

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, 16 April 2024 at 3.30pm.

Gail Connolly PSM
CHIEF EXECUTIVE OFFICER





**CITY OF
PARRAMATTA**

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	<i>The City of Parramatta Council acknowledges the Burramattagal people of The Darug Nation as the traditional owners of land in Parramatta and pays its respects to their ancient culture and to their elders, past, present and emerging.</i>	
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

16 APRIL 2024

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DEVELOPMENT APPLICATION

ITEM NUMBER	5.1
SUBJECT	47-49 Park Road RYDALMERE NSW 2116 (Lot 5 DP 38557, Lot 6 DP 38557).
DESCRIPTION	Section 4.55(2) Modification to the approved DA/544/2021 for Demolition, tree removal and construction of a three storey residential flat building containing 18 units over basement car parking. Modifications include proposed addition of lower ground 1 bedroom apartment within built envelope and second floor apartment over part of roof top terrace.
REFERENCE	DA/544/2021/B - D09359116
APPLICANT/S	A Scotti
OWNERS	Rydalmere Holdings Pty LTD; FMH Custodians Pty Ltd; FMH Nominees Pty Ltd; Jaami Holdings Pty Ltd
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	Approval

DATE OF REPORT 02 APRIL 2024

REASON FOR REFERRAL TO LPP

The proposal is being referred to the Parramatta Local Planning Panel (PLPP) due to a further variation to height of buildings development standard greater than 10%.

SITE & LOCALITY

The subject site is legally described as Lot 6 DP 38557 & Lot 5 DP 38557 and commonly known as 47-49 Park Road, Rydalmere and has an approximate area of 1388m².

The subject site currently accommodates 2 single storey detached dwellings on separate Torrens title allotments. It is located within an established residential area characterised by single and double storey residential dwellings, dual occupancy developments, and residential flat buildings. Adjoining the site to the north and south are single storey detached dwellings, and to the east are existing residential flat building developments. To the west of the subject site is Rydalmere Park.

STATUTORY CONTROLS

The instruments applicable to this application are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Building Sustainability) 2022
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- Parramatta Local Environmental Plan 2023 (PLEP 2023)

- Parramatta Development Control Plan 2023 (PDCP 2023)

EXECUTIVE SUMMARY

The Section (2) Modification DA/544/2021/B was lodged to Council on the 6 November 2023 for changes to the approved gross floor area, building height and increase number of units.

In accordance with the Parramatta Consolidated Notification Procedures, the Development Application was notified from the 19 December 2023 to 01 February 2024. In response no (0) submissions were received.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development exceeds the maximum permissible height of building by 2.17m which is a 19.7% variation to the development standard.

Section 4.15 Assessment Summary

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

The proposed modifications would result in a Residential Flat Building development that is substantially the same as the original application, however a variation in relation to Clause 12 of the SEPP(ARH) 2009 and Clause 4.3 of the Parramatta LEP 2023 is sought.

The requests to vary the floor space ratio and height of buildings development standards is considered to be supportable for reasons including but not limited to, the proposal remains substantially the same and does not substantially impact the surrounding area while providing for the housing needs of the community.

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/544/2021/B be approved. The recommended conditions of consent are within **Attachment 1**.

RECOMMENDATION

- (a) That the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, modify development consent DA/544/2021 on land at 47-49 Park Road Rydalmere, for a period of five (5) years from the date on the **original** Notice of Determination, subject to the following modifications:
1. Amend Condition Nos. 1, 14, 81 & 100 to reflect the updated plans and documents.
 2. All other conditions of DA/544/2021 remain unchanged.
- (b) That the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the floor space ratio control in Clause 13 Floor Space Ratio of the State Environmental Planning Policy (Affordable

rental Housing) 2009 as there are sufficient environmental grounds to justify the variation.













- (c) That the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the height of building control in Clause 4.3 Height of Buildings of the Parramatta Local Environmental Plan 2023 as there are sufficient environmental grounds to justify the variation.

REASONS FOR APPROVAL

1. The proposed modification is substantially the same development which has been approved.
2. The proposed modification is permissible within the R4 High Density Residential zone and results in a development which is suitable for the context of the site and locality.
3. The proposed modification to increase the building height and floor space of the site is supported as there is no substantial change in the bulk and scale of the building and the changes are not discernible from the streetscape.
4. The proposed modification results in reasonable impacts to adjoining and surrounding properties, is suitable for the site, and is in the public interest.

Najeeb Kobeissi
Development Assessment Officer

ATTACHMENTS:

1	 	Assessment Report and Draft Conditions	54 Pages
2	 	Locality Map	1 Page
3	 	Zoning Map	1 Page
4	 	Architectural Plans	5 Pages
5		Internal Plans (confidential)	5 Pages
6	 	Section 4.6 Variation Height of Building	15 Pages
7	 	Section 4.6 Variation Floor Space Ratio (FSR)	12 Pages

REFERENCE MATERIAL



City of Parramatta

File No: DA/544/2021/B

SECTION 4.55 ASSESSMENT REPORT

Environmental Planning & Assessment Act 1979

DA No:	DA/544/2021/B
Subject Property:	Lot 6 DP 38557, Lot 5 DP 38557, 47-49 Park Road, RYDALMERE NSW 2116
Proposal:	Section 4.55(2) Modification to the approved DA/544/2021 for Demolition, tree removal and construction of a three-storey residential flat building containing 18 units over basement car parking. Modifications include proposed addition of lower ground 1 bedroom apartment within built envelope and second floor apartment over part of roof top terrace.
Date of receipt:	6 November 2023
Applicant:	A Scotti
Owner:	Rydalmere Holdings Pty Ltd and FMH Custodian Pty Ltd and FMH Nominees Pty Ltd and Jaami Holdings Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	No (0) Submissions
Recommendation:	Approval
Assessment Officer:	Najeeb Kobeissi

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 (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Building Sustainability) 2022 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • Parramatta Local Environmental Plan 2023 (PLEP 2023) • Parramatta Development Control Plan 2023 (PDGP 2023)
Zoning	R4 High Density Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Designated Development	No
Integrated Development Variation	No
Delegation	Yes – Clause 13 Floor Space Ratio under the SEPP (ARH) 2009 and Clause 4.3 Height of building under the PLEP 2023. Parramatta Local Planning Panel (PLPP) due to a further variation to height of buildings development standard greater than 10%.

1. Executive Summary

The Section (2) Modification DA/544/2021/B was lodged to Council on the 6 November 2023 for changes to the approved gross floor area, building height and increase number of units.

In accordance with the Parramatta Consolidated Notification Procedures, the Development Application was notified from the 19 December 2023 to 01 February 2024. In response no (0) submissions were received.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development exceeds the maximum permissible height of building by 2.17m which is a 19.7% variation to the development standard.

Section 4.15 Assessment Summary

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

The proposed modifications would result in a Residential Flat Building development that is substantially the same as the original application, however a variation in relation to Clause 12 of the SEPP(ARH) 2009 and Clause 4.3 of the Parramatta LEP 2023 is sought. The requests to vary the floor space ratio and height of buildings development standards is considered to be supportable for reasons including but not limited to, the proposal remains substantially the same and does not substantially impact the surrounding area while providing for the housing needs of the community.

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/544/2021/B be approved. The recommended conditions of consent are within Attachment 1.

2. Site Description and Conditions

The subject site is legally described as Lot 6 DP 38557 & Lot 5 DP 38557 and commonly known as 47-49 Park Road, Rydalmere and has an approximate area of 1388m².

The subject site currently accommodates 2 single storey detached dwellings on separate Torrens title allotments. It is located within an established residential area characterised by single and double storey residential dwellings, dual occupancy developments, and residential flat buildings. Adjoining the site to the north and south are single storey detached dwellings, and to the east are existing residential flat building developments. To the west of the subject site is Rydalmere Park.

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



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



Figure 2: Subject site as viewed from Park Road. Source: Site Inspection.

3. Relevant Site History

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

Date	Comment
17 May 2022	DA/544/2021 was determined as a deferred commencement for the demolition, tree removal and construction of a three-storey residential flat building containing 18 units over basement car parking. Schedule 1 of the consent required the applicant to register an easement through a downstream property
11 October 2022	Operative Consent was issued as the applicant satisfactorily registered the down-stream property easement.
28 September 2023	Modification application DA/544/2021/A was approved. The modification sought to amend the external wall finishes.
6 November 2023	Modification application DA/544/2021/B was lodged and is the subject of this report.

4. The Proposal

Section 4.55 (2) Modification Application, DA/544/2021/B was lodged on 6 November 2023. Specifically, the application seeks approval to modify the approved consent for demolition, tree removal and construction of a three-storey residential flat building containing 18 units over basement car parking for:

- Increase the overall number of units from 18 to 20.
 - One unit on the lower ground floor
 - One unit on the second floor.
- Increase the number of Affordable rental housing units from 9 units to 10 units
- Increase the ARH dedicated gross floor area from 690.86m² to 822.3m².
- Changes to the approved landscape plan including the removal of the garden bed adjacent to Unit 43's patio and changes to the design of the front lawn of units 43 and 43A.
- An overall increase in both the FSR and building height over the maximum allowed.
- Requests to vary both the development standards, FSR and Height of building.



Figure 3: 3D Render. Source: Design Effects Architects

5. Assessment under Section 4.56

SECTION 4.56	
(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which 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. See further assessment below.
(b) 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 Council's Consolidated Notification Procedures.
(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and	The original application received no submissions.
(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.
(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	An assessment against the relevant matters contained within s4.15 are addressed further in this report.
ASSESSMENT OF WHETHER THE PROPOSAL IS SUBSTANTIALLY THE SAME	
In considering whether the development is substantially the same, the applicant bears the onus of satisfying the consent authority that the modified development is substantially the same as the original development (<i>Vacik Pty Ltd v Penrith City Council</i> , unreported, 24 February 1992). In this judgement, Stein J states that it is not appropriate to simply say that the nature of the development, in this case the use of the site as a residential flat building, as amended would be the same use and therefore substantially the same development. Stein J goes on to say that it is necessary to consider whether the proposed modified development would be essentially or materially or having the same essence as that which had been originally approved. These comments are reiterated in <i>Trinvass Pty Ltd v The Council of the City of Sydney</i> [2018] NSWLEC 77.	
Bignold J in his decision in <i>Moto Projects No 2 Pty Limited v North Sydney Council</i> [1999] 106 LGERA 298, states that:	

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (currently) approved development.

The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).”

As such, an assessment of the proposed modified development to determine if substantially the same as the original development requires an assessment of the quantitative and qualitative impacts of the modified proposal.

Quantitative Assessment

The proposed modification results in a minor 0.67m increase to the building height and a 186.1m² increase to the total gross floor area (GFA) on site. The proposed modification has also increased the overall number of units from 18 to 20, and an increase in the allocation of affordable housing units from 9 units to 10. These quantitative changes have not resulted in a change to the buildings footprint or setbacks.

Qualitative Assessment

The proposed modification maintains its compatibility with the current and future context for a high-density residential zone. The proposal as modified maintains its appearance and a residential flat building and does not propose any changes to the approved building materiality. Additionally, no modifications are proposed to the approved landscape plan and the development maintains its compatibility with the local character.

Conclusion

Based on the above assessment, the modified development is substantially the same as the original approved development as the design, use and its compatibility with the local context are maintained.

6. Referrals

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application.

Referral	Comment
Development Engineer	Supported. No change to the approved conditions.
Landscape	Supported. No change to the approved conditions.

PLANNING ASSESSMENT

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Building Sustainability) 2022
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- Parramatta Local Environmental Plan 2023 (PLEP 2023)

- Parramatta Development Control Plan 2023 (PDCP 2023)

Compliance with these instruments is addressed below.

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

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

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment. There has been no additional tree removal proposed.

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

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

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

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

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

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

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

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

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

7.6 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY) 2022

An amended BASIX certificate has been lodged with this modification. Conditions relating to the BASIX certificate have been amended accordingly.

7.7 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The State Environmental planning Policy (Housing) 2021 was gazetted on 26 November 2021. Schedule 7A of the SEPP outlines the savings and transitional provisions regarding development applications lodged prior to the commencement of the SEPP. Clause 2(1)(da) of the schedule states as follows:

(1) This Policy does not apply to the following matters—

(da) an application to modify a development consent granted after the commencement date, if it relates to a development application made, but not determined, on or before the commencement date,

As DA/544/2021 was lodged on 2 June 2021 and then determined on 17 May 2022, the SEPP (Housing) 2021 does not apply and the modification application is to be assessed under the State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.

7.8 STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009 – DIVISION 1 IN-FILL AFFORDABLE HOUSING

State Environmental Planning Policy (Affordable Rental Housing) 2009 ARHSEPP provides incentives to deliver affordable rental housing.

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

Clause	Original	Proposed Modification
Clause 13 Floor Space Ratios	Approved at 1.25:1 = 1,731.8m ² Assessed under subsection 2(a)(ii).	46% of the total GFA is proposed to be used for affordable housing. Applying subsection 2(a)(ii). <i>(2) The maximum floor space ratio for development to which this Division applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus—</i> <i>(a) if the existing maximum floor space ratio is 2.5:1 or less—</i> <i>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where—</i> AH is the percentage of the gross floor area of the development that is used for affordable housing. Y = AH ÷ 100 AH = 882.3 / 1,917.9 = 46% Y = 46 / 100 = 0.46:1 0.8 + 0.46 = 1.26:1 FSR Allowed = 1748.9m ² Maximum = 1.26:1 = 1748.9m ² Proposed = 1.38:1 = 1917.9m ² Proposed variation = 9.66% = 169m ² The proposal can be supported in its current form. Refer to the below discussion.

Note: Applications assessed under Section 4.55 of the EPA Act 1979 do not require a variation to be sought under Clause 4.6 of the Parramatta LEP 2023. Notwithstanding, a merit assessment of the variation is provided below.

The floor space ratio of the proposed modification exceeds the permissible floor space ratio pursuant to Clause 13 of the State Environmental Planning Policy (Affordable rental Housing) 2009. Clause 13 of the SEPP and the associated Parramatta LEP 2023 map denote a maximum floor space ratio (FSR) of 0.8:1 (1,110.4m²) plus the FSR calculated in relation to the percentage of the gross floor area of the development that is used for affordable housing, for the subject site. The modification proposes an FSR of 1.38:1 (1917.9m²), providing a non-compliance with the development standard with a percentage variation of 9.66% (52.55m²).

	Max FSR and GFA under the SEPP	Proposed FSR	Proposed GFA	Variation
Original	1.199:1 (1664.2m ²)	1.25:1	1731.8m ²	4.06% to standard
Proposed	1.26:1 (1748.9m ²)	1.38:1	1917.9m ²	9.66% to standard

The addition of both units (one of which is designated as affordable housing) are the cause of the exceedance of the FSR standard. Although the additional units satisfy the objective of an R4 High density residential zone to provide for the housing needs of the community within a high-density residential environment, the additional units also meet the state governments requirements for additional housing in the state of NSW.

According to the 2022 NSW Population Projections, NSW will need to house an additional 85,000 people every year for the next 20 years. In relation to the Parramatta Local Government Area being part of Greater Sydney, by 2041, the population will reach 6.1 million in Greater Sydney.

NSW will need an additional 904,000 homes over the next 20 years to house the growing population. That means 28,500 new homes per year in Greater Sydney. The provision of additional housing, with affordable housing, is considered to meet the demand for housing in the state.

It is noted that the variation sought is due to internal changes that saw the void located on the lower ground floor be partially converted into floor area, and the addition of a unit on the top floor level. Whilst the proposed changes result in a variation of the development standard, the additional GFA has been incorporated into the development in a manner that maintains the approved building footprint and only a minor increase in the overall height of the building by an additional 0.67m.

As there are no changes to the footprint or setbacks and maintains a compliant landscape area, the increase in floor space ratio does not substantially increase the bulk and scale of the residential flat building. Additionally, there is a slight modification to the appearance of the development from the streetscape with a minor height increase that remains compliant, with the exception of the southern corner that exceeds the height by 0.18m.

The development does not meet the numerical controls associated with the floor space ratio development standard under SEPP (ARH) 2009. As the SEPP does not provide objectives for FSR, the objectives for FSR from the Parramatta LEP 2023 are used for the assessment, and the development remains compliant with the objectives of the LEP clause.

The objectives of Clause 4.4 are as follows:

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

Comment: The subject development retains its use as a residential flat building. Although the proposed modification would increase the total gross floor area of the development, the increase is mostly internal to the building with the addition of a unit on the top level. The proposal maintains its setbacks and building footprint with only a minor increase in the building height due to the additional GFA. Additional bulk and scale are acceptable and maintains its compatibility with the character of the area.

Objective (b) to regulate density of development and generation of vehicular and pedestrian traffic,

Comment: The subject development retains its use as a residential flat building. The increase in the gross floor area is a result of the addition of two units on site. Whilst the two unit are proposed to be added to the approved application, the modification does not propose additional carparking spaces. The approved 24 car parking spaces remains compliant with the modified proposal.

Additionally, Park Road is a collector street that links the local street network to a signalised intersection with Victoria Road. The impact of any additional floor space on this street would be minimal. The addition of two units is not expected to generate sufficient traffic that would have an impact on vehicular and pedestrian traffic on or around the site.

Objective (c) to provide a transition in built form and land use intensity,

Comment: The proposal has a minor and acceptable increase in bulk and scale of the approved residential flat building. Therefore, the proposal will not impact on the intensity as the site as it is within a high-density residential area and consistent in height, size and mass anticipated by the applicable environmental planning instruments.

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

Comment: Not applicable as there are no heritage items in the immediate vicinity of the site that could be affected by the exception to the maximum floor space ratio.

Objective (e) to reinforce and respect the existing character and scale of low-density residential areas.

Comment: Not applicable as the immediate area is zoned for higher density housing and is in transition to a higher density residential area.

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded, and in this instance the proposed modification achieves the objectives of the standard notwithstanding non-compliance with the standard.

Clause 14 – Standards that cannot be used to refuse consent.

A consent authority must not refuse consent to development to which this Division applies on any of the following ground

14(1)(c)(iii) Landscaped Area	436m ² or 31%.	417m ² or 30%. Complies
14(1)(d) Deep Soil Zones	413m ² or 29.7%	413m ² or 29.7% No Change
14(1)(e) Solar Access	77% of units (14 of 18) receives 3 hours of adequate solar access.	70% of units (14 of 20) receives 3 hours of adequate solar access. Complies
14(2)(a) Parking	The proposal provides 24 resident parking spots and complies.	1 bedroom – 0.5 space (4 x 0.5 spaces) = 2 2 bedroom – 1 space (12 x 1 space) = 12 3 bedroom – 1.5 spaces (4 x 1.5 spaces) = 6 TOTAL spaces required = 20 spaces. The proposal maintains compliance with 24 car spaces. Complies
14(2)(b) Dwelling Size	1 bedroom 57m ² (min.) 2 bedroom 75m ² (min.) 3 bedroom 96m ² (min.)	1 bedroom 58m ² (min.) 2 bedroom 77m ² (min.) 3 bedroom 96m ² (min.) Complies

Clause 15 – Design Requirements

This Clause does not apply as Clause 4 of SEPP 65 applies.

Clause 16A – Character of Local Area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The SEPP (Affordable Rental Housing) 2009 does not provide guidance in how to determine if a development is compatible with the local area. In this regard, case law in the Land and Environment Court has considered the merits assessment of Clause 30A. In addition, the Land and Environment Court's Planning Principle 'Surrounding Development – Compatibility of proposal with surrounding development' (*Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC*

191) provides for guidance on how to assess the compatibility of development with the character of a local area. Using case law and the Land and Environment Court Planning Principle, a merit assessment of the character of the local area should consider the following three steps:

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

An assessment of the modification against each step is provided below:

Step 1 – Identify the local area

This assessment identifies the local area as primarily the visual catchment of the site (as viewed from within the site and directly adjacent to the site on the street).

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

The local area is generally characterised by residential uses. Although there are residential flat buildings within the area, the housing stock is primarily dwelling houses.

The site is located within an R4 High Density Residential Zone pursuant to the Parramatta Local Environmental Plan 2023 under which boarding houses, residential flat buildings and multi dwelling housing are permissible on the site and in the surrounding locality.

The key consideration in the current circumstances is the form of development anticipated for the area in the future. Given that the site does not form part of a heritage conservation area with a consistent prevailing built form and character, it is likely that this area will continue to be developed for high density residential uses.

The proposed built form under the modification maintains its appearance as a residential flat building when viewed from Park Road, which is consistent with the desired future character of the locality.

Step 3 – Determine if the development is compatible with the character of the local area.

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

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

Physical impacts generally include privacy, overshadowing, visual bulk and compatibility within the streetscape. The physical impacts of the development are acceptable for the following reasons:

- The proposed built form under the modification maintains its compatible with the desired future character of the locality which are high density residential developments.
- The proposed built form under the modification maintains setbacks, landscaped area and private open space area that are consistent with the built form controls for the local area;
- The windows along the side and rear elevations are adequately set back from adjoining dwellings;
- The additional overshadowing impacts created from the proposed modification are minor in nature and acceptable given the orientation of the site; and
- Potential acoustic impacts arising from the increase in occupants of the proposed development have been identified within the submitted Acoustic Report and noise mitigation measures have been implemented by way of conditions of consent under the original approval.

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

As mentioned in the previous discussion regarding the character of the local area, the current housing stock around the subject site is primarily dwelling houses with a likely transition to higher densities in the near future.

The appearance of the proposal is consistent with the existing built form elements that contribute to the character of the local area, as the proposed built form will be similar to existing residential flat buildings located on Park Road.

In addition, the proposal does not isolate any adjoining allotments, so it will not hinder the opportunity for future developments with similar built forms.

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

DESIGN PRINCIPLE	
1. Context	The design of the modified development responds to the qualities and identity of the area with respect to its relationship to adjoining sites, streetscape and neighbourhood.
2. Built form and scale	The height of the modified development, though slightly increased, is consistent with the built form envisaged for the subject site. The built form and scale of the building remain substantially the same with no change to the building footprint and setbacks.
3. Density	The proposed density remains appropriate for the site and its context in terms of floor space yield and number of units, including the additional 2 units.
4. Sustainability	The proposal achieves the minimum requirements within the ADG with regards to sustainability.
5. Landscape	A landscape plan was submitted with the original Development Application and considered satisfactory
6. Amenity	The modified proposal is satisfactory with regards to amenity and has been designed to optimise internal amenity through orientation, visual and acoustic privacy, solar access, natural ventilation, apartment layout, storage areas, and service areas.
7. Safety	The modified proposal satisfactorily addresses safety and provides opportunities for passive surveillance to the street frontage and communal areas of the site.
8. Housing Diversity and Social Interaction	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different demographics, living needs and budgets. The development provides housing and communal facilities suiting the existing and future social mix and provide for the desired future community.
9. Aesthetics	The modified built form is appropriate with regard to the composition of building elements, textures, materials and colours, reflecting the use, internal design and structure of the building.

APARTMENT DESIGN GUIDE			
CLAUSE	ORIGINAL DA	MODIFICATION	COMPLIANCE
Communal open space	A combined area of 569m ² (40%) of communal open space was provided on the rooftop and at ground level	A combined area of 456.5m ² (33%) of communal open space has provided on the rooftop and at ground level. The modification remains compliant with the minimum 25% of the site area as communal open space.	Yes
Solar and daylight access	77% of units (14 of 18) receives 2 hours of adequate solar access	70% of units (14 of 20) receives 3 hours of adequate solar access. The modification achieves the minimum required 70%.	Yes
Natural ventilation	A total of 13 of 18 units (72%) are cross ventilated.	A total of 13 of 20 units (65%) are cross ventilated. The modification achieves the minimum required 60%.	Yes
Apartment size and layout	1 bedroom 57m ² (min.) 2 bedroom 75m ² (min.) 3 bedroom 96m ² (min.)	1 bedroom 58m ² (min.) 2 bedroom 77m ² (min.) 3 bedroom 96m ² (min.)	Yes
	Every habitable room had window in an external wall with a minimum glass area of not less than 10% of the floor area of the room.	Every habitable room, both approved and new apartments, have a window in an external wall with a minimum glass area of not less than 10% of the floor area of the room.	Yes
	Kitchens were not located in circulation spaces.	Kitchens, both approved and new apartments, are not located in circulation spaces.	Yes

	No apartments exceed the maximum 8m habitable room depth.	No apartments, both approved and new, exceed the maximum 8m habitable room depth.	Yes
	The master bedrooms have a minimum area of 10m ² .	The master bedrooms, both approved and new, have a minimum area of 10m ² .	Yes
	All bedrooms were provided with a minimum dimension of 3 metres.	All bedrooms, both approved and new, are provided with a minimum dimension of 3 metres.	Yes
	All min. dimensions provided	All min. dimensions provided	Yes
	The width of all apartments exceeds 4m in width.	The width, both approved and new, of all apartments exceeds 4m in width.	Yes
Private open space and balconies	All proposed units will have compliant balconies in regard to area and depth.	The new one-bedroom apartment has a balcony area of 12.3m ² and the new two-bedroom apartment has an area of 12.5m ² . both areas are compliant.	Yes
Storage	Adequate Storage is provided both within the units and within the storage lockers on the lower ground floor.	The storage units on the ground floor have been reconfigured as part of the modification. Adequate Storage, for both approved and new units, is provided both within the units and within the storage lockers on the lower ground floor.	Yes
Common circulation and spaces	A maximum of 6 units are served on each level off a circulation core on a single level.	A maximum of 6 units will still be served on each level off a circulation core on a single level.	Yes

5. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

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

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in the City of Parramatta in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

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

It is considered that the modification maintains satisfaction with the aims of the plan.

