planning Proposals bordered</p>

Author (Date)	Issues Raised	Officers Response
	<p>Golf Course, as well as those to the south to the Parramatta River.</p> <p>It should also be pointed out that Council has previously notified property owners in Melrose Park in the Ryde LGA of the Draft Melrose Park North Structure Plan, the Draft Melrose Park North Planning Proposal (and the revised Planning Proposal), the Draft Melrose Park North Site-Specific Development Control Plan and the Draft Planning Agreement (the Payce Planning Agreement).</p> <p>Whilst the notification of the Planning Proposal may have occurred in accordance with Council's Community Engagement Strategy, Council had previously departed from its Community Engagement Strategy with respect to the notification of Planning Proposals and development applications relating to land in the Melrose Park Urban Renewal Precinct.</p> <p>Whilst the Ryde LGA may be over 400 metres away from the subject site, the proposed changes to the planning controls also include proposed amendments to SECTION 8.2.6 MELROSE PARK URBAN RENEWAL PRECINCT of PDCP 2023.</p> <p>The proposed amendments involve proposed changes to the Melrose Park North Masterplan which include changes to the endorsed street network including the relocation of the major east/west connector road through the precinct</p>	<p>Wharf Road (the boundary between the LGAs) and resulted in approximately 7,425 dwellings. These significant and highly complicated planning proposals were also more broadly notified as they were critical in establishing the strategic direction for Melrose Park to develop into a predominantly high-density residential precinct.</p> <p>By contrast, the subject site Planning Proposal will facilitate approximately 160 dwellings and is located over 400 metres from the Ryde LGA and does not impact the strategic direction already established for Melrose Park. All submissions that were received following the conclusion of public exhibition period were accepted by Council officers and are considered as part of this report.</p> <p>Council's previous communications to Ryde LGA residents about a larger notification radius in Melrose Park was made in relation to Development Applications. No such commitments have been made regarding Planning Proposals.</p> <p>It's noted that no residents within the 150m notification area made a submission on the Planning Proposal. The 3 submissions from residents were all from the Ryde LGA located over 400m away.</p> <p>It is noted that there was a discrepancy in the quantum of GFA to be delivered that was published in the Planning Proposal document and the information presented on Council's website and in the Council</p>

Author (Date)	Issues Raised	Officers Response
	<p>(road "EWR-4", east of the road NSR-4). The proposed relocation of the major east/west connector road is located directly opposite residential properties in Melrose Park in the Ryde LGA on the eastern side of Wharf Road.</p> <p>The Planning Proposal states "a minimum of 1,400m² of non-residential floor space is to be provided within the site", whereas the information on the Council website (and the information in Paragraph 5 of the Council report) states the GFA breakdown as "Approx. 14,070sqm residential GFA (161 units) and 1,630sqm commercial GFA". The public notification of the application needs to be consistent with the details contained in the Planning Proposal.</p>	<p>Report. It must be noted that these areas are clearly identified as being approximate amounts only at the Planning Proposal stage. The final area of both residential and non-residential GFA will be determined at the detailed DA stage.</p> <p>The proposed zoning for the site is MU1 and must therefore comprise both residential and non-residential GFA, the exact amounts of which will be determined in final form at the DA stage.</p>
<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024)</p>	<p><u>Erection of "exhibition home" at 19 Hope Street</u></p> <p>An "exhibition home" has recently been erected on the property 19 Hope Street, Melrose Park.</p> <p>The property 19 Hope Street, Melrose Park is currently zoned E4 General Industrial under PLEP 2023. An "exhibition home" is prohibited on land zoned E4 General Industrial under PLEP 2023. Under the Draft Planning Proposal the property 19 Hope Street, Melrose Park is proposed to be rezoned MU1 Mixed Use and RE1 Public Recreation.</p> <p>The "exhibition home" is located on that part of the property proposed to be rezoned MU1 Mixed Use. An "exhibition home" is prohibited on land zoned MU1 Mixed Use under PLEP 2023.</p>	<p><u>Erection of "exhibition home" at 19 Hope Street</u></p> <p>This matter is not relevant to the Planning Proposal. Notwithstanding, Council has investigated this issue and determined an exhibition home has not been erected on the site. The adjoining landowner, Deicorp, have been granted permission from the landowner, PAYCE, to lease the site for the purposes of storing building materials and a site office in support of the development of the Melrose Park Town Centre.</p>