Clause 2.3 Zone objectives and Land Use Table

The site is zoned R4 High Density Residential. The aims and objectives for the R2 zone in Clause 2.3 – Zone Objectives are as follows:

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

The proposed modification remains a residential flat building use, is permissible in the zone and consistent with these objectives.

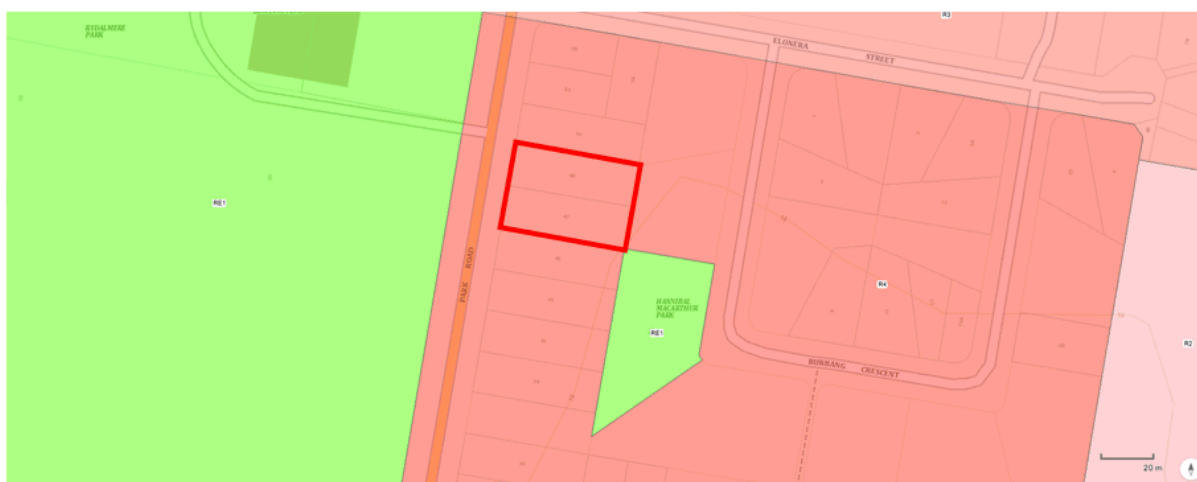


Figure 4: Land Zoning Map. Source: NSW Planning Portal.

PARRAMATTA LOCAL ENVIRONMENT PLAN 2023															
Standards and Provisions	Original DA	Proposed Modification	Compliance												
Part 4 Principal development standards															
Cl. 4.3 Height of buildings Allowable: 11m	12.5m	13.17m Variation: 19.7% or 2.17m	No – Supportable <i>Refer to Discussion Below.</i>												
<p>Note: Applications assessed under Section 4.55 of the EPA Act 1979 do not require a variation to be sought under Clause 4.6 of the Parramatta LEP 2011. Notwithstanding, a merit assessment of the variation is provided below.</p> <p>The building height of the proposed modification exceeds the permissible height of building pursuant to Clause 4.3 of the Parramatta LEP 2023. Clause 4.3 of the Parramatta LEP 2023 and the associated map denote a height of building of 11m for the subject site. The development as built provides a building height of 13.17m, providing a non-compliance with the development standard with a percentage variation of 19.7% (2.17m), however, the modified building height proposes a variation to the original approval of 5.4% (0.67m)</p> <table> <tr> <th></th><th>Max Height of building under LEP</th><th>Proposed height</th><th>Variation</th></tr> <tr> <td>Original</td><td>11m</td><td>12.5m</td><td>13.6% to standard</td></tr> <tr> <td>Proposed</td><td>11m</td><td>13.17m</td><td>19.7% to standard 5.4% to original</td></tr> </table>					Max Height of building under LEP	Proposed height	Variation	Original	11m	12.5m	13.6% to standard	Proposed	11m	13.17m	19.7% to standard 5.4% to original
	Max Height of building under LEP	Proposed height	Variation												
Original	11m	12.5m	13.6% to standard												
Proposed	11m	13.17m	19.7% to standard 5.4% to original												
It is noted that the variation sought is due a few factors:															

- the addition of a unit on the top level, that saw the height increase due to the site slope;
- the original proposal was designed to have stepped levels while the floor levels in the modification have been unified. Therefore, the levels at the front of the building have been raised 1.46m;
- an additional increase to the parapet at the frontage by 0.11m

Refer to the below figures.

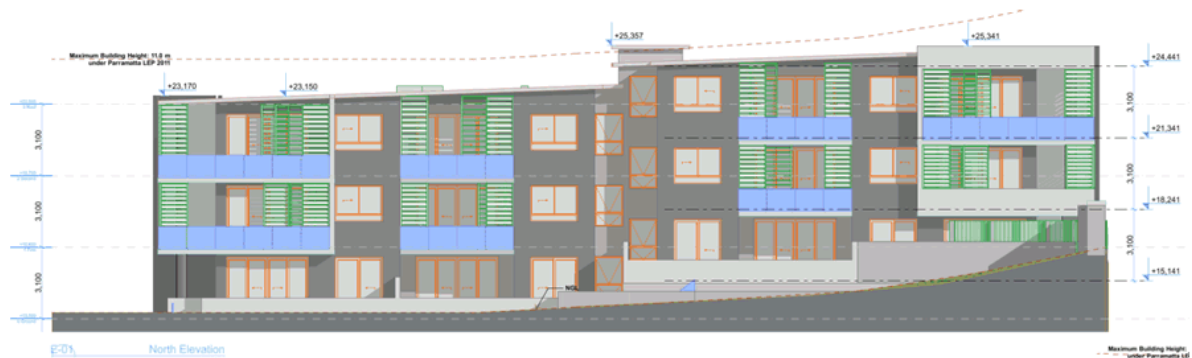


Figure 5: Approved North Elevation under DA/544/2021. Source: Design Effects Architects

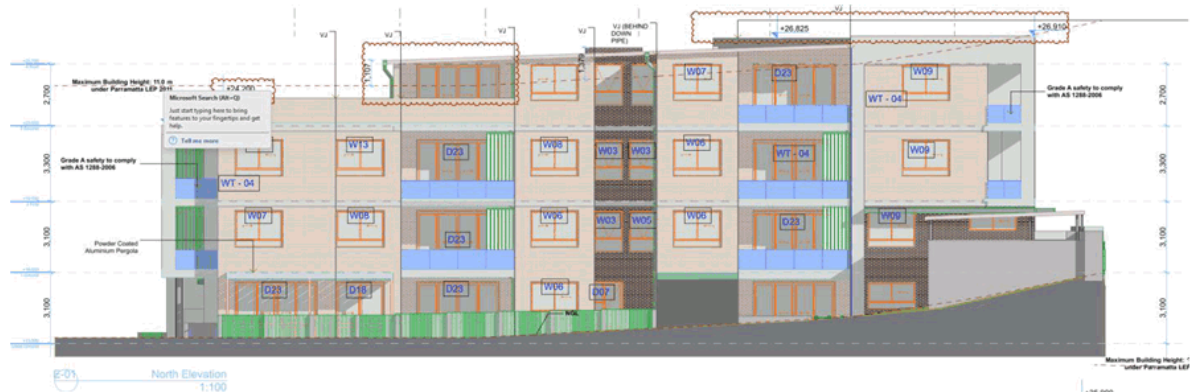


Figure 6: Proposed North Elevation under modification DA/544/2021/B. Source: Design Effects Architects

As previously mentioned in the discussion under clause 13 of the SEPP (ARH) 2009, the variation to the standard is due to the provision of two additional dwellings. Additionally, as there is a need for housing in the state of NSW, the provision of additional housing, with affordable housing, is considered to meet that demand for housing in the state.

Whilst the proposed changes result in a variation of the development standard, it is noted that the additional height remains compliant over the majority of the frontage with the exception of the south corner that achieves a height of 11.18m, a variation of 1.6 % to the standard.

Further to the above, it is noted that whilst the development does not meet the numerical controls associated with the height of building development standard under the Parramatta LEP 2023, the development remains compliant with the objectives of the clause.

The objectives of Clause 4.3 are as follows:

Objective (a) to provide appropriate height transitions between buildings,

Comment: A height limit of 11m equates to a 3-storey building as is prescribed in the part 3.5 of the Parramatta DCP 2023. From the street and from the rear the proposed building presents as a 3-storey building. The site is located on the low side of Park Road and slopes down toward the rear which is in part due the non-compliance.

Midway through the building along the roof, the proposed residential flat building steps down the slope. In a small portion around the core of the development, the proposal achieves 4 storeys.

Objective (b) to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,

Comment: The surrounding areas are also zoned R4 High density residential and have maximum height of building of 11m. This will result in 3-storey buildings as is prescribed in the part 3.5 of the Parramatta DCP 2023. Future developments in the area would also achieve 3 storey residential flat buildings.

Objective (c) to require the height of future buildings to be appropriate in relation to heritage sites and their settings,

Comment: Not applicable, as there are no heritage buildings in the immediate vicinity that could be affected by the variation to the maximum height limit.

Objective (d) to reinforce and respect the existing character and scale of low-density residential areas,

Comment: Not applicable, as the site is in a residential area envisaged by the R4 High Density zone for residential flat buildings.

Objective (e) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Comment:

Visual impact

The proposed height variations would not be visible from Park Road with the exception of the south corner at the frontage. The variation would be viewed from the southern boundary and future laneway. The proposed building is consistent with the expected visual impact of a 3-storey residential flat building anticipated by the (former) Parramatta LEP 2011 and the (former) SEPP (Affordable Rental Housing) 2009.

As a rooftop communal open space area is proposed, the area where the greatest non-compliance with the height limit is around the mid-section area of the development immediately adjacent to the rooftop communal open space area which mitigated most of the potential visual impact towards the rear.

Disruption of views

There are no significant views in the locality that would be compromised as a result of the exception in the maximum height standard.

Privacy

The finish floor level of the rooftop communal open space has been increased by 0.2m. The proposed development has a landscaped area around the perimeter of the rooftop communal open space. It will preclude the ability for residents to approach the edge of the building and look down into the adjoining properties.

The rise in the finish floor levels (FFL) for the front portion of the development would not result in openings (windows and balconies) that would impact privacy beyond that of a typical residential flat building as expected in an R4 zone. The proposed modification maintains all approved and compliant setbacks as per the original development.

Loss of solar access to existing development

The extent of the non-compliance with the height limit would have minimal impact on the neighbouring property to the south. It is noted that there will be a pedestrian pathway between the properties further separating the proposed building on the subject site and future building on the adjoining site. An assessment of the submitted shadow diagrams shows that the additional overshadowing does not add additional impacts to surrounding development that would result in a failure to achieve the required minimum 3 hours of sunlight to primary living areas and private open spaces.

Accordingly, it is considered that that Objective (e) is therefore achieved as the proposed exception to the height limit would not compromise expected visual impact, existing views, privacy or solar access in the immediate vicinity.

Objective (f) to preserve historic views,

Comment: Not applicable, as there are no historic views that would be affected by the exception to the maximum height limit.

Objective (g) to maintain satisfactory sky exposure and daylight to—

- (i) existing buildings in commercial centres, and
- (ii) the sides and rear of tower forms, and
- (iii) key areas of the public domain, including parks, streets and lanes.

Comment: The proposal is not located near a commercial centre or adjacent to a park. The additional height would not result in substantial unsatisfactory sky exposure and daylight to the sides and rear of tower forms. The future lane to the south

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded, and in this instance the proposed modification achieves the objectives of the standard notwithstanding non-compliance with the standard.

Cl. 4.4 Floor space ratio <i>Allowable: 0.8:1</i>	1.25:1 or 1731.8m ²	Refer to the assessment under clause 13 of the SEPP (ARH) 2009 for additional details.	No – Supportable Refer to the assessment under clause 13 of the SEPP (ARH) 2009 for details.
Cl. 4.6 Exceptions to Development Standards	As this proposal is a modification under Clause 4.55 of the Environmental Planning and Assessment Act 1979, Clause 4.6 of the PLEP is not applicable.		N/A
Part 5 Miscellaneous provisions			
Cl. 5.6 Architectural roof features	An architectural roof feature is not proposed.	No change is proposed	Yes
Cl. 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
Cl. 5.10 Heritage Conservation	The subject site does not contain a heritage item, is not in the vicinity of an item and does not fall within a heritage conservation area.		N/A
Cl. 5.11 Bushfire Prone Land	The site is not identified on this map.		N/A
Cl. 5.11 Bush fire hazard reduction	The site is not identified by council as being flood prone.		N/A
Cl. 5.21 Flood Planning	The subject site is not identified as flood prone.		N/A
Part 6 Additional local provisions			
Cl. 6.1 Acid sulphate soils	The site is identified as containing Class 5 Acid Sulphate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared.		N/A
Cl. 6.2 Earthworks	The proposed earthworks were satisfactory.	No change proposed with regards to earthworks	Yes
Cl. 6.3 Biodiversity	The site is not identified on this map		N/A
Cl. 6.4 Riparian land and waterways	The site is not identified on this map		N/A
Cl. 6.5 Stormwater management	Council's stormwater engineer has reviewed the modification application and supports the proposal.		N/A

10. The Parramatta Development Control Plan 2023

A consideration of the relevant sections of the Parramatta DCP 2023 (PDCP 2023) is provided below. Controls impacted by the proposed modification are detailed below.

Development Control	Original DA	Proposed Modification	Compliance
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3.2 General Residential Controls																	
Solar Access and Cross Ventilation	Complies	The additional height of the development does not add additional impacts to surrounding development that would result in a failure to achieve the required minimum 3 hours of sunlight to primary living areas and private open spaces.	Yes														
3.5 Apartment Buildings																	
Preliminary Building Envelope – Building Height	12.5m – 3 Storeys	12.9m – 3 Storeys	Can Be supported.														
<table><tr><th>Metres (as per LEP)</th><th>Maximum no. of storeys</th></tr><tr><td>11m</td><td>3 storeys</td></tr><tr><td>14m</td><td>4 storeys</td></tr><tr><td>17m</td><td>5 storeys</td></tr><tr><td>20m</td><td>6 storeys</td></tr><tr><td>23m</td><td>7 storeys</td></tr><tr><td>26m</td><td>8 storeys</td></tr></table>	Metres (as per LEP)	Maximum no. of storeys	11m	3 storeys	14m	4 storeys	17m	5 storeys	20m	6 storeys	23m	7 storeys	26m	8 storeys		For additional information, refer to the assessment under Clause 4.3 <i>Height of Building</i> in this report.	
Metres (as per LEP)	Maximum no. of storeys																
11m	3 storeys																
14m	4 storeys																
17m	5 storeys																
20m	6 storeys																
23m	7 storeys																
26m	8 storeys																
Setback	Complied	The proposed modification does not alter the approved building envelope.	Yes														
Communal Open Space	A combined area of 569m ² (40%) of communal open space was provided on the rooftop and at ground level	A combined area of 456.5m ² (33%) of communal open space has provided on the rooftop and at ground level. The modification remains compliant with the minimum 25% of the site area as communal open space.	Yes														
Private Open Space	All proposed units will have compliant balconies in regard to area and depth.	The new one-bedroom apartment has a balcony area of 12.3m ² and the new two-bedroom apartment has an area of 12.5m ² . both areas are compliant.	Yes														
Parking Design and Vehicular Access	The proposal complies with 24 parking spots.	Refer to the assessment under clause 14 of the SEPP (ARH) 2009 for details.	Yes														
8.3 Neighbourhood Precints																	
East Rydalmere	The proposal complied with the desired 3m front setback to Park Road. It will also have no impact on the proposed future pedestrian link located to the south of the subject site.	<p>The proposed modification does not alter its compliance with the East Rydalmere precinct requirements outlined in the DCP.</p> <p>The front setback has not been modified and the impact to the future pedestrian link remains unchanged.</p>	Yes														

11. Development Contributions

An adjusted development contribution has been calculated as additional information was submitted to support the recalculation. The standard condition of consent imposed under the original development application approval requiring payment of a development contribution requires modification under this modification application.

12. Bonds

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

13. EP&A Regulation 2021

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

14. The likely impacts of the development

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

15. Suitability of the Site

The subject site can accommodate the proposed modifications without causing detrimental impacts to the amenity of adjoining properties beyond what was considered supportable during the assessment of the original application and no natural hazards or site constraints exist that are likely to have an unacceptably adverse impact on the proposed development. Therefore, subject to the conditions provided within the recommendation to this report, the site is considered to be suitable for the proposed development.

16. Public Consultation

In accordance with the Parramatta Consolidated Notification Procedures, the Development Application was notified from the 19 December 2023 to 01 February 2024. In response no (0) submissions were received.

17. Public interest

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

18. Conclusion

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

The proposed development is appropriately located within a locality. Variations (as detailed above) in relation to Clause 13 of the State Environmental Planning Policy (Affordable rental Housing) 2009 and Clause 4.4 of the Parramatta LEP 2023 are sought.

Having regard to the assessment of the proposal from a merit perspective, Council Officers are satisfied that the additional floor space and building height do not substantially impact the bulk and scale of the approved building envelope and the external alterations to the building would not result in additional substantial amenity impacts to the adjoining properties.

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

21. Recommendation

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

- A. **That**, the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, modify development consent DA/544/2021 on land at 47-49 Park Road Rydalmere, for a period of five (5) years from the date on the **original** Notice of Determination, subject to the following modifications:
- Amend Condition Nos. 1, 14, 81 & 100 to reflect the updated plans and documents.
 - All other conditions of DA/544/2021 remain unchanged.
- B. **That** the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the floor space ratio control in Clause 13 Floor Space Ratio of the State Environmental Planning Policy (Affordable rental Housing) 2009 as there are sufficient environmental grounds to justify the variation.
- C. **That** the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the height of building control in Clause 4.3 Height of Buildings of the Parramatta Local Environmental Plan 2023 as there are sufficient environmental grounds to justify the variation.

Reasons for Approval:

- The proposed modification is substantially the same development which has been approved.
- The proposed modification is permissible within the R4 High Density Residential zone and results in a development which is suitable for the context of the site and locality.
- The proposed modification to increase the building height and floor space of the site is supported as there is no substantial change in the bulk and scale of the building and the changes are not discernible from the streetscape.
- The proposed modification results in reasonable impacts to adjoining and surrounding properties, is suitable for the site, and is in the public interest.

Modified Conditions:

Modify condition no. 1 in the following way:

- Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Drawings (Project No.20-014, Drawn By: Designeffect architects)

Drawing/Plan No.	Issue	Plan Title	Dated
1	d	Design Data	15/02/2022
3	D	Site Plan	15/02/2022
6	D	Basement Floor/Section	15/02/2022
7	D	Lower ground	15/02/2022
8	D	Ground floor	15/02/2022
9	D	First floor	15/02/2022
10	D	Second floor	15/02/2022
11	D	Roof Plan	15/02/2022
15	d	Elevations	15/02/2022
16	D	Façade Details	15/02/2022

Drawing/Plan No.	Issue	Plan Title	Dated
2	g	Design Data	22/02/2024
4	g	Site Plan	22/02/2024
17	g	Basement Floor/Section	22/02/2024
20	g	Lower ground	22/02/2024
23	g	Ground floor	22/02/2024
26	g	First floor	22/02/2024

Drawing/Plan No.	Issue	Plan Title	Dated
29	g	Second floor	22/02/2024
32	g	Roof Plan	22/02/2024
38	g	Elevations	22/02/2024
39	g	Façade Details	22/02/2024

Civil Drawings/Stormwater (Project No. SW21120-S1)

Drawing/Plan No.	Issue	Plan Title	Dated
SW21120-S1	A	S4.15 Report DA_15_2021 No 2 Christine Street	26/05/2021

Landscape Drawings (Project No. SW21120)

Drawing/Plan No.	Issue	Plan Title	Dated
2021.0504DA 1-1	B	Landscape Plan	27/10/2021
2021.0504DA 1-2	B	Landscape Plan	27/10/2021
2021.0504DA 1-3	B	Landscape Plan	27/10/2021
2021.0504DA 1-4	B	Site Stormwater Management Layout	21/10/2021

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
External Finishes	18 20-014	d	Designeffect Architects PTD. LTD.	15/02/2022
BASIX Certificate No. 1206435M_02	-	-	EPS	17/02/2022
BASIX Certificate No. 1206435M_03	-	-	EPS	01/11/2023
Arboricultural Implication Assessment & Tree Protection Specification	-	A	Horticultural Resources Consulting Group	02/05/2022

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

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

Modify condition no. 14 in the following way:

- A monetary contribution comprising ~~\$123,627.00~~ **\$78,674.22** is payable to City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the *Parramatta Section 7.11 City of Parramatta (Outside CBD) Development Contributions Plan 2021*. Payment must be by EFTPOS, bank cheque or credit card only.

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

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

Parramatta Section 94A Development Contributions Plan (Amendment No. 5) can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

Modify condition no. 81 in the following way:

81. 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 ~~1206435M_02~~ **1206435M_03**, will be complied with prior to occupation.

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

Modify condition no. 100 in the following way:

100. Details of the registered community housing provider responsible for the management of the affordable rental housing, ~~Units 2, 5, 9, 10, 11, 15, 16 and 17~~ **Units 1, 2, 3, 4, 5, 6, 7, 8, 9, and 20** is to be submitted to the Principal Certifying Authority (PCA) and Council, prior to the issue of the Occupation Certificate.

To ensure compliance with the State Environmental Planning Policy (Affordable Rental Housing) 2009, Council is to be notified on the date that an Occupation Certificate is issued (this in turn will be considered as the day that the affordable rental housing 10 year dedication commences).

For ten (10) years from the date of the issue of the Occupation Certificate, ~~Units 2, 5, 9, 10, 11, 15, 16 and 17~~ **Units 1, 2, 3, 4, 5, 6, 7, 8, 9, and 20** must:

- a) Be used for the purposes of Affordable Rental Housing SEPP 2009, and
- b) Be managed by a registered community housing provider.

Reason: To ensure that the nominated units are used solely for the purposes of affordable rental housing by a registered community

All other conditions of DA/544/2021 remain unmodified.

PART A – GENERAL CONDITIONS**PA0001 #Approved Plans & Support Doc(DIEP Mandatory Cond)**

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Drawings (Project No.20-014, Drawn By: Designeffect architects)

Drawing/Plan No.	Issue	Plan Title	Dated
2	g	Design Data	22/02/2024
4	g	Site Plan	22/02/2024
17	g	Basement Floor/Section	22/02/2024
20	g	Lower ground	22/02/2024
23	g	Ground floor	22/02/2024
26	g	First floor	22/02/2024
29	g	Second floor	22/02/2024
32	g	Roof Plan	22/02/2024
38	g	Elevations	22/02/2024
39	g	Façade Details	22/02/2024

Civil Drawings/Stormwater (Project No. SW21120-S1)

Drawing/Plan No.	Issue	Plan Title	Dated
SW21120-S1	A	S4.15 Report DA_15_2021 No 2 Christine Street	26/05/2021

Landscape Drawings (Project No.SW21120)

Drawing/Plan No.	Issue	Plan Title	Dated
2021.0504DA 1-1	B	Landscape Plan	27/10/2021
2021.0504DA 1-2	B	Landscape Plan	27/10/2021
2021.0504DA 1-3	B	Landscape Plan	27/10/2021
2021.0504DA 1-4	B	Site Stormwater Management Layout	21/10/2021

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
External Finishes	18 20-014	d	Designeffect Architects PTD. LTD.	15/02/2022

BASIX Certificate No. 1206435M_03	-	-	EPS	01/11/2023
Arboricultural Implication Assessment & Tree Protection Specification	-	A	Horticultural Resources Consulting Group	02/05/2022

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

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

Modified as per DA/544/2021/A and DA/544/2021/B

PA0003 Construction Certificate

2. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

PA0004 No encroachment on Council and/or Adjoining proper

3. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

PA0011 #Demolition of Buildings

4. Approval is granted for the demolition of both dwellings and outbuildings currently on the property(s), subject to compliance with the following: -
 - (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

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

- demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
 - (j) Demolition is to be completed within 5 days of commencement.
 - (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
 - (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
 - (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
 - (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
 - (o) Before demolition works begin, adequate toilet facilities are to be provided.
 - (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
 - (q) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

PA0013 #LSL Payment Const> \$25,000 (DIEP Mandatory Cond)

5. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

Note: The Long Service Levy is to be paid directly to the **Long Service Corporation** at www.longservice.nsw.gov.au. For more information, please contact the Levy support team on 13 14 41.

Reason: To ensure that the long service levy is paid.

LA0001 #Tree Retention

6. Trees to be retained are:

As per Arboricultural Implication Assessment ; HRCG ; 02/05/2021 :
Issue A (T8 can be removed)

Reason: To protect significant trees which contribute to the landscape character of the area.

LA0002 #Demolition & tree removal (Delete N/A Councils)

7. Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

EWA0002 Amenity of waste storage areas (general)

8. All waste storage areas/rooms are to comply with the City of Parramatta Waste Management Guidelines for New Developments. No waste materials are to be stored outside the building or any approved waste storage area at any time.

Reason: To ensure waste is adequately separated and managed in mixed use developments.

EWA0006 Provide waste storage room on premises

9. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) including:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located 1.5m above floor level to avoid damage and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements

EWA0005 Garbage Chutes

10. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the NSW EPA's *Better Practice Guide for Resource Recovery in Residential Developments* (2019). Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Reason: To ensure waste conveyance equipment is appropriately designed and managed.

EWA0002 Amenity of waste storage areas (general)

11. All waste storage areas/rooms are to comply with the City of Parramatta Waste Management Guidelines for New Developments. No waste materials are to be stored outside the building or any approved waste storage area at any time.

Reason: To ensure waste is adequately separated and managed in mixed use developments.

EWA0006 Provide waste storage room on premises

12. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) including:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located 1.5m above floor level to avoid damage and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements

PA0014 #Payment of Security deposits(DIEP Mandatory Cond)

13. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Bond Type	Amount
Nature Strip and Roadway:	\$5,150.00
Street Trees:	\$2,185.45

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,

- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

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

Should a bank guarantee be lodged it must:

- Have no expiry date;
- Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/544/2021;
- Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

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

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

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(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.)

PB0020 #Parra Develop Contrib. Plan – Outside City Centre

14. A monetary contribution comprising **\$78,674.22** is payable to City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the *Parramatta Section 7.11 City of Parramatta (Outside CBD) Development Contributions Plan 2021*. Payment must be by EFTPOS, bank cheque or credit card only.

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

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

Parramatta Section 94A Development Contributions Plan (Amendment No. 5) can be viewed on Council's website at:

<https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

PB0030 Infrastructure & Restoration Adm. fee for all DAs

15. 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.

PB0008 No external service ducts for multi-unit develop

16. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the quality built form of the development.

PB0012 Single master TV antenna

17. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the

development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

PB0028 SEPP 65 verification

18. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason: To comply with the requirements of SEPP 65.

PB0032 Constr. Noise Managt. Plan for townhouses & above

19. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

Reason: To prevent loss of amenity to the area.

PB0033 Energy Provider requirements for Substations

20. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

PB0039 #Adaptable Dwellings for Multi-unit and RFB's

21. The development must incorporate two adaptable dwellings. Plans submitted with the Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason: To ensure the required adaptable dwellings are appropriately designed.

TB0001 #Car Parking Condition

22. The PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS 2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

TB0002 #Bicycle parking condition

23. 9 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

TB0003 #Parking Provision

24. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 24 parking spaces is to be provided and be allocated as follows:

- a) 24 spaces for the residential units including 2 spaces as accessible parking;

Note that the bollard in the shared space between the accessible parking spaces is to be located in accordance with Figure 2.3 of AS2890.6-2009. Details are to be illustrated on plans submitted with the construction certificate application.

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

TB0004 Pedestrian Safety

25. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

Reason: To comply with Australian Standards and ensure pedestrian safety.

TB0006 #Motorcycle Parking Condition

26. 2 motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements

DB0001 Stormwater Disposal

27. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

EWB0002 Management of Construction and/or Demolition Waste

28. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

DB0002 Retaining walls

29. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

DB0003 Sydney Water Quick check

30. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website

<http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

DB0004 Dial Before you Dig Service

31. 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.

DB0007 Basement carpark and subsurface drainage

32. The basement stormwater pump-out system, must be designed and constructed to include the following:
- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
 - (b) Increase the contribution area to basement pump out system to include the area of Council cross over and front setback that can reasonably be assumed to be draining to the basement in the event of the failure of the strip drain within the driveway.
 - (c) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
 - (d) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
 - (e) A 100 mm freeboard to all parking spaces.
 - (f) Submission of full hydraulic details and pump manufacturers specifications.
 - (g) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

DB0012 #On Site Detention

33. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.
- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
 - (i) **"Stormwater Management Plan", Drawing No SW21120, Issue B**, dated 21 Oct 2021, prepared by ALW Design.
 - (b) A Site Storage Requirement of 190 m³/ha and a Permissible Site Discharge of 290 L/s/ha (when using 3rd edition of UPRCT's handbook)
 - (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
 - (d) The ground level adjacent to the building shall have sufficient grade (minimum 1%) to ensure surface flows can be directed around the building to their respective pits.
 - (e) The Southern setback shall drain to the OSD DCP. If not achievable by surface grading, a 150mm kerb shall be constructed to avoid nuisance surface flows being directed to the neighbour.
 - (f) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

DB0017A Construction of a heavy duty vehicular crossing

34. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

DB0018 Exhaust fumes

35. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 2015 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

Reason: To preserve community health and ensure compliance with acceptable standards.

DB0020 Security roller shutters for basement car parking

36. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure visitor carparking is accessible.

DB0021 Impact on Existing Utility Installations

37. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

DB0026 Driveway Grades

38. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

Reason: To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

TB0012 #Convex Mirror

39. Convex mirror(s) are to be installed at the bottom of the driveway access ramp and within the basement car park, with their height and location adjusted to allow drivers a full view of the driveway and the basement car park in order to see if another vehicle is coming through. This includes drivers parked in the car spaces adjacent to the driveway at the car park entrance (labelled No. 5 in the submitted plans). Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure safety of drivers

EWB0002 Management of Construction and/or Demolition Waste

40. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

OB0003 #Street Tree Protection Bond

41. A security bond of \$2,185.45 per street tree shall be deposited with Council to guarantee the protection of the adjacent public street tree/s during demolition/construction works in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and Council's adopted Fees and Charges. The bond is to be lodged with Council prior to the issue of a Construction Certificate, and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**PC0001 #Appointment of PCA**

42. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
 - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

PC0002 Enclosure of the site

43. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

Reason: To ensure public safety.

PC0003 Site Sign

44. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
 - (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

PC0005 Public liability insurance

46. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
 - (b) Below; or
 - (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

PC0007 Footings and walls near boundaries

47. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and

walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

PC0007 Footings and walls near boundaries

48. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

LC0002 #Tree protection as per arborist report

49. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by HRCG dated 02/05/2021 and the conditions of consent.

Reason: To ensure the protection of the tree(s) to be retained on the site.

LC0004 Protective fencing

50. Retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy drip line or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing.

Reason: To protect the environmental amenity of the area.

LC0005 Tree Protection Signage

51. Prior to works commencing, tree protection signage is to be attached to the fencing of each Tree Protection Zone. It is to be displayed in a prominent position and in locations where the fence changes direction. Each sign must contain the following detail in a clear and legible form:

- (a) The Tree Protection Zone is a 'No-Go Zone';
- (b) This fence has been installed to prevent damage to the trees and their growing environment, both above and below ground level. Access to this area is restricted; and
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

LC0006 Pruning/works on tree(s)

52. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

Reason: To ensure the protection of the tree(s) to be retained.

EWC0003 Waste management plan – demolition

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

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

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

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

DC0002 Road Opening Permits - DA's involving drainage wrk

54. 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.

DC0004 Geotechnical report

55. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
 - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the

proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.

- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.

- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason: To ensure the ongoing safety and protection of property.

DC0006 Erosion and Sediment Control measures

56. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

DC0007 Site Maintenance

57. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - (d) the site is to be maintained clear of weeds; and
 - (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

DC0008 Shoring and adequacy of adjoining property

58. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having

the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

DC0009 Special Permits

59. 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.

DC0010 Driveway Crossing Application

60. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

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

EWC0003 Waste management plan – demolition

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

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

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

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

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**PD0006 Hours of work and noise (DPIE Mandatory Condition)**

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

- 7am to 5pm on Monday to Friday
- 8am to 5pm on Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

Reason: To protect the amenity of the surrounding area.

TD0001 Road Occupancy Permit

63. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

TD0002 Oversize vehicles using local roads

64. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

LD0001 No removal of trees on public property

65. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.

Reason: Protection of existing environmental infrastructure and community assets.

LD0004 Material storage and trees

66. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

Reason: To ensure the protection of the tree(s) to be retained on the site.

EWD0003 Waste data file maintained

67. 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.

LD0008 No attachments to trees

68. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

Reason: To ensure the protection of the tree(s).

LD0009 Planting Requirements

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

Reason: To ensure appropriate landscaping.

LD0011 Tree Removal

70. Trees to be removed are:

As per Arboricultural Implication Assessment report : HRCG : 02/05/2021 : Issue A (T8 can also be removed).

Reason: To facilitate development.

LD0013 Removal of trees by an arborist

71. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and undertaken in accordance with the Code of Practice for Amenity Tree Industry 1998.

Reason: To ensure tree works are carried out safely.

DD0003 Grated drain at garage

72. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the driveway, immediately before the garage door, to collect all surface water flowing down the driveway. An opportunity must be provided to allow emergency overflows to be

diverted away from the garage. The drainage line from the grated drain shall be connected to the stormwater drainage system.

Reason: Stormwater control.

DD0005 Erosion & sediment control measures

73. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

DD0006 Damage to public infrastructure

74. 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.

DD0009 Car parking & driveways

75. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

Reason: To ensure appropriate car parking.

DD0010 Vehicle egress signs

76. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

EWD0003 Waste data file maintained

77. 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.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

PE0001 Occupation Certificate

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

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

BE0001 Record of inspections carried out

79. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:
- (a) The development application and Construction Certificate number as registered;
 - (b) The address of the property at which the inspection was carried out;
 - (c) The type of inspection;
 - (d) The date on which it was carried out;
 - (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
 - (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.
- Reason:** To comply with statutory requirements.

PE0006 Street Number when site readily visible location

80. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.
- Reason:** To ensure a visible house number is provided.

PE0007 #BASIX Compliance

81. 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 **1206435M_03**, will be complied with prior to occupation
- Reason:** To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

Modified as per DA/544/2021/B

PE0025 SEPP 65 verification statement OC stage

82. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.
- Note:** Qualified designer in this condition is as per the definition in SEPP 65.
- Reason:** To comply with the requirements of SEPP 65.

PE0026 PE25 –Adaptable dwellings Multi-unit and RFB's modi

83. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.
- Reason:** To ensure the requirements of DCP 2011 have been met.

PE0027 Post Constr. Private Property Dilapidation Report

84. Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- (a) after comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

Reason: To identify damage to adjoining properties resulting from building work on the development site

PE0014 Creation of restrictions / positive covenants

85. The consent holder must submit to Council for endorsement, a Request Document and Plan (if applicable), together with payment of the relevant fee (as outlined in Council's adopted schedule of fees and charges) for the creation of a Positive Covenant and/or Restriction-As-to-User, in accordance with Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:-

- (a) For 10 years from the date of the issue of the occupation certificate:
 - (i) The dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
 - (ii) All accommodation that is used for affordable housing will be managed by a registered community housing provider, and
- (b) A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919* that will ensure that the requirements of paragraph (a) are met.

Note: All Restrictions and Positive Covenants created as part of this consent are to contain a provision that they cannot be released, varied or modified except with the written consent of Parramatta City Council.

Reason: To ensure that the development meets the provisions of the Affordable Rental Housing SEPP 2009.

LE0002 Cert.Auth.Arrange Qualified LandscapeArch.(multi)

86. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

EWE0009 Waste Room Positive Covenant/Restriction

87. A right of access and easement for Council to facilitate waste and recycling removal, using terms available from Council, must be registered on the land title with NSW Land Registry Services pursuant to Section 88B of the Conveyancing Act 1919.

The easement must entitle Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon, including vehicles and other equipment, for the purposes of waste and recycling collection.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure appropriate access to waste storage room(s) for removal of waste.

EWENSC Communal waste facilities

88. Prior to the issue of any Occupation Certificate, communal waste facilities and associated vehicle access on the site shall be inspected and approved by Council's Waste Service Team. Written confirmation of the waste facility approval from Council shall be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

Reason: To ensure that appropriate waste collection facilities are provided.

EWENSC Waste specific by-laws to be provided to Council

89. Prior to the issue of any Occupation Certificate, a draft strata by-law with the insertion of waste specific by-laws is to be provided to Council's Waste Service Team. The waste specific by-laws can be provided by Council's Waste Service Team.

Reason: To ensure that appropriate waste collection facilities are adequately managed by the authorised representatives and occupants of the building and to ensure no waste activities generated on site is placed on public land.

DE0003 Work-as-Executed Plan (DPIE Condition)

90. Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:
- (a) All stormwater drainage systems and storage systems
 - (b) The following matters that Council requires to be documented

- (i) *The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.*
- (ii) *The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.*
- (iii) *The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table*
- (iv) *OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).*
- (v) *Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).*
- (vi) *Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer*

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

Reason: To confirm the location of works once constructed that will become council assets

DE0005 #OSD Positive Covenant/Restriction

91. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the Restriction on the Use of the Land. These photos shall include such elements as the orifice plate, trash screen, step irons, weir, sump and bench on the floor of the DCP, return pipe and flap valve, wide angle view of the storage area or multiple photos, grates closed from above, grates open showing the edges to the opening and under frame packing with mortar or concrete, all pipe entries to the DCP and confined space warning signs at each entry point. The photos must be well labelled and

must differentiate between multiple tanks. Additional photos may be requested if required.

Reason: To ensure maintenance of on-site detention facilities.

DE0006 Section 73 Certificate

92. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

DE0007 Street Numbering

93. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

DE0014 Lot consolidation

94. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the NSW Land Registry Services, prior to an Occupation Certificate being issued.

Reason: To comply with the Conveyancing Act 1919.

DE0015 Driveway Crossover

95. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets

Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: Pedestrian and Vehicle safety.

DE0018 Reinstatement of laybacks etc

96. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

EWE0009 Waste Room Positive Covenant/Restriction

97. A right of access and easement for Council to facilitate waste and recycling removal, using terms available from Council, must be registered on the land title with NSW Land Registry Services pursuant to Section 88B of the Conveyancing Act 1919.

The easement must entitle Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon, including vehicles and other equipment, for the purposes of waste and recycling collection.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure appropriate access to waste storage room(s) for removal of waste.

BENSC Inspection of communal waste & access by Council

98. Prior to the issue of any Occupation Certificate, communal waste facilities and associated vehicle access on the site shall be inspected and approved by Council's Waste Service Team. Written confirmation of the waste facility approval from Council shall be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

Reason: To ensure that appropriate waste collection facilities are provided.

BENSC Communal waste facilities

99. Prior to the issue of any Occupation Certificate, communal waste facilities and associated vehicle access on the site shall be inspected and approved by Council's Waste Service Team. Written confirmation of the waste facility approval from Council shall be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

Reason: To ensure that appropriate waste collection facilities are provided.

BENSC Affordable housing provider

100. Details of the registered community housing provider responsible for the management of the affordable rental housing, **Units 1, 2, 3, 4, 5, 6, 7, 8, 9, and 20** is to be submitted to the Principal Certifying Authority (PCA) and Council, prior to the issue of the Occupation Certificate.

To ensure compliance with the State Environmental Planning Policy (Affordable Rental Housing) 2009, Council is to be notified on the date that an Occupation Certificate is issued (this in turn will be considered as the day that the affordable rental housing 10 year dedication commences).

For ten (10) years from the date of the issue of the Occupation Certificate, **Units 1, 2, 3, 4, 5, 6, 7, 8, 9, and 20** must:

- a) Be used for the purposes of Affordable Rental Housing SEPP 2009, and
- b) Be managed by a registered community housing provider.

Reason: To ensure that the nominated units are used solely for the purposes of affordable rental housing by a registered community

Modified as per DA/544/2021/B

PART F – OCCUPATION AND ONGOING USE**PF0004 External Plant/Air-conditioning noise levels**

101. 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.

PF0049 Graffiti Management

102. 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.

TF0002 #Roller shutter door intercom is installed

103. If a roller shutter door is to be provided at the driveway entry and exit from Park Road, it is to be operated via remote control. If an intercom is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

Reason: To comply with Australian Standards.

EWF0005 Management of waste storage facilities

104. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

EWF0006 Storage of bins between collection periods

105. 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.

EWF0005 Management of waste storage facilities

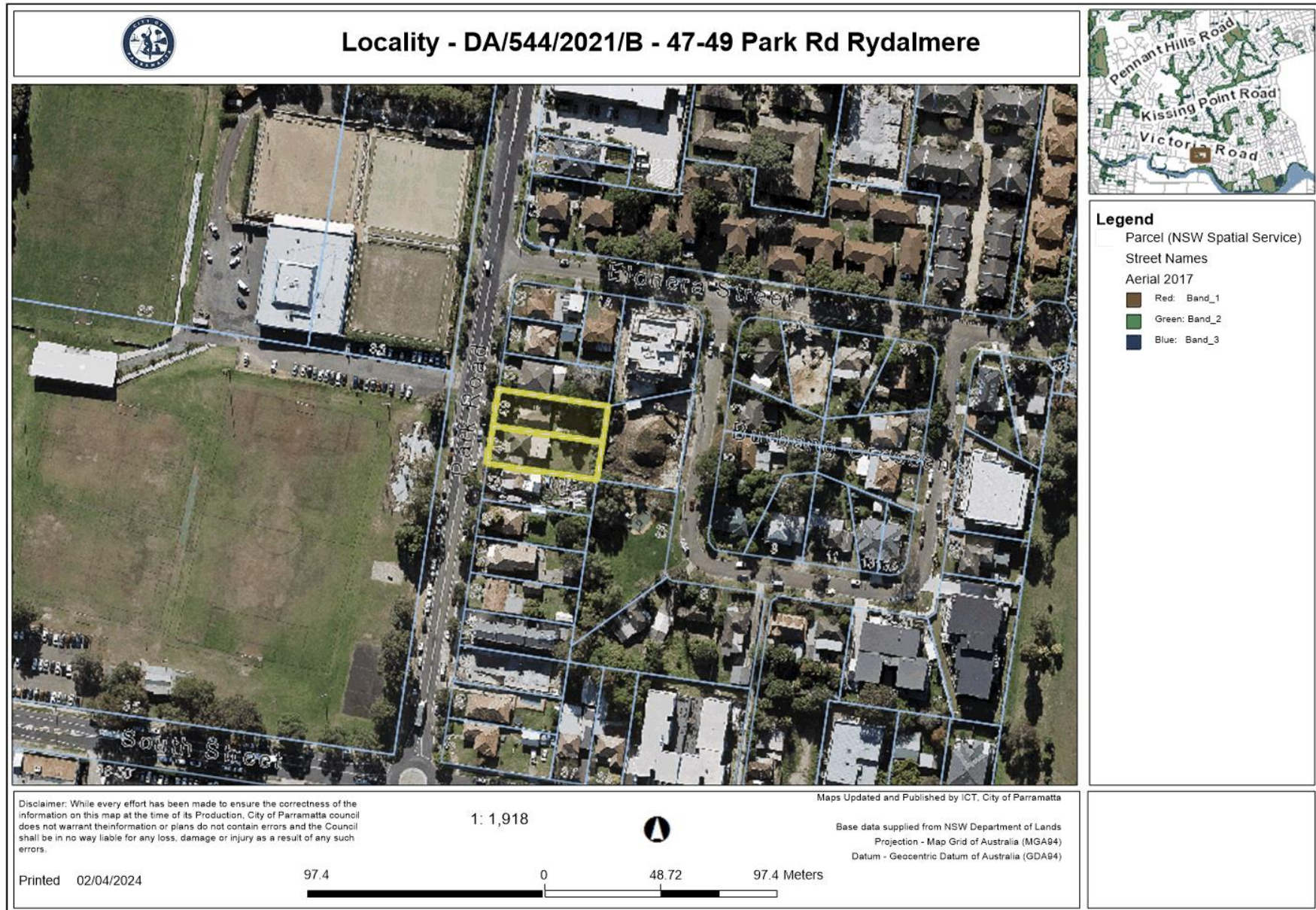
106. All waste storage areas are to be maintained in a clean and tidy condition at all times.

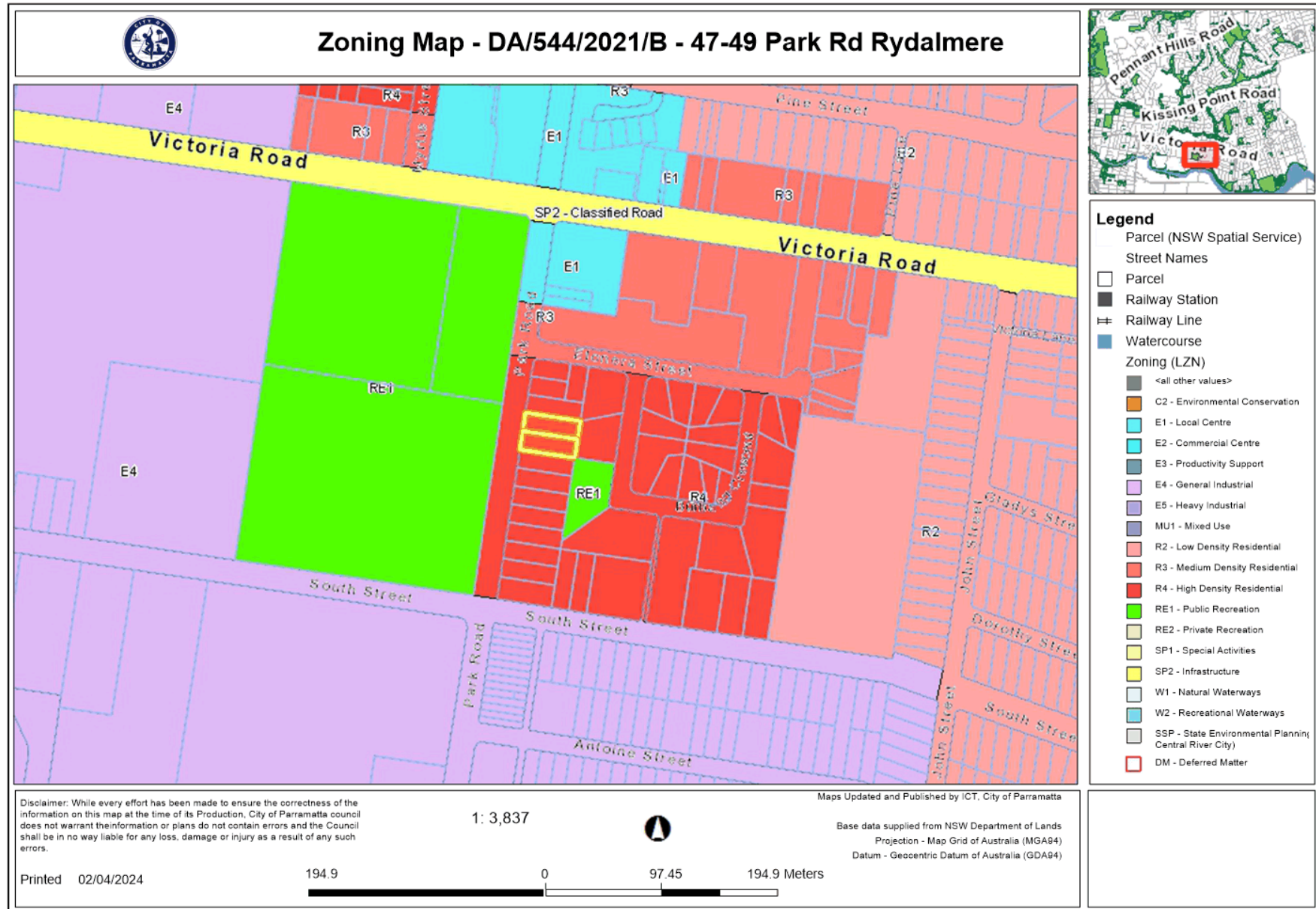
Reason: To ensure the ongoing management of waste storage areas.