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	<p>A search of the Council's DA Tracker revealed no development applications lodged (or approved) for the erection of an "exhibition home", or a temporary "exhibition home", on the property 19 Hope Street, Melrose Park.</p>	
<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024</p>	<p><u>Light Rail Corridor</u></p> <p>As the Parramatta Light Rail Stage 2 (PLR2) has been approved, the land along the Hope Street frontage of the subject site required for PLR2 as "Light Rail Corridor" should:</p> <ul style="list-style-type: none"> • be zoned SP2 Rail Infrastructure; and • be shown as "SP2 Infrastructure" and marked "Light rail" on the relevant Land Reservation Acquisition Map, • No floor space ratio (FSR) development standard or height of building (HOB) development standard should apply to the land along the Hope Street frontage of the subject site required for PLR2 as "Light Rail Corridor". • The Planning Agreement should include the dedication of the land along the Hope Street frontage of the site for the "Light Rail Corridor". 	<p><u>Light Rail Corridor</u></p> <p>Council has consulted TfNSW regarding the required light rail corridor land reservation. The proposal has been designed to comply with TfNSW's required 12m setback to the Hope Street PLR2 corridor.</p> <p>TfNSW are the relevant land acquisition authority for the PLR2, and they have not requested the land be zoned SP2 Infrastructure. Its noted detailed design of the corridor has not yet been finalised.</p> <p>The planning controls for the site have been developed, tested and endorsed with the required PLR2 corridor reservation in mind. The subject site can be developed to the proposed FSR and HoB controls.</p> <p>In regard to the Planning Agreement, the Light Rail is a State Government project and cannot be included in a Local (Council) Planning Agreement. Acquisition is a matter for the State Government.</p>

Author (Date)	Issues Raised	Officers Response
<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024)</p>	<p><u>RE1 Recreation Zone</u></p> <p>The subject land should not be rezoned RE1 Public Recreation:</p> <ul style="list-style-type: none"> • Is heavily constrained by the existing high voltage power lines and transmission tower on the land • The use of the subject land for public open space is heavily constrained by the restrictions that apply to development on land, under Ausgrid Overhead Easement Requirements, which prevent the delivery of "high quality open space" on the land in accordance with Planning Priority "C17" of the Central City District Plan; • The above constraints/restrictions that apply to the land proposed to be rezoned RE1 Public Recreation impact on the ability of that land: <ul style="list-style-type: none"> ○ "to be used for public open space or recreational purposes"; and ○ "to provide a range of recreational settings and activities and compatible land uses", • The restrictions that apply to development on land, under Ausgrid Overhead Easement Requirements, prevent the ability to "maximise quality green and open space in new growth precincts", in accordance with Council's Environmental Sustainability Strategy 	<p><u>RE1 Recreation Zone</u></p> <p>The proposed open space is consistent with the endorsed approach elsewhere in Melrose Park. Providing this land as open space is not inconsistent with the zone objective.</p> <p>The proposed RE1 zone forms part of the linear Western Parkland in the Melrose Park precinct that will eventually provide a green open space corridor (under Council ownership) from Victoria Road to Parramatta River.</p> <p>It is acknowledged that the land proposed to be rezoned to RE1 Public Recreation and dedicated to Council sits underneath existing high voltage electricity lines and is therefore somewhat constrained. However, In the long term there may be an opportunity to investigate undergrounding of the transmission lines.</p> <p>The Applicant has consulted with Ausgrid, who are supportive of the location of the open space, subject to detailed design at the DA stage. The location of the proposed RE1 land is permitted and will not jeopardise the ability of the land to be used for public recreation purposes and will be able to accommodate a range of recreational activities.</p>