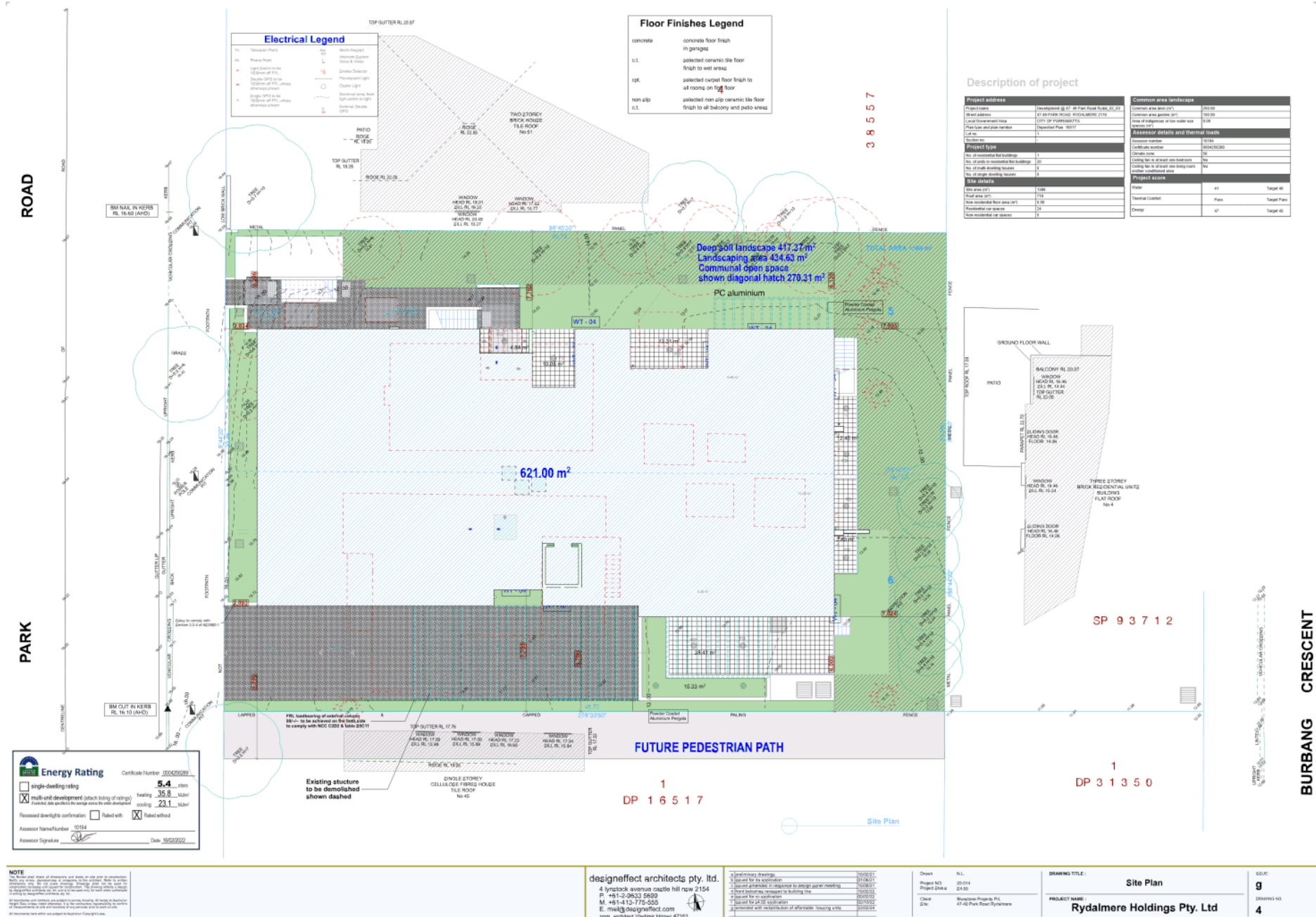
EWF0006 Storage of bins between collection periods

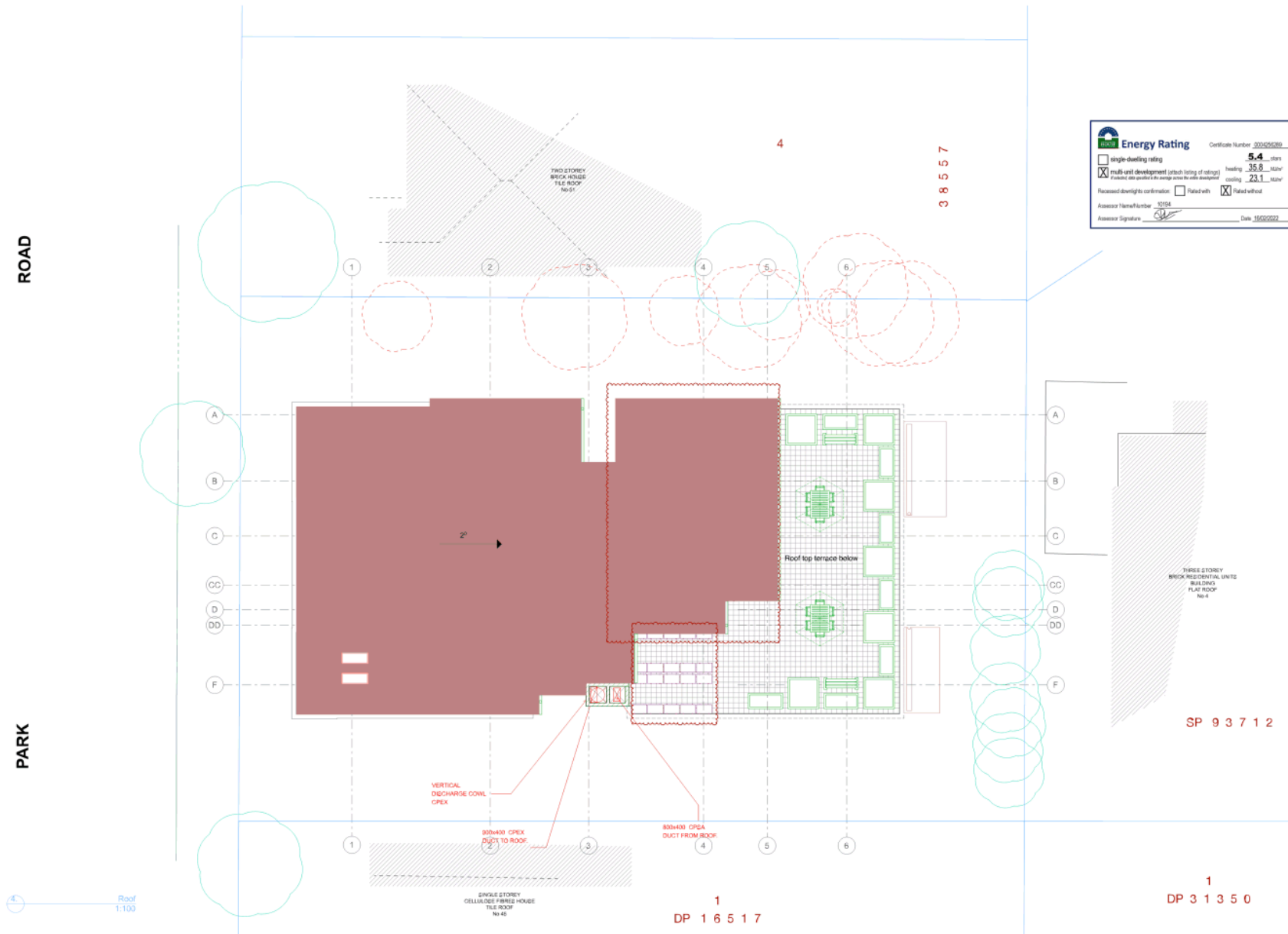
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Reason: To ensure waste is adequately stored within the premises.







[illegible]

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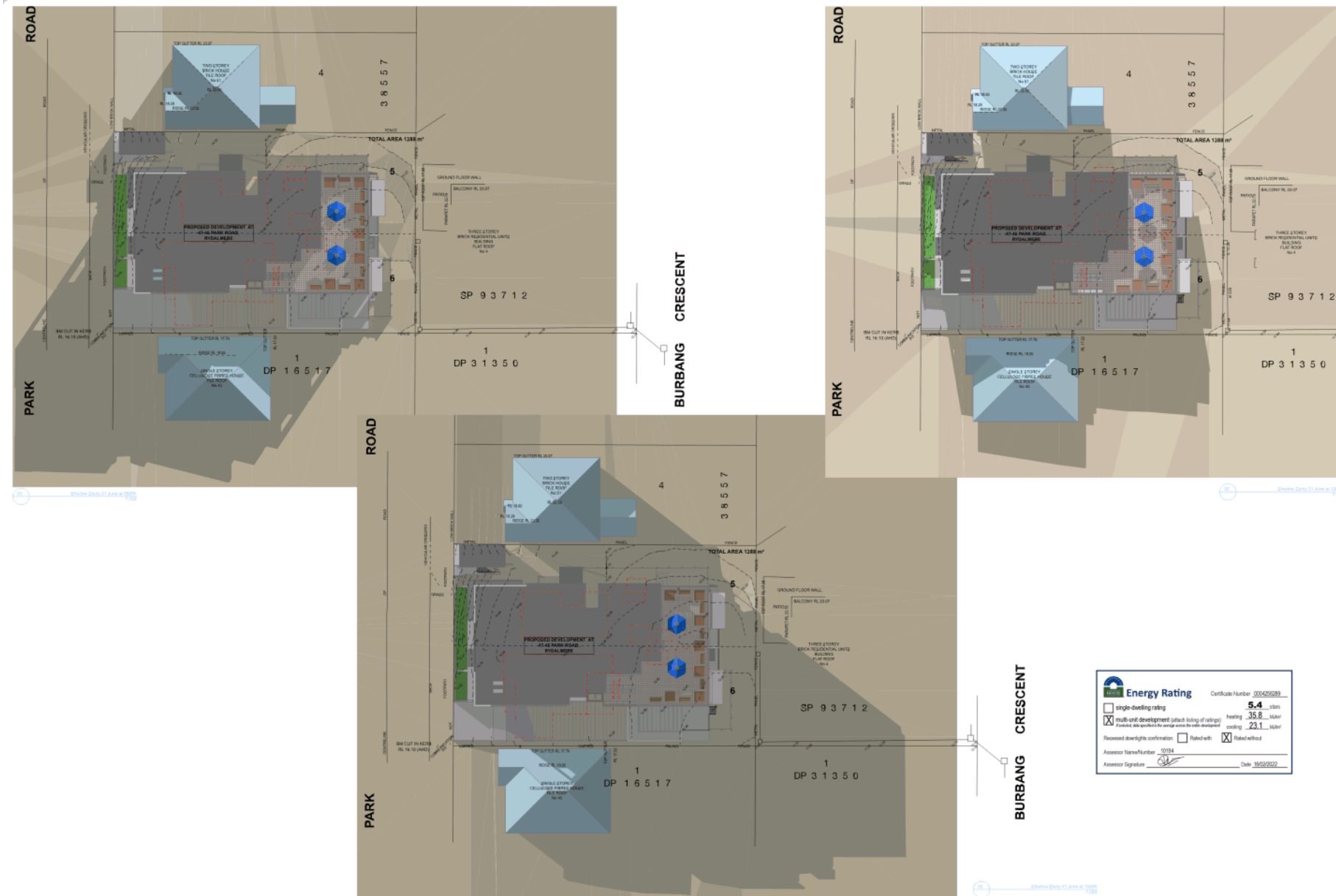
a preliminary drawings	15/02
b issued for its application	21/02
c issued attended in response to design panel meeting	15/02
d third autonomy request to building line	15/02
e issued for its application	02/03
f issued for 24/50 application	02/11
g attended with redistribution of affordable housing units	22/02

Drawn	N.L.
Project NO.	20-014
Project Status	Q4 85
Client	Bluepine Projects P/L
Site	47-48 Park Road Rydalmere

DRAWING TITLE : **Roof Plan**

PROJECT NAME : **Rydalmere Holdings Pty. Ltd**

ISSUE:
g
DRAWING NO.:
32



NOTE
 1. The drawings are prepared on the basis of the information provided by the client and are not to be used for any other purpose.
 2. The drawings are prepared on the basis of the information provided by the client and are not to be used for any other purpose.
 3. The drawings are prepared on the basis of the information provided by the client and are not to be used for any other purpose.

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1. Preliminary drawings
 2. Issued for the application
 3. Issued for the application
 4. Issued for the application
 5. Issued for the application
 6. Issued for the application
 7. Issued for the application
 8. Issued for the application
 9. Issued for the application
 10. Issued for the application

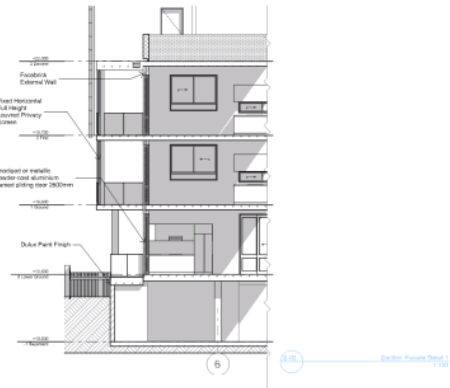
Drawn: RL
 Project NO: 20/014
 Project Date: 04/05
 Client: Rydalmere Holdings Pty. Ltd.
 Site: 47-49 Park Road Rydalmere

DRAWING TITLE:
 Overshadowing Plans
PROJECT NAME:
 Rydalmere Holdings Pty. Ltd.

REV:
 9
 DRAWING NO:
 37

Energy Rating		Certificate Number: 000426089
<input type="checkbox"/> single dwelling rating	5.4 stars	
<input checked="" type="checkbox"/> multi-unit development (attach listing of ratings)	heating: 35.8 stars	
	cooling: 23.1 stars	
Reasoned daylight confirmation: <input type="checkbox"/> Rated with <input checked="" type="checkbox"/> Rated without		
Assessor Name/Number: 10104		Date: 18/03/2022
Assessor Signature: [Signature]		





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4	preliminary drawings	10/02/21
5	issued for its application	01/06/21
6	issued attended in response to design panel meeting	10/08/21
7	ford bedrooms requested in building line	10/02/22
8	issued for its application	10/02/23
9	issued for P25 application	02/10/23
10	attended with redistribution of affordable housing units	22/02/24

Drawn	N.L.
Project NO.	20-014
Project Status	24.95
Client	Bluestone Property, P/L
Site	47-49 Park Road Rydalmere

DRAWING TITLE : **Facade Details**

PROJECT NAME : **Rydalmere Holdings Pty. Ltd**

ISSUE:
9
DRAWING NO.
39

Barry Millwood Planning

Written application providing grounds for an exception to development standards for a modification of consent for 47-49 Park Road, Rydalmere

Submitted together with the development application

1. Introduction

This clause 4.6 exception request has been prepared behalf of Design Effect Pty Ltd. It is submitted to Parramatta Council in support of a modification of a development consent pursuant to S4.55 of the Environmental Planning and Assessment Act 1979 for a residential flat building at 47-49 Park Road, Rydalmere.

The current approved development resulted from discussions with Council's Design Excellence Advisory Panel. These discussions involved a variety of issues. In relation to the issue of maximum building height, the panel suggested consideration be given to raising the level of ground floor dwellings facing Park Road, which dictates levels elsewhere in the proposed building. Council also suggested the provision of a roof top open space area.

The current consent for development of a residential flat building was approved under the (former) Parramatta LEP 2011 and (former) SEPP (Affordable Rental Housing) 2009. It is noted that this has been replaced by the Parramatta LEP 2023 and SEPP (Housing) 2023. However, the current proposal is a modification of the plans that have consent. Accordingly, the modification is considered in relation to the (former) Parramatta LEP 2011 and (former) SEPP (Affordable Rental Housing) 2009.

The proposed development comprises a 3 and 4 storey residential flat building that is only marginally above the 11m maximum building height control under the (former) Parramatta LEP 2011. In terms of building height, the non-compliance at the highest point is 1.1m.

The modified plan also exceeds the maximum floor space permitted under the (former) SEPP (Affordable Rental Housing) 2009 by 0.12:1 or 10%.

Accordingly, an exception pursuant to Clause 4.6 of the (former) Parramatta LEP 2011 is requested. Clause 4.6 of Parramatta LEP 2011 enables Council to grant consent for development even though the development contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

This clause 4.6 exception request relates to the development standard for height of buildings under clause 4.3 of (former) Parramatta LEP 2011 and the maximum permissible floor space under (former) SEPP (Affordable Rental Housing) 2009, and should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Barry Millwood Planning dated 24 October 2023.

This clause 4.6 exception request demonstrates that compliance with the height of buildings development standard and the maximum floor space are unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the standard.

This clause 4.6 exception request demonstrates that, notwithstanding the non-compliance with the height development standard, the proposed building:

- is consistent with the objectives of both height of buildings development standard and the R4 High-Density Residential zone; and
- has an appropriate built form response to the streetscape and surrounding development and results in little to no additional impact.

Therefore, the proposed development may be approved in accordance with the flexibility allowed under clause 4.6 of Parramatta LEP 2011.

2. Background Information

Name of the environmental planning instrument that applied to the land, at the time of granting consent

- (former) Parramatta Local Environmental Plan 2011
- (former) State Environmental Planning Policy (Affordable Rental Housing) 2009

Zoning

R4 Residential High Density

Zone objectives

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

3. Development standards requested to be varied

Height of Building

Height of buildings under clause 4.3 of the (former) Parramatta LEP 2011. Clause 4.3 provides that “the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.”

The maximum building heights for the site are shown on the Height of Buildings Map in (former) Parramatta LEP 2011 (extracted below).



Figure 1 Maximum building height under Parramatta LEP 2011 (site highlighted in yellow)

Numeric value of the development standard

11 m

Proposed numeric value

12.1m for the roof of the additional dwelling on the upper most level. elevator well and up to 11.5m over the front portion of the proposed residential flat building. A substantial portion of the building is below the height limit.

Percentage exception (between proposal and (former) Parramatta LEP 2011)

10 %

Is the development standard a performance-based control?

No

Floor space ratio

Floor space ratio under clause 13 of the (former) SEPP (Affordable Rental Housing) 2009. Clause 13 provides that additional floor space up to 50% of the permissible floor space can be permitted provided that the additional floor space is allocated for affordable housing.

Numeric value of the development standard

0.8:1 plus that portion (0.4:1) allocated to affordable housing.

Proposed numeric value

1:32:1

The additional amount involves 1.2:1 of the site area plus 0.12:1 for additional dwelling floor space.

Percentage exception between proposal and (former) SEPP (Affordable Rental Housing) 2009.

10 %

Is the development standard a performance-based control?

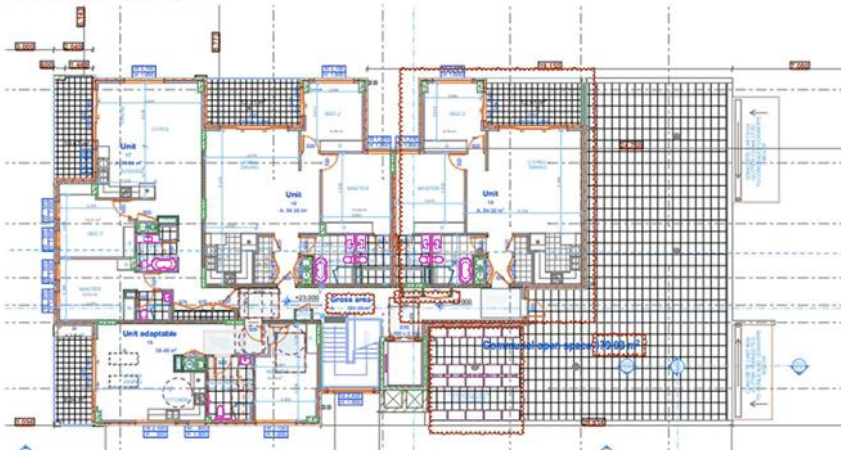
No

4. Illustrations of the proposed development



Perspective

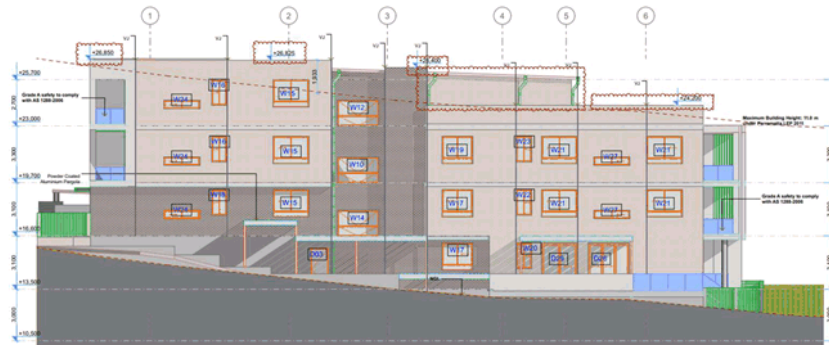
view from Park Road



Topmost level showing rooftop communal open space



Northern elevation



Southern elevation



Western elevation (from Park Road)



Eastern elevation (from rear)



View of rear of area

5. Objectives of the development standard

Building Height under former (former) Parramatta LEP 2011

- (a) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) *to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) *to ensure the preservation of historic views,*
- (e) *to reinforce and respect the existing character and scale of low-density residential areas,*
- (f) *to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

Floor space ratio under former SEPP (Affordable Housing) 2009

There are no objectives in relation to Floor Space Ratio in the SEPP.

6. Matters for considering a variation under CI 4.6 Exceptions to development standards

Clause 4.6(3) of the (former) Parramatta LEP 2011

CI 4.6(3) states:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

CI 4.6(4) also states:

- (4) Development consent must not be granted for development that contravenes a development standard unless:*
- (a) the consent authority is satisfied that:*
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.*

CI 4.6(5) also states:

- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

5 Part Test from Land and Environment Court

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five-part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded as follows:

- Test 1 The objectives of the standard are achieved notwithstanding non-compliance with the standard.
- Test 2 The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
- Test 3 The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- Test 4 The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable
- Test 5 The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.

NSW Department of Planning, Industry and Environment Guidance

NSW DPIE suggests Council consider objectives when assessing applications. These objectives include:

- Planning objectives for certain land generally identified in State (Metropolitan and Regional Strategies) and
- Planning objectives stated in the LEP including:
 - o Purpose of the zone;
 - o Intended strategic land use direction;
 - o Local provisions addressing matters such as residential amenity, heritage conservation, riparian corridor protection etc.

The planning objectives of a development standard are usually stated in the relevant clause, as well as being interpreted within the context of the whole LEP. The planning objectives for a locality may overlap to some extent with the objective of the development standard, but are likely to include a broader range of considerations than those attached to the development standard.

7. Comments in relation to the objectives of Cl. 4.3 Height of Buildings

The following are comments in relation to the objectives of Cl. 4.3.

Objective (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,

A height limit of 11m generally equates to a 3-storey building. From the street and from the rear the proposed building presents as a 3-storey building. The site is located on the low side of Park Road and slopes down toward the rear.

Midway through the building between the front and the rear, the proposed residential flat building itself steps down the slope. In only one small area in the middle of the building are there 4 levels of dwellings. At the mid-point between the front and rear of the building is the elevator and the entrance to the rooftop garden.

Accordingly, it is considered that Objective (a) is therefore achieved despite non-compliance with the standard.

Objective (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Visual impact

The proposed elevator overrun would not be visible from the Park Road as it is located midway through the building. The elevator well is part of a vertical feature when viewed from the southern boundary and future laneway. The proposed building is consistent with the expected visual impact of a 3-storey residential flat building anticipated by the (former) Parramatta LEP 2011 and the (former) SEPP (Affordable Rental Housing) 2009.

As previously mentioned, a rooftop communal open space area is proposed. The area where the greatest non-compliance with the height limit is around the elevator and the covered area immediately adjacent to the rooftop communal open space area.

Disruption of views

There are no significant views in the locality that would be compromised as a result of the exception in the maximum height standard.

Privacy

The proposed development has a landscaped area around the perimeter of the rooftop communal open space. As well as providing an attractive environment for the communal open space, it will preclude the

ability for residents to approach the edge of the building and look down into the adjoining properties. It will still allow views to more distant areas where the impact on privacy will not be an issue.

The elevator overrun would not result in any loss of privacy as the area of non-compliance does not have any windows. The elevator overrun would have minimal impact on solar access given its relatively small size and location within the building footprint. The rooftop communal open space area will not result in a loss of privacy to adjoining properties.

Loss of solar access to existing development

The extent of the non-compliance with the height limit would have minimal impact on the neighbouring property to the south. It is noted that there will be a pedestrian pathway between the properties further separating the proposed building on the subject site and future building on the adjoining site.

Accordingly, it is considered that that Objective (b) is therefore achieved as the proposed exception to the height limit would not compromise expected visual impact, existing views, privacy or solar access in the immediate vicinity.

Objective (c) to require the height of future buildings to have regard to heritage sites and their settings,

Not applicable, as there are no heritage buildings in the immediate vicinity that could be affected by the exception to the maximum height limit.

Objective (d) to ensure the preservation of historic views,

Not applicable, as there are no historic views that would be affected by the exception to the maximum height limit.

Objective (e) to reinforce and respect the existing character and scale of low-density residential areas,

Not applicable, as the site is in a residential area envisaged by the R3 High Density zone for residential flat buildings.

Objective (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Not applicable, as the site is not within a commercial centre.

Cl. 4.6 (3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The maximum building height limit is a general limit that applies across the R4 High Density zones intended for 3 storey buildings across the Parramatta Local Government Area in a wide variety of situations. Much of this would apply in flat or gently sloping topography.

The circumstances of 47 Park Road are that it is not a typical site. The site slopes away significantly from Park Road. The DCP (East Rydalmere) locality chapter that applies to Rydalmere envisages that a residential flat building will be built within 3m of Park Road. Council has provided advice that it seeks to have dwellings that front Park Road be built at street level rather than at ground level. This dictates the levels of the rest of the building. The portion of the proposed building that most exceeds the height limit is where there is a dwelling behind the dwellings that front Park Road on the top most floor.

The proposed building would still present to Park Road as a 3-storey building as envisaged by the DCP.

The DCP for the locality does not however appear to be the result of a block-by-block analysis of the development potential in this part of the precinct but rather a general height limit. Accordingly, it is suggested that in lieu of such an analysis that there should be some flexibility in the maximum permissible height limit in this situation due to the steep topography of the site.

The non-compliance with the standard will not be an undesirable precedent for other requests for non-compliance with the maximum building height elsewhere in Parramatta. The proposed building largely complies with the maximum building height.

Cl. 4.6 (3)(b) Environmental planning grounds to justify contravening the development standard

As already noted, the topography of the site slopes away from Park Road.

The non-compliance with the building height standard comes largely from Council's advice to keep the ground floor dwellings that front Park Road at street level. This dictates the levels of the rest of the building. In order to comply more closely with the height limit, it would be necessary to eliminate the dwelling on the top most floor behind those that front Park Road and relocate it to the ground floor, level with those at the rear of the proposed building. However, this would put them marginally below ground level, which would not be a good planning outcome.

As previously mentioned, the height limit does not appear to be the result of a block-by-block analysis of the development potential in this part of the precinct but rather a general height limit. Accordingly, it is suggested that in lieu of such an analysis that there should be some flexibility in the maximum permissible height limit in this situation due to the topography of the site and the proposed design solution.

The non-compliance with the height limit does not create an adverse impact on the adjoining properties or on the character of Park Road. Accordingly, it is considered that there are sufficient environmental planning grounds to justify contravention of the development standard.

Cl 4.6(4) The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is generally consistent with the maximum height standard and would be consistent with the size and scale of residential flat buildings in the vicinity. It would be consistent with the size and scale anticipated by the (former) Parramatta LEP 2011 and (former) SEPP (Affordable Rental Housing) 2009.

Council advice suggests that it considers that it would be in the public interest to ensure that the ground floor dwellings that front Park Road at a 3m setback, envisaged by the Parramatta DCP 2011, be at street level. Otherwise, these dwellings would be at ground level, which is below street level due to the topography of the land dropping away from Park Road. This advice then dictates the levels of the rest of the building and in particular the front topmost level of the building, the top level of the elevator and the provision of the rooftop communal open space area. It also requires the dwelling behind the topmost dwellings that front Park Road be located on the top floor rather than at lowest floor as it would be marginally below ground level, which would not be a good planning outcome or in the public interest.

It is considered that the non-compliance with the height limit would be in the public interest to facilitate the front ground floor dwellings to be at street level, ensure that no dwellings are located partly below ground level and to provide a rooftop communal open space area. The design of the rooftop communal

open space area will not adversely impact on the privacy of nearby dwellings, due to the provision of perimeter landscaping. The proposed building will be compatible with the expected character of the locality in terms of building materials, height, scale, setback from front, side and rear boundaries.

8. Comments in relation to the objectives of Zone R4 - High Density Residential

Comments are provided in relation to objectives of the R4 High Density Residential zone.

To provide for the housing needs of the community within a high-density residential environment.

Building Height (under former Parramatta LEP 2011)

The proposed non-compliance will facilitate the provision of a residential flat development consistent with a high-density residential environment and thereby assisting in satisfying the housing needs. The proposed elevator will make the proposed building more attractive as a place of residence to a broader range of people.

Floor space ratio under (former) SEPP (Affordable Housing) 2009

The proposed non-compliance will facilitate the provision of a residential flat development consistent with a high-density residential environment and thereby assisting in satisfying the housing needs. A development pursuant to the new SEPP would result in less floor space available for affordable rental housing.

To provide a variety of housing types within a high-density residential environment.

Building Height under (former) Parramatta LEP 2011

The proposed non-compliance will facilitate the provision of additional housing in the high-density residential environment.

Floor space ratio under (former) SEPP (Affordable Housing) 2009

The proposed non-compliance will facilitate the provision of a residential flat development consistent with a high-density residential environment and thereby assisting in satisfying the housing needs. A development pursuant to the new SEPP would result in less floor space available for affordable rental housing.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Building Height under (former) Parramatta LEP 2011

Not applicable.

Floor space ratio under (former) SEPP (Affordable Housing) 2009

Not applicable.

To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.

Building Height under (former) Parramatta LEP 2011

The site is close to a commercial centre anchored by a supermarket and is close to bus and ferry services that provide access to Parramatta and Sydney CBD as well as other centres. It will also be within 680 m of a future light rail stop. Elsewhere along this future light rail route, substantial residential redevelopment is contemplated by recent changes to planning controls on land adjacent to the route. The proposed non-compliance will facilitate a more attractive development for its

occupants and which is in close proximity to major transport nodes services and employment opportunities.

Floor space ratio under (former) SEPP (Affordable Housing) 2009

As above.

To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.

Building Height under (former) Parramatta LEP 2011

Not applicable.

Floor space ratio under (former) SEPP Affordable Housing) 2009

Not applicable.

Cl. 4.6 (3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Building Height under (former) Parramatta LEP 2011

The subject site is not typical of most higher density residential areas in Parramatta LGA. The planning controls envisage a residential flat building built on the site and close to Park Road while the site slopes away from Park Road. As it is difficult to design a building that satisfies the relevant planning controls and achieve an acceptable design it is considered that non-compliance with the height standard in the circumstances of the proposed design is reasonable.

The proposed building will not compromise the objective of providing a residential flat building consistent with a high-density residential environment.

Floor space ratio under (former) SEPP (Affordable Housing) 2009

As above.

Cl. 4.6 (3)(b) Environmental planning grounds to justify contravening the development standard

Building Height in (former) Parramatta LEP 2011

The proposed residential flat building, by its design, provides an attractive development in the locality and an attractive environment for future occupants. The proposed non-compliance with the maximum height limit of 11m will not compromise the amenity of the surrounding area.

Floor space ratio under (former) SEPP (Affordable Housing) 2009

As above.

Cl 4.6(4) The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out

Building Height in (former) Parramatta LEP 2011

The proposed residential flat building is in the public interest in that it will provide an attractive form of development consistent with a high-density residential environment envisaged by the objectives of the R4 High Density Residential zone.

Floor space ratio under (former) SEPP (Affordable Housing) 2009

As above.

9. Comments in relation to legal precedents

In *Veloshin v Randwick Council [2007] NSWLEC 428*, Roseth SC established a planning principle around assessment of height and bulk. This planning principle is considered appropriate in this instance, given height and bulk are the relevant drivers of development density.

The questions asked by Roseth SC that are most relevant to the proposed development are as follows:

1. Are the impacts consistent with impacts that may be reasonably expected under the controls?
2. How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?
3. Is the proposal consistent with the bulk and character intended by the planning controls?

In relation to the first question, the key issue is whether the additional height creates any significant additional impact that would not be present if the proposed development were to comply. It is considered that it would not create an additional impact as the extent of the non-compliance is minimal and over a small area. It is also located away from the front, side and rear boundaries.

In relation to the second question, the proposed development does not fundamentally depart from the desired bulk and scale under the relevant controls. The development is compliant except for a very small area.

In relation to the third question, it is noted that the intention of the zoning and density controls is to create a high-density residential environment in this location. The density proposed is commensurate with the locality.

Overall, the proposed building height is considered to maintain an appropriate development density given the expected scale of development under the controls and the relationship with surrounding development. The additional height elements do not result in a significant difference in how the buildings will be read, nor do they produce any significant adverse impacts.

10. Comments in relation to the Five Part Test

Test	Comment
<p>Test 1</p> <p>The objectives of the standard are achieved notwithstanding non-compliance with the standard.</p>	<p>Compliance with the development standard is considered unreasonable or unnecessary in the circumstances of the case as the aims of cl. 4.3 (Height of buildings) can be achieved notwithstanding the non-compliance, as the proposed building would be consistent with the high-density residential character envisaged by the R4 High Density zone and that the additional height does not substantially change how the buildings will be read in the context of the overall development and the heights envisaged under the (former) Parramatta LEP 2011.</p> <p>The proposal still results in a building, which steps down the site, would not stand out from adjoining development and is compatible with the topography of the local area.</p> <p>The proposed building will appear consistent with the maximum height and mass envisaged by the standard and will be consistent with the residential flat buildings in the immediate vicinity. Such a design would not contravene the public interest.</p>
<p>Test 2</p> <p>The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.</p>	<p>The underlying objective or purpose of the standard is relevant. Nevertheless, Council's advice that it wishes the front ground floor dwellings to be located at street level, which in turn dictates the levels elsewhere on in the building is a consideration to achieving a good planning outcome.</p> <p>The objective of the standard is relevant in that the majority of the building complies with the standard and achieves a building consistent with other new residential flat buildings in the locality.</p>
<p>Test 3</p> <p>The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.</p>	<p>The proposed development would not defeat or thwart the development standard as the exception is only small and the area of the built upon area that does not comply is also small.</p> <p>The objective of the standard is relevant in that the majority of the building complies with the standard and achieves a building consistent with other new residential flat buildings in the locality.</p>

Test	Comment
<p>Test 4</p> <p>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</p>	<p>The development standard is not abandoned as most of the proposed building is within the maximum building height and is consistent with other residential flat buildings in the immediate vicinity.</p> <p>The non-compliance facilitates a more attractive environment for its occupants.</p>
<p>Test 5</p> <p>The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.</p>	<p>Not applicable.</p>

Conclusion

It is considered that the exception to the standards for the proposed development is reasonable in the situation described above and will result in a better planning outcome.

Barry Millwood Planning

Written application providing grounds for an exception to development standards for a modification of consent for 47-49 Park Road, Rydalmere

Submitted together with the development application

1. Introduction

This clause 4.6 exception request has been prepared behalf of Design Effect Pty Ltd. It is submitted to Parramatta Council in support of a modification of a development consent pursuant to S4.55 of the Environmental Planning and Assessment Act 1979 for a residential flat building at 47-49 Park Road, Rydalmere.

The current approved development resulted from discussions with Council's Design Excellence Advisory Panel. These discussions involved a variety of issues. In relation to the issue of maximum building height, the panel suggested consideration be given to raising the level of ground floor dwellings facing Park Road, which dictates levels elsewhere in the proposed building. Council also suggested the provision of a roof top open space area.

The current consent for development of a residential flat building was approved under the (former) Parramatta LEP 2011 and (former) SEPP (Affordable Rental Housing) 2009. It is noted that this has been replaced by the Parramatta LEP 2023 and SEPP (Housing) 2021. However, the current proposal is a modification of the plans that have consent. Accordingly, the modification is considered in relation to the (former) Parramatta LEP 2011 and (former) SEPP (Affordable Rental Housing) 2009.

The proposed development comprises a 3 and 4 storey residential flat building that would only be marginally above the maximum floor space permitted under the (former) SEPP (Affordable Rental Housing) 2009 by 9.66%.

Accordingly, an exception pursuant to Clause 4.6 of the (former) Parramatta LEP 2011 is requested. Clause 4.6 of Parramatta LEP 2011 enables Council to grant consent for development even though the development contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

This clause 4.6 exception request relates to the development standard for the maximum permissible floor space under (former) SEPP (Affordable Rental Housing) 2009, and should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Barry Millwood Planning dated 24 October 2023.

This clause 4.6 exception request demonstrates that compliance with the maximum floor space is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the standard.

This clause 4.6 exception request demonstrates that, notwithstanding the non-compliance with the maximum floor space development standard, the proposed building:

- is consistent with the objectives of the R4 High-Density Residential zone; and

- has an appropriate built form response to the streetscape and surrounding development and results in little to no additional impact.

Therefore, the proposed development may be approved in accordance with the flexibility allowed under clause 4.6 of Parramatta LEP 2011.

2. Background Information

Name of the environmental planning instrument that applied to the land, at the time of granting consent

- (former) Parramatta Local Environmental Plan 2011
- (former) State Environmental Planning Policy (Affordable Rental Housing) 2009

Zoning

R4 Residential High Density

Zone objectives

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

3. Development standards requested to be varied

Floor space ratio under clause 13 of the (former) SEPP (Affordable Rental Housing) 2009. Clause 13 provides that additional floor space up to 50% of the permissible floor space can be permitted provided that the additional floor space is allocated for affordable housing.

Numeric value of the development standard

0.8:1 under the former Parramatta LEP 2011 plus that portion (0.4:1) allocated to affordable housing.

Proposed numeric value

1:316:1 (1.32:1 would represent a 10% variation of the maximum floor space ratio)

Percentage exception between proposal and (former) SEPP (Affordable Rental Housing) 2009.

9.66 %

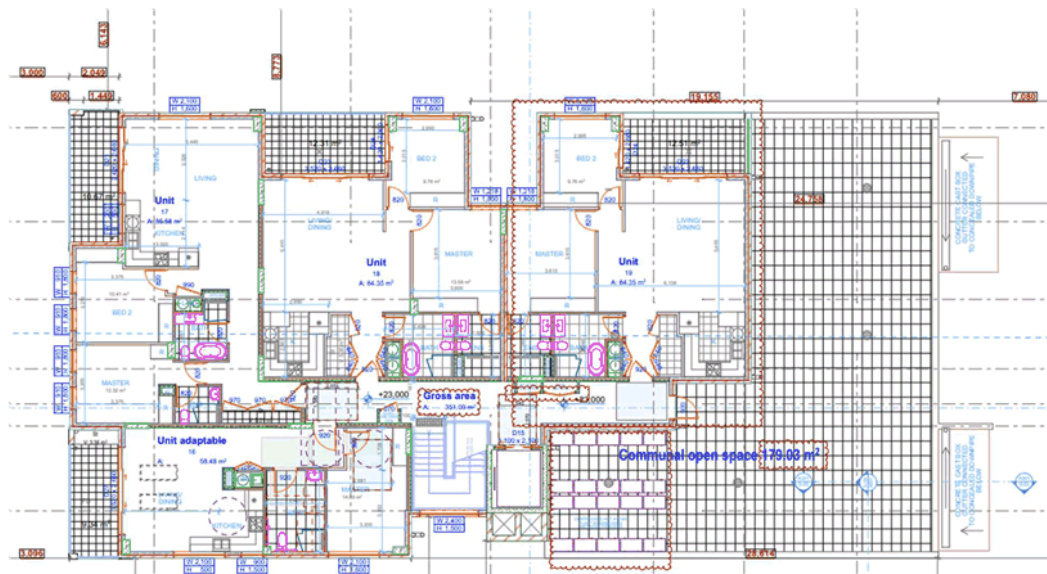
Is the development standard a performance-based control?

No

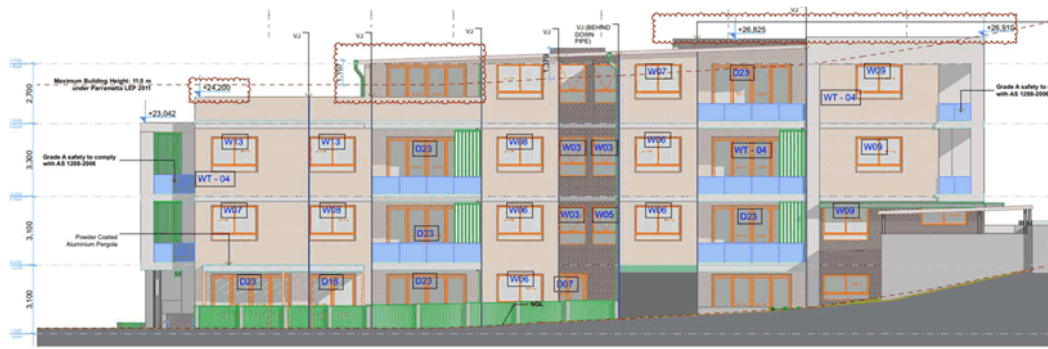
4. Illustrations of the proposed development



Perspective view from Park Road



Topmost level showing rooftop communal open space



Northern elevation



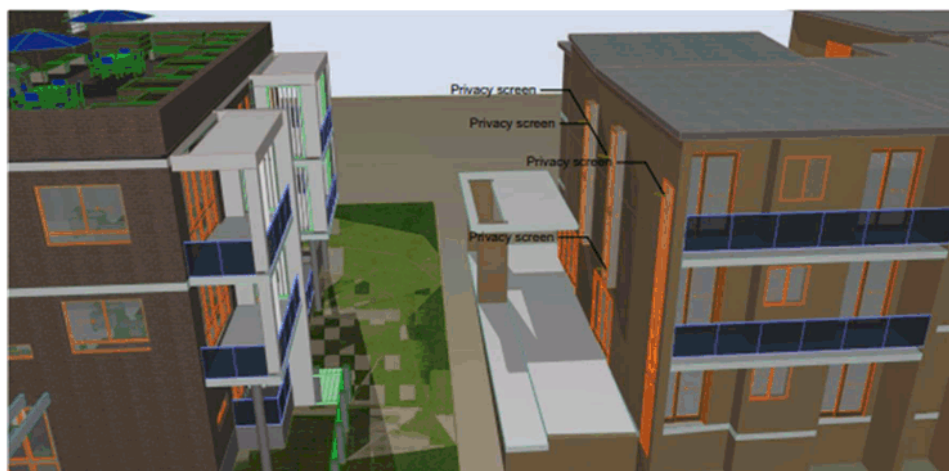
Southern elevation



Western elevation (from Park Road)



Eastern elevation (from rear)



View of rear of area

5. Objectives of the development standard

Cl. 4.4 Floor space ratio under former Parramatta LEP 2011

- (a) to regulate density of development and generation of vehicular and pedestrian traffic,
- (b) to provide a transition in built form and land use intensity within the area covered by this Plan,
- (c) to require the bulk and scale of future buildings to have regard to heritage sites and their settings,
- (d) to reinforce and respect the existing character and scale of low-density residential areas.

SEPP (Affordable Rental Housing) 2009

There were no objectives in relation to Floor Space Ratio in the SEPP.

6. Matters for considering a variation under Cl 4.6 Exceptions to development standards**Clause 4.6(3) of the (former) Parramatta LEP 2011**

Cl 4.6(3) states:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Cl 4.6(4) also states:

- (4) Development consent must not be granted for development that contravenes a development standard unless:*
- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.*

Cl 4.6(5) also states:

- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

5 Part Test from Land and Environment Court

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five-part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded as follows:

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

- Test 2 The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
- Test 3 The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- Test 4 The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable
- Test 5 The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.

NSW Department of Planning, Industry and Environment Guidance

NSW DPIE suggests Council consider objectives when assessing applications. These objectives include:

- Planning objectives for certain land generally identified in State (Metropolitan and Regional Strategies) and
- Planning objectives stated in the LEP including:
 - o Purpose of the zone;
 - o Intended strategic land use direction;
 - o Local provisions addressing matters such as residential amenity, heritage conservation, riparian corridor protection etc.

The planning objectives of a development standard are usually stated in the relevant clause, as well as being interpreted within the context of the whole LEP. The planning objectives for a locality may overlap to some extent with the objective of the development standard, but are likely to include a broader range of considerations than those attached to the development standard.

7. Comments in relation to the objectives of Cl. 4.4 Floor space ratio

The following are comments in relation to the objectives of Cl. 4.3.

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

The proposed building is consistent with the expected visual impact of a 3-storey residential flat building anticipated by the high-density residential zone under the (former) Parramatta LEP 2011 and the (former) SEPP (Affordable Rental Housing) 2009. The site is located on the low side of Park Road and slopes down toward the rear.

Park Road is a collector street that links the local street network to a signalised intersection with Victoria Road. The impact of any additional floor space on this street would be minimal.

Objective (b) to provide a transition in built form and land use intensity within the area covered by this Plan,

The site is within a high-density residential area and consistent in height, size and mass anticipated by the (former) Parramatta LEP 2011 and the (former) SEPP (Affordable Rental Housing) 2009.

Objective (c) to require the bulk and scale of future buildings to have regard to heritage sites and their settings,

Not applicable as there are no heritage items in the immediate vicinity of the site that could be affected by the exception to the maximum floor space ratio.

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

Not applicable as the immediate area is zoned for higher density housing and is in transition to a higher density residential area.

Cl. 4.6 (3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The circumstances of 47 Park Road are that it is not a typical site. The site slopes away significantly from Park Road. The DCP (East Rydalmere) locality chapter that applies to Rydalmere envisages that a residential flat building will be built within 3m of Park Road. Council has provided advice that it seeks to have dwellings that front Park Road be built at street level rather than at ground level. The proposed building would still present to Park Road as a 3-storey building as envisaged by the DCP.

The DCP for the locality does not however appear to be the result of a block-by-block analysis of the development potential in this part of the precinct but rather a general floor space ratio and bonus provided by the (former) SEPP (Affordable Rental Housing) 2009. Accordingly, it is suggested that in lieu of such an analysis that there should be some flexibility in the maximum permissible floor space ratio in this situation due to the steep topography of the site.

The non-compliance with the standard will not be an undesirable precedent for other requests for non-compliance with the maximum floor space ratio elsewhere in Parramatta.

Cl. 4.6 (3)(b) Environmental planning grounds to justify contravening the development standard

The additional floor space derives from more floor space on the top level, an additional dwelling on the ground floor and counting basement storage as floor space (not previously counted by Council).