Author (Date)	Issues Raised	Officers Response
<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024)</p>	<p><u>Excessive Density</u></p> <p>The density and scale of development proposed, (an overall floor space ratio of 1.85:1 for the subject site) is:</p> <ul style="list-style-type: none"> • too high given the context in which the site is located, a site immediately adjoined by low density residential development to the north and directly opposite low density residential development on the western side of Hughes Avenue; and • contrary to the following objectives for the floor space ratio (FSR) development standard in Clause 4.4 (1) Floor space ratio of PLEP 2023: <ul style="list-style-type: none"> ○ “to ensure buildings are compatible with the bulk, scale and character of existing and desired future development in the surrounding area,” (Objective (a)); ○ “to provide a (an appropriate) transition in built form and land use intensity” (Objective (c)); <p>The 48m Height of Buildings (HOB) development standard, for all the land proposed to be rezoned MU1 Mixed Use, is:</p> <ul style="list-style-type: none"> • excessive, and totally inappropriate for a site that is immediately adjoined by low density residential development to the north and located directly opposite low density residential 	<p><u>Excessive Density</u></p> <p>The proposed building heights and floor space ratio is a result of extensive urban design testing and is considered to enable an appropriate built form in relation to surrounding development as well as address amenity concerns. In particular, the stepped building design, ranging from 14 storeys in the eastern portion to 4 storeys in the western portion of the site, ensures that overshadowing and bulk and scale impacts are minimised to residential development on Hughes Avenue. Furthermore, the proposed building heights ensure that a transition is achieved from the development to the east, which comprises 21 to 27 storeys.</p> <p>The HoB control and the FSR control work together. The proposed FSR of 2.67:1 is appropriate in the context of the desired future character for Melrose Park North which is transitioning to a high-density mixed-use precinct and is a significance growth area. As stated, the proposed FSR will deliver a built form between 4 and 14 storeys, which is a significant transition downwards when compared to the approved 24 storeys on the site to the east. The proposed FSR controls are therefore deemed by Council officers to be the best outcome when considering both the management of the interface between existing low density residential development and the proposal and achieving the desired future character of Melrose Park.</p>

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	<p>development on the western side of Hughes Avenue; and</p> <ul style="list-style-type: none"> • contrary to the following objectives for the Height of buildings (HOB) development standard in Clause 4.3 (1) Height of buildings of PLEP 2023: <ul style="list-style-type: none"> ○ "to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area," (Objective (b)); and ○ "to reinforce and respect the existing character and scale of low density residential areas" (Objective (d)); 	<p>It's noted that Sydney is facing a significant housing crisis and is key policy concern of the State Government. The subject site provides an important opportunity to deliver well located and well serviced housing in a master planned precinct. The Melrose Park Precinct is a key component of the City of Parramatta's housing targets.</p>

Author (Date)	Issues Raised	Officers Response
<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024)</p>	<p><u>Tree Preservation</u></p> <p>The lack of proper consideration of significant trees and the loss of the existing established urban tree canopy and urban forest have been on going issues raised by residents in relation to Planning Proposals and the development of Site-Specific development controls for development in the Melrose Park Urban Renewal Precinct.</p> <p>A Planning Proposal has been submitted without an arborist's report, detailing the location of existing trees on the land, and the significance of those trees on the land to help inform the siting of development on the land and the formulation of planning controls for development on the subject site.</p> <p>The Planning Proposal states (in part) that "Where trees exist on the Site, they are generally in the landscaped setback area." (page 44).</p> <p>The significant trees "in the landscaped setback area" as well as a significant "grevillea robusta" (silky oak) that existed in the rear yard of the property 75 Hughes Avenue have recently been removed.</p>	<p><u>Tree Preservation</u></p> <p>The absence of an arborists report is not a matter relevant to the planning proposal stage. Any future DA will be required to be accompanied by an arborist report prepared by a suitably qualified person.</p> <p>The planning proposal does not propose any building work, rather it proposes changes to planning controls on the site and provides indicative building envelopes only. Any trees removed by existing DA consents is not a matter that can be addressed by this Planning Proposal.</p> <p>Future development facilitated by the Planning Proposal will likely result in a significant increase of tree canopy on the subject site given the draft DCP requires substantial areas of deep soil.</p>