As previously mentioned, the floor space ratio does not appear to be the result of a block-by-block analysis of the development potential in this part of the precinct but rather a general height limit. Accordingly, it is suggested that in lieu of such an analysis that there should be some flexibility in the maximum permissible floor space ratio in this situation due to the topography of the site and the proposed design solution.

It is also noted that the amendments to the Housing SEPP proposed by the NSW Government would allow a significantly larger building on the site than is proposed by the applicant. The non-compliance with the floor space ratio does not create an adverse impact on the adjoining properties or on the character of Park Road. Accordingly, it is considered that there are sufficient environmental planning grounds to justify contravention of the development standard.

Cl 4.6(4) The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is generally consistent with the maximum floor space ratio and would be consistent with the size and scale of residential flat buildings in the vicinity. It would be generally consistent with the size and scale anticipated by the (former) Parramatta LEP 2011 and (former) SEPP (Affordable Rental Housing) 2009. It is also noted that the amendments to the Housing SEPP proposed by

the NSW Government would allow a significantly larger building on the site than is proposed by the applicant.

It is considered that the non-compliance with the maximum floor space ratio would be in the public interest to facilitate a building that will be compatible with the expected character of the locality in terms of building materials, height, scale, setback from front, side and rear boundaries.

8. Comments in relation to the objectives of Zone R4 - High Density Residential

Comments are provided in relation to objectives of the R4 High Density Residential zone.

To provide for the housing needs of the community within a high-density residential environment.

The proposed non-compliance will facilitate the provision of a residential flat development consistent with a high-density residential environment and also provide substantial number of affordable rental dwellings thereby assisting in satisfying the housing needs. A development pursuant to the current SEPP (Housing) 2021 could result in less floor space available for affordable rental housing.

To provide a variety of housing types within a high-density residential environment.

The proposed non-compliance will facilitate the provision of a residential flat development consistent with a high-density residential environment and thereby assisting in satisfying the housing needs. A development pursuant to the current SEPP could result in less floor space available for affordable rental housing.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Not applicable.

To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.

The site is close to a commercial centre anchored by a supermarket and is close to bus and ferry services that provide access to Parramatta and Sydney CBD as well as other centres. It will also be within 680 m of a future light rail stop. Elsewhere along this future light rail route, substantial residential redevelopment is contemplated by recent changes to planning controls on land adjacent to the route. The proposed non-compliance will facilitate a more attractive development for its occupants and which is in close proximity to major transport nodes services and employment opportunities.

To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.

Not applicable.

Cl. 4.6 (3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The subject site is not typical of most higher density residential areas in Parramatta LGA. The planning controls envisage a residential flat building built on the site and close to Park Road while the site slopes away from Park Road. As it is difficult to design a building that satisfies the relevant planning controls, achieves an acceptable design and be economically feasible, it is considered that non-compliance with the floor space ratio standard in the circumstances of the proposed design is reasonable.

The proposed building will not compromise the objective of providing a residential flat building consistent with a high-density residential environment.

Cl. 4.6 (3)(b) Environmental planning grounds to justify contravening the development standard

The proposed residential flat building, by its design, provides an attractive development in the locality and an attractive environment for future occupants. The proposed non-compliance with the maximum floor space ratio will not compromise the amenity of the surrounding area.

Cl 4.6(4) The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out

The proposed residential flat building is in the public interest in that it will provide an attractive form of development consistent with a high-density residential environment envisaged by the objectives of the R4 High Density Residential zone.

9. Comments in relation to legal precedents

In *Veloshin v Randwick Council* [2007] NSWLEC 428, Roseth SC established a planning principle around assessment of height and bulk. This planning principle is considered appropriate in this instance, given height and bulk are the relevant drivers of development density.

The questions asked by Roseth SC that are most relevant to the proposed development are as follows:

1. Are the impacts consistent with impacts that may be reasonably expected under the controls?
2. How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?
3. Is the proposal consistent with the bulk and character intended by the planning controls?

In relation to the first question, the key issue is whether the additional floorspace creates any significant additional impact that would not be present if the proposed development were to comply. It is considered that it would not create an additional impact as the extent of the non-compliance is minimal.

In relation to the second question, the proposed development does not fundamentally depart from the desired bulk and scale under the relevant controls. The development is generally compliant.

In relation to the third question, it is noted that the intention of the zoning and density controls is to create a high-density residential environment in this location. The density proposed is commensurate with the locality.

Overall, the proposed building mass is considered to maintain an appropriate development density given the expected scale of development under the controls and the relationship with surrounding development. The additional floor space elements do not result in a significant difference in how the building will be read, nor does it produce any significant adverse impacts.

10. Comments in relation to the Five Part Test

Test	Comment
<p>Test 1</p> <p>The objectives of the standard are achieved notwithstanding non-compliance with the standard.</p>	<p>Compliance with the development standard is considered unreasonable or unnecessary in the circumstances of the case as the aims of cl. 4.4 (Floor space ratio) can be achieved notwithstanding the non-compliance, as the proposed building would be consistent with the high-density residential character envisaged by the R4 High Density zone and that the additional floorspace does not substantially change how the buildings will be read in the context of the overall development and the mass envisaged under the combination of (former) Parramatta LEP 2011 and (former) SEPP (Affordable Rental Housing) 2009.</p> <p>The proposal still results in a building, would not stand out from adjoining development and is compatible with the topography of the local area.</p> <p>The proposed building will appear consistent with the maximum floorspace envisaged by the standard and will be consistent with the residential flat buildings in the immediate vicinity. Such a design would not contravene the public interest.</p>
<p>Test 2</p> <p>The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.</p>	<p>The underlying objective or purpose of the standard is relevant. Nevertheless, Council's advice that it wishes the front ground floor dwellings to be located at street level, which in turn dictates the levels elsewhere on in the building is a consideration to achieving a good planning outcome.</p> <p>The objective of the standard is relevant in that the non-compliance with the standard still achieves a building consistent with other new residential flat buildings in the locality.</p>
<p>Test 3</p> <p>The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.</p>	<p>The proposed development would not defeat or thwart the development standard as the non-compliance is relatively small.</p> <p>The objective of the standard is relevant in that the proposed building is consistent with other new residential flat buildings in the locality.</p>

Test	Comment
<p>Test 4</p> <p>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</p>	<p>The development standard is not abandoned as the non-compliance is relatively small. the proposed building would be consistent with other residential flat buildings in the immediate vicinity.</p> <p>The non-compliance facilitates a more attractive environment for its occupants.</p>
<p>Test 5</p> <p>The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.</p>	<p>Not applicable.</p>

Conclusion

It is considered that the exception to the standards for the proposed development is reasonable in the situation described above and will result in a better planning outcome.

DEVELOPMENT APPLICATION

ITEM NUMBER	5.2
SUBJECT	16 Gowan Brae Avenue, OATLANDS NSW 2117 (Lot 10 DP 396505)
DESCRIPTION	Section 4.55(2) Modification to DA/380/2017 for the tree removal and construction of a part 2 and part 3 storey dwelling and swimming pool. The modification is for the reconfiguration of the front entry, internal layouts, balconies, window placement, pool location, feature roof form and basement extent.
REFERENCE	DA/380/2017/A - D09368714
APPLICANT/S	Rothshire Pty Ltd
OWNERS	O J Kim, E J Kim
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	Approval

DATE OF REPORT 02 APRIL 2024**REASON FOR REFERRAL TO LPP**

The proposal is referred to the Parramatta Local Planning Panel (PLPP) due to variation to Floor Space Ratio development standard greater than 10%.

EXECUTIVE SUMMARY

The Section 4.55(2) Modification DA/380/2017/A was lodged to Council on the 1 June 2023 for changes to the approved gross floor area and building height. Additionally, approval is sought for unauthorised works on site for both internal and external changes.

In accordance with the Parramatta Consolidated Notification Procedures, the Development Application was notified from the 13 June 2023 to 27 June 2023. In response no (0) submissions were received.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development exceeds the maximum permissible floor space ratio by 144.3m² which is a 35.3% variation to the development standard.

SITE & LOCALITY

The subject site is legally described as Lot 10 DP 396505 and commonly known as 16 Gowan Brae Avenue, Oatlands and has an approximate area of 758.8m².

The site and surrounding properties are zoned R2 Low Density Residential under the Parramatta LEP 2023 with sites to the north zoned R3 Medium Density Residential.

The subject site currently accommodates a recently built two storey dwelling approved under DA/618/2020, inground pool and covered barbeque area. the completed dwelling was not constructed as per the approved plans. It is located within an

established residential area characterised by single and double storey residential dwellings as well as town house developments. Adjoining the subject site to the east is a multiunit dwelling and to the west is a town house development.

STATUTORY CONTROLS

The instruments applicable to this application are:

- State Environmental Planning Policy (SEPP) – (Resilience and Hazards) 2021
- State Environmental Planning Policy (Building Sustainability) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Parramatta Local Environmental Plan 2023 (LEP 2023)
- Parramatta Development Control Plan 2023
- The Hills Development Control Plan 2012.

CONSULTATION

In accordance with the City of Parramatta Notification Requirements, the Development Application was notified from 13 June 2023 to 27 June 2023. In response, no submissions were received.

Section 4.15 Assessment Summary

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

The proposed modifications would result in a dwelling house development that is substantially the same as the original application, however variations in relation to Clause 4.3 and 4.4 of the Parramatta LEP 2023 are sought. The requests to vary the floor space ratio and height of buildings development standards is considered to be supportable for reasons including but not limited to, the proposal remains substantially the same and does not substantially impact the surrounding area subject to compliance with conditions of consent imposed as part of this modification.

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/380/2017/A be approved. The recommended conditions of consent are within **Attachment 1**.

RECOMMENDATION

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

- (a) That the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, modify development consent DA/380/2017 on land at 16 Gowan Brae Avenue, 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, 45, and 51 to reflect the updated plans and documents.
 - b. After condition 1, insert Conditions 1A and 1B.
 - c. All other conditions of DA/380/2017 remain unchanged.















- (b) That the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the height of building control in Clause 4.3 Height of Buildings of the Parramatta Local Environmental Plan 2023 as there are sufficient environmental grounds to justify the variation.
- (c) That the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the floor space ratio control in Clause 4.4 Floor Space Ratio of the Parramatta Local Environmental Plan 2023 as there are sufficient environmental grounds to justify the variation.

REASONS FOR APPROVAL

1. The proposed modification is substantially the same development which has been approved.
2. The proposed modification is permissible within the R2 low Density Residential zone and results in a development which is suitable for the context of the site and locality.
3. The proposed modification to increase the building height and floor space of the site is supported as there is no substantial change in the bulk and scale of the building.
4. The proposed modification results in reasonable impacts to adjoining and surrounding properties, is suitable for the site, and is not contrary to the public interest.

Najeeb Kobeissi
Development Assessment Officer

ATTACHMENTS:

1	 	Combined Assessment Report and Draft Conditions	46 Pages
2	 	Locality map	1 Page
3	 	Zoning map	1 Page
4	 	Architectural Plans	8 Pages
5		Internal Plans (confidential)	5 Pages
6	 	Landscape Plans	3 Pages
7	 	Complete Clause 4.6 Variation	8 Pages
8	 	Statement of Environmental Effects	26 Pages

REFERENCE MATERIAL



City of Parramatta

File No: DA/380/2017/A

SECTION 4.15 ASSESSMENT REPORT

Environmental Planning & Assessment Act 1979

DA No:	DA/380/2017/A
Subject Property:	16 Gowan Brae Avenue, OATLANDS NSW 2117 Lot 10 DP 396505
Proposal:	Section 4.55(2) Modification to DA/380/2017 for the tree removal and construction of a part 2 and part 3 storey dwelling and swimming pool. The modification is for the reconfiguration of the front entry, internal layouts, balconies, window placement, pool location, feature roof form and basement extent.
Date of receipt:	1 June 2023
Applicant:	Rothshire Pty Ltd
Owner:	O J Kim and E J Kim
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:	Approved
Assessment Officer:	Najeeb Kobeissi

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 (SEPP) – (Resilience and Hazards) 2021 • State Environmental Planning Policy (Building Sustainability) 2022 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Parramatta Local Environmental Plan 2023 (PLEP 2023) • Parramatta Development Control Plan 2023 • The Hills Development Control Plan 2012
Zoning	R2 – Low Density Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Designated Development	No
Integrated Development	No
Variation	Yes – Cl. 4.3 Height of Building and Cl. 4.4 Floor Space Ratio under the PLEP 2023.
Delegation	Parramatta Local Planning Panel (PLPP) due to variation to Floor Space Ratio development standard greater than 10%.

1. Executive Summary

The Section 4.55(2) Modification DA/380/2017/A was lodged to Council on the 1 June 2023 for changes to the approved gross floor area and building height. Additionally, approval is sought for unauthorised works on site for both internal and external changes.

In accordance with the Parramatta Consolidated Notification Procedures, the Development Application was notified from the 13 June 2023 to 27 June 2023. In response no (0) submissions were received.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development exceeds the maximum permissible floor space ratio by 144.3m² which is a 35.3% variation to the development standard.

Section 4.15 Assessment Summary

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

The proposed modifications would result in a dwelling house development that is substantially the same as the original application, however variations in relation to Clause 4.3 and 4.4 of the Parramatta LEP 2023 are sought. The requests to vary the floor space ratio and height of buildings development standards is considered to be supportable for reasons including but not limited to, the proposal remains substantially the same and does not substantially impact the surrounding area subject to compliance with conditions of consent imposed as part of this modification.

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/380/2017/A be approved. The recommended conditions of consent are within Attachment 1.

2. Site Description and Conditions

The subject site is legally described as Lot 10 DP 396505 and commonly known as 16 Gowan Brae Avenue, Oatlands and has an approximate area of 758.8m².

The site and surrounding properties are zoned R2 Low Density Residential under the Parramatta LEP 2023 with sites to the north zoned R3 Medium Density Residential.

The subject site currently accommodates a recently built two storey dwelling approved under DA/618/2020, inground pool and covered barbeque area. the completed dwelling was not constructed as per the approved plans. It is located within an established residential area characterised by single and double storey residential dwellings as well as town house developments. Adjoining the subject site to the east is a multiunit dwelling and to the west is a town house development.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image and photographs in **Figures 1 - 7** below.

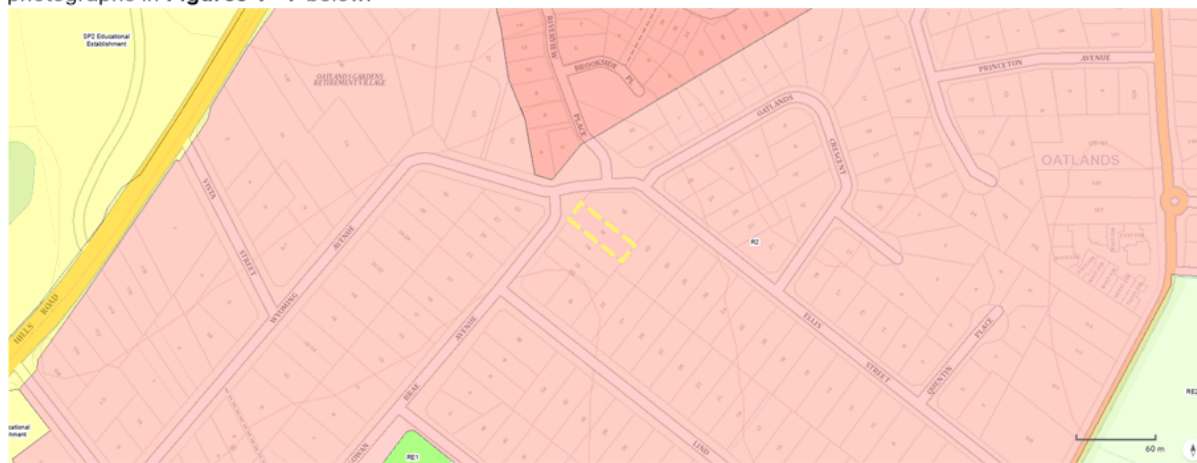


Figure 1: Land Zoning Map (Source: NSW Planning Portal)



Figure 2: Aerial image of the subject site and surrounding context (Source: Nearmaps)



Figure 3: Subject site viewed from the street (Source: Site Inspection Photos Wednesday 8 November 2023)



Figure 4: Swimming pool located at the rear (Source: Site Inspection Photos Wednesday 8 November 2023)



Figure 5: View of the rear Private open space (Source: Site Inspection Photos Wednesday 8 November 2023)



Figure 6: Covered barbeque area in the north-east rear corner (Source: Site Inspection Photos Wednesday 8 November 2023)



Figure 7: Rear facade (Source: Site Inspection Photos Wednesday 8 November 2023)

3. Relevant Site History

Date	Description
15 November 2017	DA/380/2017 was approved for tree removal and construction of a part 2 and part 3 storey dwelling and swimming pool.
20 February 2018	Construction certificate 367/2016 (council reference: CC/107/2018) was issued by ZED Certifiers.
July 2019 – September 2019	Construction of the dwelling was completed.

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24 January 2022	Development lodgement DL/61/2022 for a modification application was submitted to council for consideration. The modification sought retrospective approval for various internal and external design changes that have already been carried out. This was due to the owner unable to acquire an occupation certificate due to the unauthorised works. The application was not lodged with Council and was withdrawn.
1 June 2023	The subject modification application is lodged to regularise the unauthorised works. The modification sought consent for the reconfiguration of the front entry, internal layouts, balconies, window placement, pool location, feature roof form and basement extent. This report is the subject of that modification.

4. The Proposal

Consent is sought to modify the approved tree removal and construction of a part 2 and part 3 storey dwelling and swimming pool as follows:

1. Reconfiguration of the front entry stairway
2. Building height increased from 9m to 9.525m
3. Reconfiguration of the internal layouts.
4. Increase in size of the front and rear balconies.
5. Addition of two more parking spaces in the garage.
6. Addition of storage area in the basement
7. Relocation of the swimming pool towards the side and rear boundary
8. Changes to the widow placement

Have the works been completed? Yes

Has the consent lapsed? Yes

Lapsing date of consent: 21 November 2022

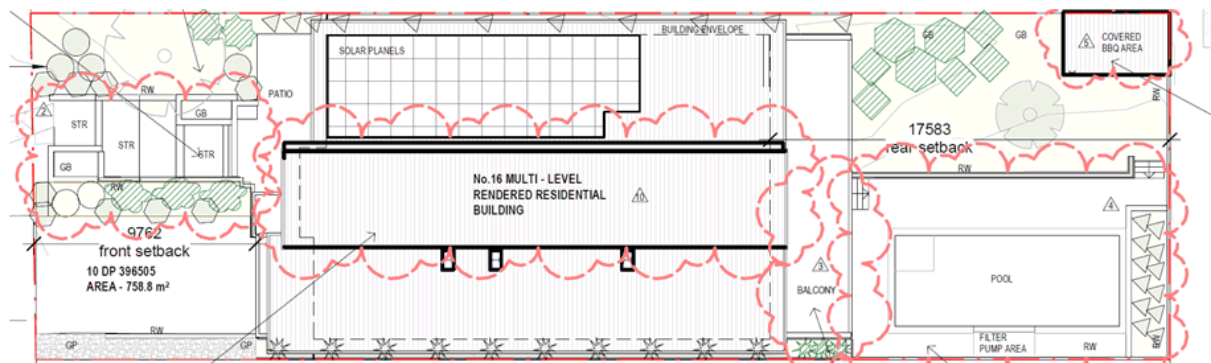


Figure 8: Site Plan. Source: dvyne design

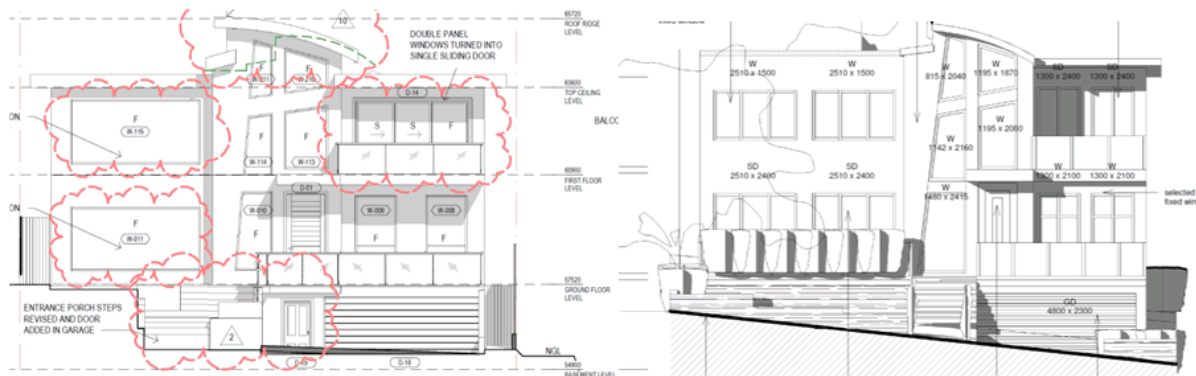


Figure 9: West elevation. The current elevation on site (left) & the previously approved elevation under DA/380/2017 (right). Source: dvyne design.

5. Relevant Application History

Date	Description
1 June 2023	The subject modification application, DA/380/2017/A, is lodged to regularise the unauthorised works.
8 November 2023	A site inspection of the property with Council's Senior Building Surveyor was conducted.

6. Referrals

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application.

Referral	Comment
Landscaping	Supported, subject to conditions of consent.

PLANNING ASSESSMENT

7. Assessment Under Section 4.55

SECTION 4.55(2)	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which 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. See further assessment below.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	There were no conditions relating to this application that were as a result of consultation with a public authority.
(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 the period prescribed by the regulations or provided by the development control plan, as the case may be.	All submissions received were considered as part of the assessment of this modification.
In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	An assessment against the relevant matters contained within s4.15 are addressed further in this report.

ASSESSMENT OF WHETHER THE PROPOSAL IS SUBSTANTIALLY THE SAME

In considering whether the development is substantially the same, the applicant bears the onus of satisfying the consent authority that the modified development is substantially the same as the original development (*Vacik Pty Ltd v Penrith City Council*, unreported, 24 February 1992). In this judgement, Stein J states that it is not appropriate to simply say that the nature of the development, in this case the use of the site as a residential flat building, as amended would be the same use and therefore substantially the same development. Stein J goes on to say that it is necessary to consider whether the proposed modified development would be essentially or materially or having the same essence as that which had been originally approved. These comments are reiterated in *Trinvass Pty Ltd v The Council of the City of Sydney* [2018] NSWLEC 77.

Bignold J in his decision in *Moto Projects No 2 Pty Limited v North Sydney Council* [1999] 106 LGERA 298, states that:

"The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the (currently) approved development.

The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted)."

As such, an assessment of the proposed modified development to determine if substantially the same as the original development requires an assessment of the quantitative and qualitative impacts of the modified proposal.

Quantitative Assessment

Quantitatively, the proposed development has had an increase in FSR, a minor increase in height, site coverage and building footprint. There has also been a slight reduction in landscaped area. The resulting changes have maintained the approved setbacks, building width and built form are maintained.

Qualitative Assessment

The proposed modification maintains its streetscape presentation as a dwelling and the approved finish schedule has been maintained. The approved style and layouts are observed in the site plan and elevations resulting in a distinguishable similarity to the original approval.

Conclusion

Based on the above assessment, the modified development is substantially the same as the original approved development as the development is materially the same in terms of use, intensity and environmental impacts.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (SEPP) – (Resilience and Hazards) 2021
- State Environmental Planning Policy (Building Sustainability) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Parramatta Local Environmental Plan 2023 (PLEP 2023)
- Parramatta Development Control Plan 2023
- The Hills Development Control Plan 2012

Compliance with these instruments is addressed below.

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

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

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment. There has been no additional tree removal proposed.

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

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

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

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

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

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

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

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

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

7.6 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY) 2022

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 original application was assessed and determined under the Parramatta (former The Hills) LEP 2012. The current modification was lodged on 1 June 2023 and is subject to the controls under the in-force Parramatta LEP 2023.

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

Clause 2.3 Zone objectives and Land Use Table

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

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

The proposal remains a detached dwelling and maintains its consistency with these objectives.

CLAUSE	ORIGINAL DA - PARRAMATTA (FORMER THE HILLS) LEP 2012	MODIFICATION – PLEP 2023	COMPLIANCE
Cl. 4.3 Height of Buildings	9m	Proposed = 9.525m Variation = 5.8% = 0.525m See the below discussion under clause 4.6 for further details	No, however the variation is acceptable.