Author (Date)	Issues Raised	Officers Response
<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024)</p>	<p><u>Affordable Housing Provision</u></p> <p>The quantum of affordable rental housing “2 x (Two Bedroom Affordable Housing Units to Council”, proposed in the Landowners’ “Letter of Offer” to enter into a Planning Agreement, is very low considering the total number of dwellings (a total of 161 dwellings) proposed to be provided on the subject site. The quantum of affordable housing proposed is considered underwhelming representing only approximately 1.2% of the total number of dwellings proposed to be provided on the subject site”.</p> <p>Whilst the percentage affordable housing rate proposed in the Draft Planning Agreement may be the same rate in the executed Planning Agreement for “Holdmark Sites”, it should be pointed out that when the Council approved the Planning Agreement for the “Holdmark Sites, at its meeting on 12 December 2022, it also resolved:</p> <p style="padding-left: 40px;">“(h) That the applicant be encouraged to provide 5-10% affordable housing, consistent with Council policy, at the development application stage.”</p> <p>It is contended that the above Council resolution clearly indicates that the majority of Councillors considered that a 1.2% affordable housing rate for land in the Melrose Park Urban Renewal Precinct</p>	<p><u>Affordable Housing Provision</u></p> <p>The provision of two 2 x bedroom affordable housing units as appropriate given it is in accordance with the rate included in other completed Melrose Park Planning Agreements (Sekisui and Holdmark). Additionally, the proposal aligns with Council’s Affordable Rental Housing Policy which stipulates that Council will seek a minimum of 0-5% of all dwellings be dedicated to Council in perpetuity for affordable housing. There is also the possibility for additional affordable housing units to be delivered at the Development Application stage.</p>

Author (Date)	Issues Raised	Officers Response
	was inadequate and that rate needed to be significantly increased.	

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<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024)</p>	<p><u>Housekeeping DCP Amendments</u></p> <p>The Melrose Park DCP housekeeping amendments that form part of the draft DCP are out of scope and non-compliant with the LEP.</p> <p>Some of the proposed "housekeeping changes to other DCP controls" are not in accordance with the planning controls that apply to the land under PLEP 2023.</p> <p>The proposed "housekeeping changes" to SECTION 8.2.6 MELROSE PARK URBAN RENEWAL PRECINCT OF PDCP 2023, in so far as they relate to land in "Melrose Park North identified as "Area 1" on the Key Sites Map", include:</p> <ul style="list-style-type: none"> • amendments to the Melrose Park North Masterplan, which include changes to the endorsed street network including the relocation of the major east/west connector road through the precinct (road "EWR-4", east of the road NSR-4); • changes to the "Public Open Space Plan"; • the creation of a new "development lot" ("New Lot EA"); • amendments to some "development lots" ("Lot E", "Lot EB", and "Part Lot EA") as a consequence of changes to the street network, endorsed by the Council on 11 October 2021, for the Precinct; 	<p><u>Housekeeping DCP Amendments</u></p> <p>The DCP housekeeping amendments are appropriate in scope and were endorsed by Council to be placed on public exhibition. The DCP masterplan amendment simply reflects the development consent of DA/1100/2021 for the Melrose Park North street network and subdivision.</p> <p>The Sydney Central City Region Panel approved the DA on 13 December 2023, and the landowner Sekisui has since commenced works. The approved DA street network differs from the proposed street layout that is in the existing DCP, hence the need for the amendment. A Section 3.22 Amendment has been submitted by Council to DPHI, to realign the zoning to the development lots reconfigured by of DA/1100/2021. The Section 3.22 Amendment is expected to be gazetted by the close of 2024. It's noted that DA/1100/2021 was widely notified, and included all Melrose Park residents in the Ryde LGA.</p>

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	<ul style="list-style-type: none"> • the redistribution of gross floor area on those "development lots" and to the new "development lot"; • the redistribution of gross floor area to the new "development lot", ("New Lot EA"), includes the redistribution of gross floor area to land zoned RE1 Public Recreation under PLEP 2023 and to land shown on the Land Reservation Acquisition Map of PLEP 2023, as "RE1" and marked "Local open space"; and • changes to the building height controls, expressed in maximum number of storeys, on those "development lots". <p>Changes to the planning controls that apply to the land under PLEP 2023 would be required to facilitate some of those proposed "housekeeping changes".</p>	