Note: Applications assessed under Section 4.55 of the EPA Act 1979 do not require a variation to be sought under Clause 4.6 of the Parramatta LEP 2023. Notwithstanding, a merit assessment of the variation is provided below.

PLEP 2023 Building Height	Original Approved Height	Modification A
9 metres	9 metres	9.525 metres
	0 % Variation	5.8 % Variation to approval

The proposed height exceeds the approved height under the original application by 0.525m (5.8%).

In support of the variation, the following is noted:

- The height variation is due to an increase in the roof feature, central protrusion, being increased by 0.525m from the original approval.
- The overshadowing created by the increase falls onto the roof of the dwelling.
- The variation to height is only to approximately 36% the length of the roof feature.

Therefore, Council considers the proposed variation is acceptable in this instance.

CLAUSE	ORIGINAL DA - PARRAMATTA (FORMER THE HILLS) LEP 2012	MODIFICATION – PLEP 2023	COMPLIANCE
Cl. 4.4 Floor Space Ratio	There was no FSR indicated for R2 land under the Parramatta (former The Hills) LEP 2012.	Required = 0.5:1 = 381m ² Approved = 0.538:1 = 408m ² Proposed = 0.728:1 = 552.3m ² Variation to approved = 35.3% = 144.3m ² See the below discussion under clause 4.6 for further details	No, however the variation is acceptable

Note: Applications assessed under Section 4.55 of the EPA Act 1979 do not require a variation to be sought under Clause 4.6 of the Parramatta LEP 2023. Notwithstanding, a merit assessment of the variation is provided below.

PLEP (former The Hills) 2012 FSR	PLEP 2023 FSR	Modification A
Not identified on the FSR map.	0.5:1	0.728:1 = 552.3m ²
However, the GFA as approved under the original DA was 394.8m ² which equates to an FSR of 0.538:1; with a 7.1% variation to an 0.5:1 FSR.		35.3 % Variation to approval

The proposed height exceeds the approved floor space ratio under the original application by 144.3m² (35.3%).

In support of the variation, the following is noted:

- The increase in GFA is primarily located in the basement due to the addition of 2 more car parking spaces and storage areas. The Hills DCP required 1 car parking spaces and the proposal includes 4. The additional spaces, as per the definition of **Gross Floor Area** under PLEP 2023, are therefore included in the GFA calculations. The sections of the underground storage areas that do not meet the definition of **basement** under the PLEP are included in the GFA calculations.
- On the ground floor and first floor, the additional GFA is due to the previous approved voids being reduced.
- The building footprint has remained the same.
- The additional basement space is restricted to the footprint of the building.
- The removal of that additional gross floor area would not result in a reduction of the bulk and scale of the development as it is all within the building footprint.

Notwithstanding the above, to reduce the total GFA on site without impacting on the living conditions of the dwelling, the portion of the basement storage that does not meet the definition of a basement will be bricked off so as to not be used. This area is excessive for a residential use and is capable of conversion to habitable floor space. The approved plans have been annotated to show the required works.

Cl. 4.6 Exceptions to development standards	A variation to a development standard was not proposed.	As this proposal is a modification under Clause 4.55 of the Environmental Planning and Assessment Act 1979, Clause 4.6 of the PLEP is not applicable.	N/A
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Cl. 5.6 Architectural roof features	An architectural roof feature was not proposed.	The architectural roof feature was not proposed.	Yes
Cl. 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
Cl. 5.10 Heritage Conservation	The subject site does not contain a heritage item, is not in the vicinity of an item and does not fall within a heritage conservation area.		N/A
Cl. 5.10(8) Aboriginal Places of Heritage significance	The subject site is located within a low sensitivity recorded area.		N/A
Cl. 5.21 Flood planning	The site is not identified as being flood prone.		N/A
Cl. 7.2 Earthworks	The proposed earthworks were satisfactory.	<p>The proposed modification has increased the quantum of earthworks on site due to a substantial increase to the basement level.</p> <p>The proposed earthworks will not have a detrimental impact on the subject site or surrounding properties as it is limited to only the basement level and does not alter the remaining levels on site.</p> <p>The additional earthworks do not impact on the landscaped and deep soil areas on site.</p> <p>The additional earthworks are acceptable in this instance as the proposal does not create additional impacts to the subject site, surrounding properties, and landscaped areas.</p>	Yes

9. The Hills Development Control Plan 2012

Development Control	Original DA	Modification	Complies
2.14 Dwellings			
2.14.1 Building Setbacks	<p>Front setback = 11.7m to the building face. 9.76m to the garage,</p> <p>Side = 0.9</p> <p>Rear = 17.7m to the building face. 14m to the rear balcony</p> <p>Allotment width = 15.24m Width of building 13.44m = 88.2% width at the building line.</p>	<p>Front setback = 11.7m to the building face. 9.76m to the garage,</p> <p>Side = 0.93</p> <p>Rear = 17.7m to the building face. 14m to the rear balcony</p> <p>Allotment width = 15.24m Width of building 13.4m = 87.9% width at the building line.</p>	Yes
Barbeque (BBQ) area setbacks <ul style="list-style-type: none"> A maximum height of 1 storey and 4.5 metres Rear setback requirement: 3m Side setback requirement: 0.9m 	<p>A barbeque area was not proposed.</p> <p>The proposed barbeque area is located in the eastern corner with 0m setback both the rear and side boundary. The area has a height of 1 storey and 3.15m</p> <p>The proposed location does not impact on sunlight, privacy or the streetscape.</p> <p>The BBQ area has an area of 12.9m².</p> <p>The roof of the barbeque area extends over the north-east boundary line onto 34 Ellis Street observed during a site visit and identified on the survey plan.</p>	See below discussion.	

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- a maximum floor area of 25m²



Figure 8: View of the BBQ area from the ground floor rear patio area.
(Source: Site Inspection Photos Wednesday 8 November 2023)



Figure 9: View of the BBQ area from the first-floor rear balcony.
(Source: Site Inspection Photos Wednesday 8 November 2023)

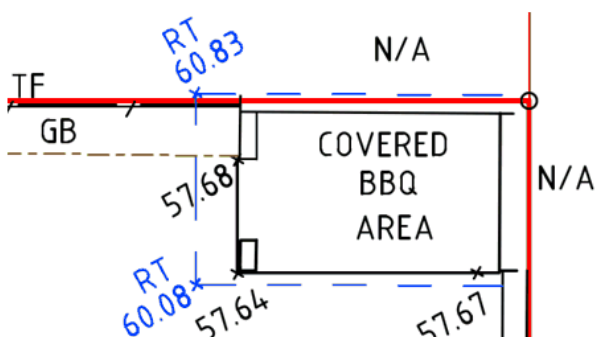


Figure 10: Survey plan showing the extent of the BBQ area's roof.
(Source: Submitted Survey Plan prepared by: Wumara Group)

Due to the location and impact onto the neighbouring property, the proposed BBQ area is to be demolished prior to the issue of a BIC. The area is to be replaced with landscaping to increase the landscaped area in the proposal.

2.12.2 Site Coverage

- Maximum site coverage: 60%
- Maximum dwelling building footprint: 45%

Site Area = 758.1m²
Coverage = 439m² = 58%

Site Area = 758.1m²
Coverage = 578.8m² = 76%
Variation = 31.8% = 139.8m²

The variation increase is due to a wider pedestrian entry path, increase in the paved area around the pool, increase in the size of the rear alfresco, and addition of a BBQ area.

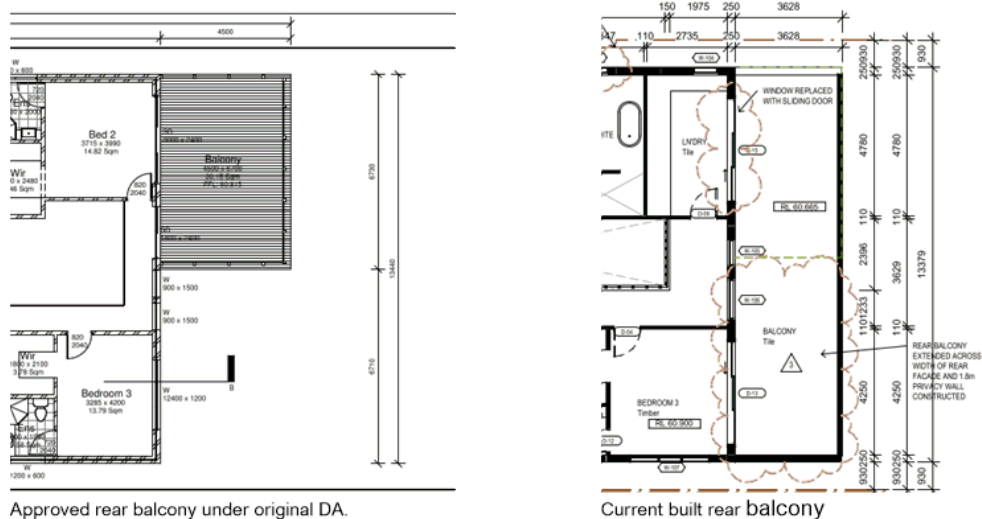
No, however the variation is acceptable.

		The variation in this instance is acceptable as the site coverage is not a result of an increase in the bulk and scale of the dwelling and allows for a design outcome that suits the site while also addressing the streetscape effectively.	
	Footprint = 266m ² = 35%	Footprint = 266m ² = 35%	Yes
2.14.4 Private Open Space	Site Area = 758.1m ² POS = 270m ² = 35.6% Meets sunlight requirements.	No change is proposed.	Yes
2.14.5 Landscaping and Open Space • Minimum landscaped area: 40%	Landscaping = 318m ² = 41.9%	Landscaping = 179.3m ² = 24% Variation = 43.6% = 138.7m ² Refer to the below discussion.	No, however is acceptable due to imposed conditions.
Reduction in landscape is due to an increase in site coverage.			
The landscaping in the rear is predominantly in one area and consists of various planting. The reduction of 138.7m ² of landscaping is not acceptable and the removal of the BBQ area and some site coverage around the pool will allow for an addition 23m ² to be incorporated. Increasing the landscaped area to 202.3m ² being 29.7% of the site area.			
A condition will be imposed requiring the application to remove some site coverage and replace it with landscaping.			
2.14.6 Dwelling Design and Construction	The proposal met the requirements of the DCP	The proposed modification does not alter the building footprint and maintains the general design of the dwelling. The building design shows a use of different materials and articulation with large windows facing the frontage for passive southern light. The dwelling remains characteristic to the area by maintaining the buildings proportions and the use of similar materials.	Yes
2.14.7 Cut and Fill • Maximum Fill: 600mm • Maximum Fill with Dropped Edge Beams: 1.5m • Maximum Cut: 1m	The approved development has a maximum of 2.6m of cut (not including the excavation for the basement).	The built basement required additional excavation, however, was limited to the footprint of the building. As the completed earthworks do not impact on the landscaping of the subject site and does not impact on neighbouring properties more than the original approval. The general levels across the site are maintained from the original approval. The proposal remains compliant with the DCP.	Yes
2.14.8 Building Materials	The choice of materials is compatible with the surrounding	The choice of materials is mostly the unchanged from the original approval and are	Yes

2.14.9 Privacy – Visual and Acoustic Privacy	Complies	compatible with the surrounding developments. The dwelling in its current form maintains privacy to neighbouring properties. See below discussion.	Yes
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The windows in the built dwelling are predominantly located in the same locations and do not severely impact on privacy to neighbouring properties.

The rear facing balcony on the first floor has been extended from half the width of the building to the full extent of the building.



Approved rear balcony under original DA.

Figure 11: Approved rear balcony compared to the built balcony.

In order to determine the extent of the impact a photographic assessment was conducted from the approximate edge of the approved balcony, and from the currently built balcony. Figures 12 and 13 are photographs investigating the privacy impacts from the approximate southern edge of the approved boundary.



Figure 12: View towards the north and eastern neighbouring properties from the approximate southern edge of the approved boundary.
(Source: Site Inspection Photos Wednesday 8 November 2023)



Figure 13: View towards the southern neighbouring property from the approximate southern edge of the approved boundary. (Source: Site Inspection Photos Wednesday 8 November 2023)

The approved balcony would have overlooked into the private open space of neighbouring properties. In comparison on the impact, the photos of figures 14 and 15 were taken from the most southern edge of the balcony.



Figure 14: View towards the southern neighbouring property from the southern edge of the built boundary. (Source: Site Inspection Photos Wednesday 8 November 2023)

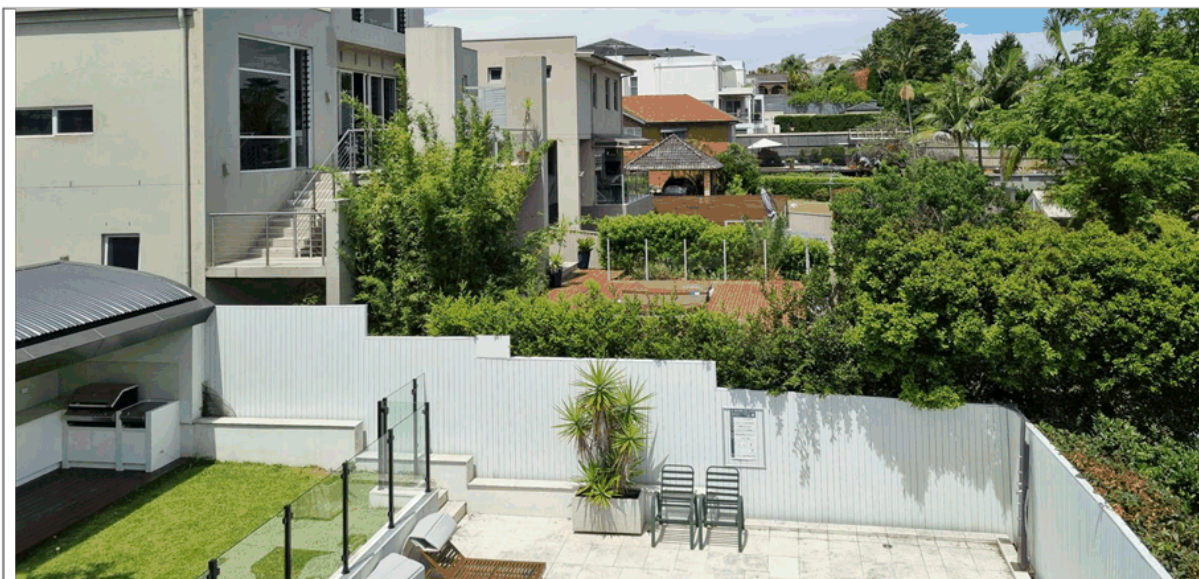


Figure 15: View towards the eastern neighbouring property from the southern edge of the built boundary. (Source: Site Inspection Photos Wednesday 8 November 2023)

As the built balcony does result in additional opportunities to overlook the neighbouring properties, the southern portion of the balcony shall be made non-trafficable to reduce the area of current balcony to the original approval. Additionally, the sliding door of bedroom 3 will need to be replaced with a window of standard sill height.

The amendment to the balcony shall be completed prior to the issue of a BIC.

2.14.10 Solar Access	The proposed development achieves the requirements for solar access.	The proposal maintains compliance with solar access.	Yes
2.14.11 Ventilation	The dwelling achieved adequate ventilation and cross ventilation.	The dwelling maintains to be well ventilated.	Yes
2.14.12 Lighting	The dwelling made proper use of natural lighting.	The dwelling still makes proper use of natural lighting.	Yes
2.14.14 Car Parking and Vehicular Access	2 car parking spaces	4 car parking spaces are propped.	Yes
2.14.15 Fencing fence	Not proposed.	No change is proposed	Yes
2.18 Swimming Pools	A compliant swimming pool is proposed.	The swimming pool's location has changed but remains compliant.	Yes

10. Development Contributions

An adjusted development contribution is not payable as the value of the modification works have been completed and the development will be subject to a Building Information Certificate.

12. Bonds

A standard condition of consent was imposed on the original consent requiring the Security Bond to be paid prior to the issue of a Construction Certificate (CC).

13. EP&A Regulation 2021

Applicable Regulation considerations including, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, have been addressed by appropriate conditions of consent.

14. The likely impacts of the development

The modification application was lodged and seeks approval for the unauthorised works completed on site.

The extent of the unauthorized works does not create a substantial or additional impacts on the subject site or neighboring properties as detailed in the above report.

Notwithstanding the above, the roof area of the BBQ area will need to be addressed as part of the BIC application.

15. Suitability of the Site

The subject site can, and does, accommodate a dwelling of this scale as the site.

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

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

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

16. Public Consultation

In accordance with the City of Parramatta Notification Requirements, the Development Application was notified from 13 June 2023 to 27 June 2023. In response, no submissions were received.

17. Public interest

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

18. Conclusion

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

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

21. Recommendation

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

- A. **That**, the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, modify development consent DA/380/2017 on land at 16 Gowan Brae Avenue, 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, 45, and 51 to reflect the updated plans and documents.
 - b. After condition 1, insert Conditions 1A and 1B.
 - c. All other conditions of DA/380/2017 remain unchanged.
- B. **That** the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the height of building control in Clause 4.3 Height of Buildings of the Parramatta Local Environmental Plan 2023 as there are sufficient environmental grounds to justify the variation.
- C. **That** the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the floor space ratio control in Clause 4.4 Floor Space Ratio of the Parramatta Local Environmental Plan 2023 as there are sufficient environmental grounds to justify the variation.

Reasons for Approval:

1. The proposed modification is substantially the same development which has been approved.
2. The proposed modification is permissible within the R2 low Density Residential zone and results in a development which is suitable for the context of the site and locality.
3. The proposed modification to increase the building height and floor space of the site is supported as there is no substantial change in the bulk and scale of the building.
4. The proposed modification results in reasonable impacts to adjoining and surrounding properties, is suitable for the site, and is not contrary to the public interest.

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:

Architectural Drawings (Project No. 220406, Drawn by: Rothshire)

Sheet No.	REV		Dated
DA-000	2	Cover Sheet	20/04/2023
DA-001	2	Basic & Nathers Commitments	20/04/2023
DA-101	2	Proposed Site plan	20/04/2023
DA-201	2	Existing Basement Plan	20/04/2023
DA-202	2	Existing Ground Floor Plan	20/04/2023
DA-203	2	Existing First floor Plan	20/04/2023
DA-300	2	Existing East & West (Gowan Brae Ave.) Elevations	20/04/2023
DA-301	2	Existing North and South Elevations	20/04/2023
DA-302	2	Existing Cross Section	20/04/2023
DA-303	2	Existing Long Section	20/04/2023
DA-901	2	Door & Window Schedule	20/04/2023

Stormwater

Drawing No.	Prepared by	Dated
Stormwater Drainage Plan, Drawing No. 2017244, Sheet 1, Issue 4	MBC Engineering	4 October 2017

Landscape Drawings (Jon No. 230048, Drawn by: Dapple Designs)

Sheet	Issue		Dated
1 of 3	B	Landscape Plan	16/03/2023
2 of 3	B	Plant list/Specification	16/03/2023
2 of 3	B	Details	16/03/2023

Specialist Reports

Document	Prepared By	Dated
Statement of Environmental Effects Document No.: 2122227-SEE-RPT-001-4	Rothshire	25/05/2023
BASIX Certificate No.1366178S	Certified Energy 1	02/02/2023

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.

Insert Condition no. 1A and 1B:

- 1A. In order to regularise the unauthorised works on site, A Building Information Certificate (BIC) must be lodged with, and issued by the City of Parramatta. The owner will be subject to all obligations and works required on site in order to attain the BIC.

Reason: To ensure that all work carried out is in accordance with the current provisions of the Building Code of Australia (National Construction Code).

- 1B. Prior to the issue of Building Information Certificate, the following amendments/works to the dwelling are to be completed:
- a. A wall extending east for 5.512m from the northeast corner of the garage, aligned with the garage wall, and then continue south to connect to the northwest bathroom corner, aligned with the bathroom wall, is to be constructed.
 - b. Measured perpendicular to the first floor rear southern balcony wall, 6.65m of the first floor rear balcony shall be made non-trafficable.
 - c. The sliding balcony door of bedroom 3 shall be replaced with a window of standard sill height.
 - d. The proposed Barbeque Area is to be demolished and replaced with landscaping.

The coping and site coverage around the pool is to be reduced to incorporate additional landscaping measuring 9.2m by 1.1m as per the approved plans. The minimum 1m areas are to be ensured for safe movement.

Modify condition no. 45 in the following way:

45. Prior to the use or operation of the swimming pool, any filtration equipment and/or pump(s) exceeding 5dBA above the ambient background noise level when measured at the property boundary must be enclosed with appropriate sound insulation materials. Details of compliance are to be provided to the Principal Certifying Authority. **as part of the Building Information Certificate.**

Reason: To minimize the aural impact of the mechanical equipment associated with the maintenance of the swimming pool and maintains the residential amenity of the adjoining and adjacent properties.

Modify condition no. 51 in the following way:

51. Prior to the ~~issue of an Occupation Certificate~~ **issue of a Building Information Certificate**, the swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto www.swimmingpoolregister.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the PCA **with the Building Information Certificate** to confirm the registration.

Reason: To comply with NSW legislative requirements relating to Swimming pools and Spas.

All other conditions of DA/380/2017 remain unmodified.

General Matters

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:

Architectural Drawings (Project No. 220406, Drawn by: Rothshire)

Sheet No.	REV		Dated
DA-000	2	Cover Sheet	20/04/2023
DA-001	2	Basic & Nathers Commitments	20/04/2023
DA-101	2	Proposed Site plan	20/04/2023
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DA-202	2	Existing Ground Floor Plan	20/04/2023
DA-203	2	Existing First floor Plan	20/04/2023
DA-300	2	Existing East & West (Gowan Brae Ave.) Elevations	20/04/2023
DA-301	2	Existing North and South Elevations	20/04/2023
DA-302	2	Existing Cross Section	20/04/2023
DA-303	2	Existing Long Section	20/04/2023
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Landscape Drawings (Jon No. 230048, Drawn by: Dapple Designs)

Sheet	Issue		Dated
1 of 3	B	Landscape Plan	16/03/2023
2 of 3	B	Plant list/Specification	16/03/2023
2 of 3	B	Details	16/03/2023

Specialist Reports

Document	Prepared By	Dated
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Statement of Environmental Effects Document No.: 2122227-SEE-RPT-001-4	Rothshire	25/05/2023
BASIX Certificate No.1366178S	Certified Energy 1	02/02/2023

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.

Modified as per DA/380/2017/A

- 1A. In order to regularise the unauthorised works on site, A Building Information Certificate (BIC) must be lodged with, and issued by the City of Parramatta. The owner will be subject to all obligations and works required on site in order to attain the BIC.

Reason: To ensure that all work carried out is in accordance with the current provisions of the Building Code of Australia (National Construction Code).

- 1B. Prior to the issue of Building Information Certificate, the following amendments/works to the dwelling are to be completed:
- A wall extending east for 5.512m from the northeast corner of the garage, aligned with the garage wall, and then continue south to connect to the northwest bathroom corner, aligned with the bathroom wall, is to be constructed.
 - Measured perpendicular to the first floor rear southern balcony wall, 6.65m of the first floor rear balcony shall be made non-trafficable.
 - The sliding balcony door of bedroom 3 shall be replaced with a window of standard sill height.
 - The proposed Barbeque Area is to be demolished and replaced with landscaping.
 - The coping and site coverage around the pool is to be reduced to incorporate additional landscaping measuring 9.2m by 1.1m as per the approved plans. The minimum 1m areas are to be ensured for safe movement.

Conditions inserted as per DA/380/2017/A

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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 all buildings and outbuildings currently on the property, subject to compliance with the following:-

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.

- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for

inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (i) Demolition is to be completed within 5 days of commencement.
- (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.

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- (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;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) 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.