Author (Date)	Issues Raised	Officers Response
<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024)</p>	<p><u>DA/156/2024 & DA/296/2024 and DCP Setback Controls</u></p> <p>Adherence to the "Street Setback" controls prescribed for "development lots" in Figure 8.2.6.6.1 – Street Setbacks of PDCP 2023:</p> <ul style="list-style-type: none"> • Prevents proposed developments on the respective "development lot" from being able to provide "deep soil zones", complying with the minimum "deep soil zones" requirements specified under Clause 3E Deep Soil Zones of the Apartment Design Guide; and • Prevents "canopy trees" from be able to be provided in the street frontage setback areas. 	<p><u>DA/156/2024 & DA/296/2024 and DCP Setback Controls</u></p> <p>The Melrose Park DCP setback controls are a result of significant urban design modelling. Melrose Park's DCP and LEP facilitate generous tree canopy via the provision of parkland, bioretention basins, apartment court yards, and street cross sections. The proposed development facilitated by the Planning Proposal will be able to comply with all relevant ADG requirements.</p> <p>DA specific matters are outside the scope of this Planning Proposal.</p>

Author (Date)	Issues Raised	Officers Response
<p>Submission 5 - Individual, Cobham Avenue, Melrose Park (18 August 2024)</p>	<p><u>Application of Outside CBD Contributions Plan</u></p> <p>The Draft Planning Agreement should include the application of the "City of Parramatta (Outside CBD) Contributions Plan 2021".</p> <ul style="list-style-type: none"> • Why shouldn't the City of Parramatta (Outside CBD) Development Contributions Plan 2021 apply to development on land at 112 Wharf Road and 30 & 32 Waratah Street, Melrose Park and 82 Hughes Avenue, Ermington, especially considering that the Council specifically prepared that Plan to "increase development contributions funding to help meet the infrastructure needs of future development and help ensure that infrastructure service levels for the existing population do not decline as a result of the new development's infrastructure demand"? • For equity reasons, why should the development contribution rates, for development carried out on the land to which the subject Planning Agreement would apply, be treated differently to development carried out on other land outside the Parramatta CBD? • Why are the Council officers now advocating "a consistent approach to negotiating Planning Agreements within the Melrose Park precinct," based on the approach adopted for the Payce Planning 	<p><u>Application of Outside CBD Contributions Plan</u></p> <p>A planning agreement is a voluntary agreement between a planning authority and a developer. Council cannot compel a developer to enter into a Voluntary Planning Agreement. The terms of the Planning Agreement are a negotiation between Council and the Developer. In this instance, the Planning Agreement has been negotiated on terms consistent with other Planning Agreements already executed in Melrose Park to ensure an equitable approach to overall contributions. Each Planning Agreement does get negotiated and assessed on its merits to ensure terms favourable to Council.</p> <p>It's noted the draft Planning Agreement is valued at approximately \$3.4 million which is a greater sum than could be collected under the Outside CBD Contribution Plan. Furthermore, under the draft Planning Agreement, an additional contribution of 1% of the development cost is required. This is at estimated at over \$600,000.</p>

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	<p>Agreement, after previously recommending the 'grandfathering' of that approach, endorsed by the former Council, for the Payce Planning Agreement?</p> <p>It is contended that the Council Officers' recommended 'grandfathering' approach in relation to the Payce Planning Agreement, in the report considered by the Council on 12 July 2021, is a clear acknowledgement, and admission, that the approach "endorsed by Council for the Planning Agreement with Payce", was not in the public interest (or "in the interests of the local community") and why such an approach (the "undesirable precedent" approach) should not be endorsed by the Council for subsequent planning agreements negotiated for development on land within the Melrose Park Urban Renewal Precinct.</p> <p>No more evidence that the approach "endorsed by Council for the Planning Agreement with Payce" was not in the public interest for the "Holdmark Sites" is highlighted in the Council Officers' response:</p> <p>"The proposed Planning Agreement provides the best possible value to Council as if the current contribution rates are to be applied to the development, the proponent would not agree (my emphasis) to the Planning Agreement as exhibited" (Paragraph 68 Attachment 2 – Council Officer Responses to Issues Raised)</p>	

Author (Date)	Issues Raised	Officers Response

Author (Date)	Issues Raised	Officers Response
Submission 6 - Individual, Melrose Park (18 July 2024)	This submission endorses the submission made above (Submission 5).	A response to the submission is provided above.