6. **Parramatta** - Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

Hornsby - Trees equal to or greater than three (3) metres in height, which are protected under Hornsby Development Control Plan 2013 (Section 1B.6 Tree and Vegetation Preservation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

Hills Shire - Trees equal to or greater than six (6) metres in height, which are protected under Hills Development Control Plan 2012 (Part C Section 3), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

Auburn - Trees equal to or greater than 3.5 metres in height, which are protected under Auburn Development Control Plan 2010 (Tree Preservation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

Holroyd - Trees equal to or greater than 3.6 metres in height, which are protected under Holroyd City Council Development Control Plan 2013 (Part A - Section 4), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

7. A minimum Australian Qualification Framework Level 3 arboriculture service provider is to remove the following street trees:

Tree No.	Name	Common Name	Name of Street Frontage
2x	<i>Callistemon viminalis</i>	Weeping bottlebrush	16 Gowan Brea Ave, Oatlands

Note: All approved tree removal works must conform to the Safe Work Australia Guide to managing risks of tree trimming and removal work.

The following street trees shall be planted within the road reserve;

Qty	Name	Common Name	Minimum Pot Size	Name of Street Frontage
1x	<i>Callistemon viminalis</i>	Weeping bottlebrush	45L	16 Gowan Brea Ave, Oatlands

Note: All approved street tree plantings shall be planted a minimum of 3m from any driveway and 12m from an intersection.

Reason: To ensure restoration of environmental amenity.

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.)

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8. 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.

9. 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.

10. Privacy screen/louvers to a height of 1.8m above finished floor level are to be erected on the northern elevation of the first floor rear balcony. This requirement is to be indicated on amended plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect the privacy of adjoining residents.

11. 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.

12. 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.

13. 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/380/2017;
- (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
Development Site Bond	\$2500

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.

14. A monetary contribution comprising **\$11,077.01** is payable to City of Parramatta in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the *City of Parramatta Section 94A Development Contributions Plan (Former Hills LGA Land)*. Payment must be by EFTPOS, bank cheque or credit card only.

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

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 *City of Parramatta Section 94A Development Contributions Plan (Former Hills LGA Land)* 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.

15. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

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16. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

17. 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.

18. 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.

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19. A standard vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS8 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

20. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

21. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

Reason: To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

22. The FFL of the basement garage shall be raised to RL 55.00. Pit 4 Surface level shall also be set at RL 55.00 and Invert level shall be set at RL 54.7. Pit 1 located along the front boundary surface and invert level shall be adjusted accordingly insuring 1-2 % grade can be achieved from all input and output pipes (ie SL RL55.00 II 54.5). The resulting changes of FFL will result in the discharge pipe across the footway not needing to intersect the neighbouring property's footway. In this regard, the RHS pipe along the footway shall be proposed within the subject properties frontage.

Reason: To reduce fill and reduce the impact on the footway as a result of the discharge point

Prior to Work Commencing

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23. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
 - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

24. 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.

25. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;

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.

26. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
 - (b) Below; or
 - (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

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. 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.

29. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

30. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
 - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
 - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
 - (d) The impact on groundwater levels in relation to the basement structure.

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- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to

cause an adverse impact to the surrounding property and infrastructure.

- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason: To ensure the ongoing safety and protection of property.

31. 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.

32. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

33. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having

the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

34. 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.

35. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

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

36. The required Tree Protection Zones (TPZ) are to be established and in place prior to any works commencing according to the schedule below.

The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chainmesh. The area enclosed is to be a designated "No-Go Zone". "Tree Protection Zone" signage is to be attached to protective fencing.

Tree No.	Species	Common Name	Location	Radius from Trunk for TPZ

1x	<i>Jacaranda mimosifolia</i>	Jacaranda	Rear setback	3.5 m
1x	<i>Cupressus macrocarpa</i>	Monterey cypress	Rear setback of 14 Gowan Brae Avenue	3.0 m

Reason: To protect the trees to be retained on the site during construction works.

37. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

Reason: To ensure the protection of the tree(s) to be retained.

During Work

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. 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.

40. 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.

-
41. 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.

42. 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.

43. 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.

44. 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.

45. Prior to the use or operation of the swimming pool, any filtration equipment and/or pump(s) exceeding 5dBA above the ambient background noise level when measured at the property boundary must be enclosed with appropriate sound insulation materials. Details of compliance are to be provided to the Principal Certifying Authority, as part of the Building Information Certificate.

Reason: To minimize the aural impact of the mechanical equipment associated with the maintenance of the swimming pool and maintains the residential amenity of the adjoining and adjacent properties.

46. Surface waters from about the swimming pool must be collected and disposed of to the satisfaction of the Principal Certifying Authority.

Reason: To protect the amenity of the adjoining neighbours.

47. The concourse/coping/impervious area surrounding the swimming pool must be graded back toward the pool so as to prevent water flowing into the neighbouring property(s).

Reason: To protect the amenity of the adjoining properties.

48. The swimming pool must be fenced in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2012), prior to the filling of the pool with water.

The fence shall be installed to the satisfaction of the Principal Certifying Authority.

Reason: To comply with the Legislative requirements.

49. The swimming pool water including the overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of waste water

shall be obtained and compliance with any conditions imposed by Sydney Water.

Reason: To comply with the Legislative requirements.

50. The owner of the pool shall display a notice showing:
- (a) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.
 - (b) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the following words *"YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"*, *"POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"*, and *"KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES"*,

Note: This notice shall be kept in a legible condition and at the pool side.

Reason: To ensure an adequate level of safety for young pool users and compliance with the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.

51. ~~Prior to the issue of an Occupation Certificate~~ **issue of a Building Information Certificate** the swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto www.swimmingpoolregister.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.

Reason: To comply with NSW legislative requirements relating to Swimming pools and Spas.

52. Stormwater must be connected to the kerb and gutter within the property frontage of Growan Brae Avenue.

Reason: To ensure satisfactory storm water disposal.

53. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the site at the intersection of the driveway and Garage to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

54. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

55. 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.

56. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

Reason: To ensure the protection of the tree(s) to be retained on the site.

57. Trees to be removed are:

Tree No.	Species	Common Name	Location
2x	<i>Callistemon viminalis</i>	Weeping bottlebrush	Street frontage
1x	<i>Lagerstroemia indica</i>	Crepe myrtle	Front setback
2 x	<i>Cupressus</i> sp.	Conifer	Rear setback

Reason: To facilitate development.

58. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

Reason: To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

59. 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.

60. 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.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

61. 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.

62. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

63. 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. 812463S, will be complied with prior to occupation

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

64. The following conditions shall be complied with:

- (a) For safety, access to the swimming pool must be restricted by fencing or other measures as described by the Swimming Pools Act 1992, the Swimming Pool Regulation 2008, and Australian Standard AS1926 Parts 1 and 2 - 2007. The fencing or other measures must be completed prior to any water being placed in the pool.
- (b) Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that noise levels associated with spa/pool pumping units shall not exceed 5 dBA at the boundaries of the site..

-
- (c) To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must not be placed where it is not visible from a public place.
 - (d) To ensure the proper disposal of polluted waters and to avoid runoff nuisance for downstream properties, all drainage including any overland waters associated with the pool and spa must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.
 - (e) For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
 - (f) Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.
 - (g) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the words *"YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"*, *"POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"*, and *"KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES"*,
 - (h) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

Reason: To ensure compliance with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and the National Construction Code together with maintaining amenity.

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

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

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

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

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

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

66. 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.

67. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing

works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: Pedestrian and Vehicle safety.

68. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

The Use of the Site

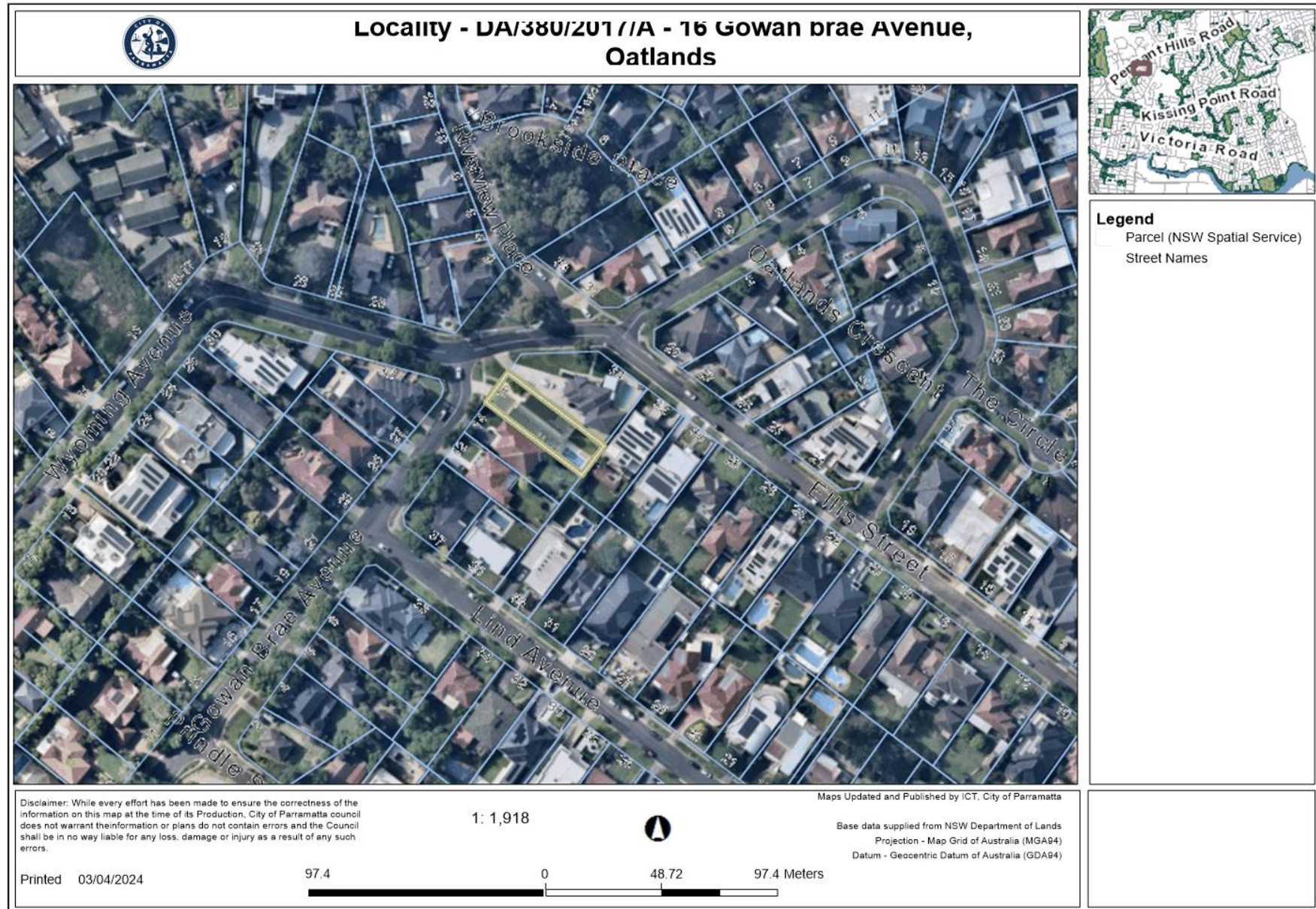
69. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

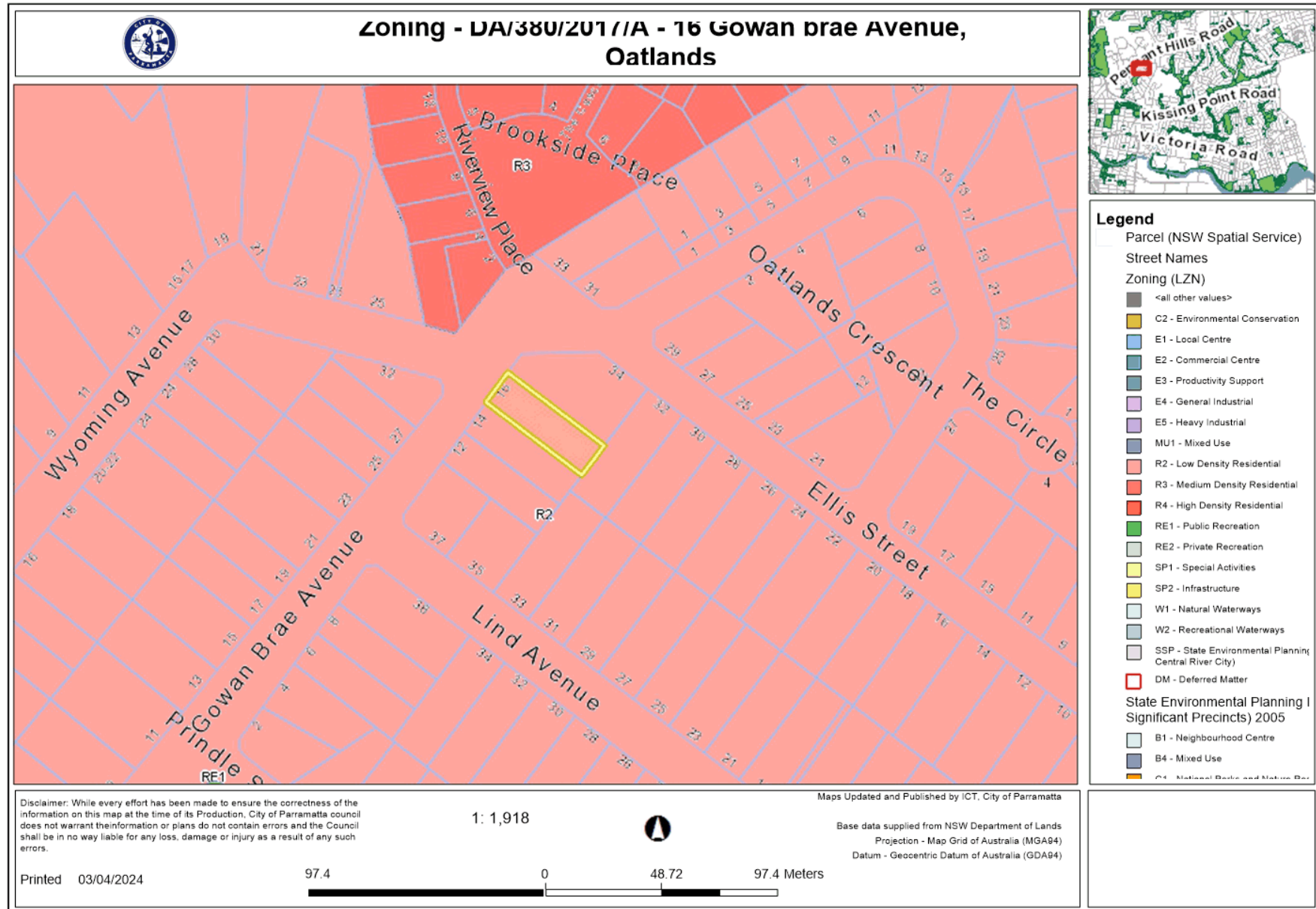
Reason: To minimise noise impact of mechanical equipment.

70. 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.

Added as per DA/380/2017/A





SECTION 4.55 MODIFICATION APPLICATION

LOT 10 DP 396505

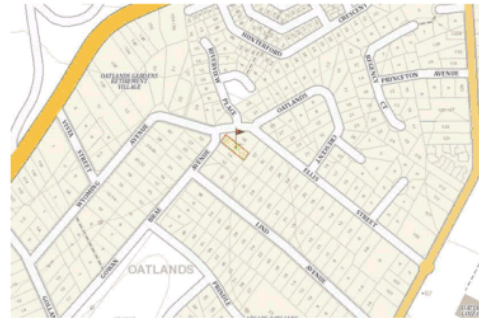
16 GOWAN BRAE AVE. OATLANDS NSW 2117

ARCHITECTURAL PACKAGE

AERIAL IMAGE



LOCATION PLAN



ARCHITECTURAL DRAWING LIST

SHEET No.	SHEET NAME	SCALE	DATE	REV
DA-000	COVER SHEET	NTS	20.04.2023	2
DA-001	BASIX & NATHERS COMMITMENTS	NTS	20.04.2023	2
DA-101	PROPOSED SITE PLAN	1:200	20.04.2023	2
DA-201	EXISTING BASEMENT PLAN	1:100	20.04.2023	2
DA-202	EXISTING GROUND FLOOR PLAN	1:100	20.04.2023	2
DA-203	EXISTING FIRST FLOOR PLAN	1:100	20.04.2023	2
DA-300	EXISTING EAST & WEST (GOWAN BRAE AVE.) ELEVATIONS	1:100	20.04.2023	2
DA-301	EXISTING NORTH AND SOUTH ELEVATIONS	1:100	20.04.2023	2
DA-302	EXISTING CROSS SECTION	1:100	20.04.2023	2
DA-303	EXISTING LONG SECTION	1:100	20.04.2023	2
DA-901	DOOR & WINDOW SCHEDULE	NTS	20.04.2023	2
DA-902	SHADOW DIAGRAMS	1:500	20.04.2023	2

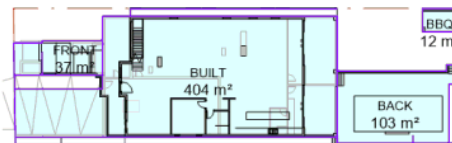
GENERAL NOTES

PRIOR TO COMMENCEMENT

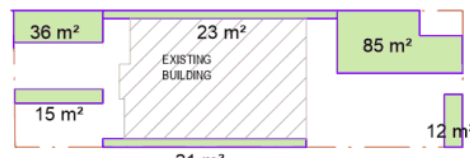
1. ALL DIMENSIONS AND FLOOR AREAS TO BE VERIFIED PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
2. ANY DISCREPANCIES ARE TO BE CONFIRMED BY THE DESIGNER.
3. LEVELS SHOWN ARE APPROXIMATE UNLESS ACCOMPANIED BY REDUCED LEVELS BY A REGISTERED SURVEYOR.
4. FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALING.
5. ALL BOUNDARY CLEARANCES MUST BE VERIFIED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
6. THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONSULTANTS DRAWINGS & SPECIFICATIONS INCLUDING STRUCTURAL, MECHANICAL & HYDRAULICS.
7. WHERE ENGINEERING OR HYDRAULIC DRAWINGS ARE REQUIRED, SUCH DRAWINGS MUST TAKE PREFERENCE TO THESE DRAWINGS.
8. FAILURE TO COMPLY WITH DRAWINGS & SPECIFICATIONS COULD RESULT IN ALTERATIONS BEING MADE AT THE COST TO THE CONTRACTOR.
9. ALL SERVICES AND UTILITIES TO BE LOCATED AND VERIFIED BY THE CONTRACTOR WITH THE RELEVANT AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORKS.
10. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM ALL SITE CONDITIONS & REQUIREMENTS.



1 BUILDING COVERAGE PLAN
1 : 500



2 SITE COVERAGE AREA
1 : 500



3 LANDSCAPE AREA PLAN
1 : 500

SITE COVERAGE

Name	Area
FRONT	37 m²
BUILT	404 m²
BACK	103 m²
BBQ	12 m²
	556 m²

LANDSCAPE AREA SCHEDULE

LOCATION	AREA
FRONT	36 m²
BACK	85 m²
NORTH SIDE	23 m²
FRONT DRIVEWAY	15 m²
BACK POOL SIDE	12 m²
SOUTH SIDE	21 m²
TOTAL AREA	192 m²

LOT 10 DP 396505
16 GOWAN BRAE AVE. OATLANDS
NSW 2117

CLIENT
OH JUN KIM

PROJECT STATUS
S4.55 MODIFICATION APPLICATION

PROJECT TITLE
RESIDENTIAL

REVISION
2

PROJECT No.
2122.227

PROJECT CONSULTANTS

ARCHITECTURE & DESIGN
Alana Kowalczyk (NSW Arch No. 10358) Rothshire

STORMWATER ENGINEERS
C. Z. MBC Engineering

SURVEYING
David McCulloch Wumark Group

REVISION TABLE

REV.	AMENDMENT	DATE
2	ISSUED FOR S4.55 MOD	20.04.2023



BASIX Project Commitments		BASIX Number: 13661785	
Proposed:	Single Dwelling		
Address:	16 Gowan Brae Avenue Otlands NSW 2117		
Lot No / DP:	10/396505		
Water		Specification	
Fixtures			
Shower head rating		4 star (> 4.5 but <= 6 L/min)	
Toilet rating		5 star	
Kitchen taps rating		5 star	
Bathroom taps rating		5 star	
Alternative water details			
Rainwater tank size	Individual	2500L	
Connected to:	Garden and lawn areas	Yes	
	All toilets	No	
	Laundry	Yes	
Thermal Comfort		Accreditation Number: HERA 10056	
		NATHERS Number: 0008346702-02	
External walls		Requirements	
Concrete block, lined	Basement	Light colour R2.7 Bulk + Anti-glare foil	
Brick veneer	First Floor	Light colour R2.7 Bulk + Anti-glare foil	
Internal walls			
Single skin brick		No insulation	
Ceiling			
External ceiling - Concrete, plasterboard		R3.5 Bulk insulation	
External ceiling - Plasterboard		R4.2 Bulk insulation	
Internal ceiling - Plasterboard		No insulation	
Roof			
Corrugated iron		Light Colour (solar absorbance <0.475)	
		R1.8 Bulk + Reflective side down, No air gap above (Anticon 75, 80mm)	
Waterproofing membrane		Light Colour (solar absorbance <0.475)	
		No insulation	
Floors			
Concrete slab on ground		No insulation	
Windows			
Aluminium frame ALM-001-01		Single Clear glazing with U-value 6.70 and SHGC 0.57 for Group A windows (awning, bifold, casement and tilt 'n' turn type windows/doors)	
Aluminium frame ALM-002-01		Single Clear glazing with U-value 6.7 and SHGC 0.7 for Group B windows (double hung, fixed, louvres and sliding type windows/doors)	
Skylights			
Single Glazed Skylight			
Ceiling Penetrations			
Downlight Covers		Approved fireproof downlight covers must be installed to all downlights in ceilings where insulation is installed.	
Lighting specification		Dwelling is rated without downlight	
Ceiling fans		No ceiling fans need to be installed	
Overshadowing details		Adjoining units calculated into model calculations	
Site			
Orientation of nominal north elevation		As shown on plans	

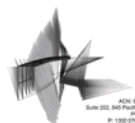
1

Energy		
Hot water	Specification	Rating
Individual system	Gas instantaneous	3 star
Ventilation		
Bathroom exhaust	Individual fan, not ducted	
Control switch	Manual switch on/off	
Kitchen exhaust	Individual fan, not ducted	
Control switch	Manual switch on/off	
Laundry	Individual fan, not ducted	
Control switch	Manual switch on/off	
Cooling		
Individual systems - living areas	3-phase airconditioning	EER 3.0 - 3.5
Individual systems - bedroom areas	3-phase airconditioning	EER 3.0 - 3.5
Heating		
Individual systems - living areas	3-phase airconditioning	EER 3.0 - 3.5
Individual systems - bedroom areas	3-phase airconditioning	EER 3.0 - 3.5
Pool		
Volume	65kL	
Heating system	No heating	
Pool cover	No	
Pool shaded	No	
Timer	No	
Appliances		
Cooktop/oven	Electric cooktop & electric oven	
Ventilated fridge space	No	
Private outdoor clothes drying line	Yes	
Private indoor or sheltered clothes drying line	No	
Zoned Air-conditioning	Yes	
Alternative Energy		
Photovoltaic System	13.3kW	

DA-MOD AMENDMENTS

- △ REVISED BASIX
- △ FRONT ENTRY STEPS & PLANTER BOX MODIFIED
- △ REAR BALCONY EXTENDED
- △ REVISED POOL LOCATION
- △ COVERED BBQ AREA
- △ LOCATION OF STAIRCASE CHANGED
- △ BASEMENT EXTENDED TO OVERALL FOOTPRINT OF DWELLING
- △ LAUNDRY REMOVED, GUEST ROOM ADDED AND BATHROOM RECONFIGURED
- △ REVISED REAR DECK
- △ FEATURE ROOF MODIFIED

0 mm 10 mm 20 mm 30 mm 100 mm @ A3 sheet



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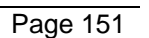
REV. AMENDMENT	DATE	CLIENT
2	20/04/2023	OH JUN KIM
PROJECT STATUS		
\$4.55 MODIFICATION APPLICATION		

PROJECT TITLE	PROJECT NUMBER
RESIDENTIAL	2122.227
PROJECT ADDRESS	
LOT 10 DP 396505 16 GOWAN BRAE AVE. OTLANDS NSW 2117	

SCALE	
NTS	@ A3 sheet size
DRAWN	CHECKED
AS	AK
(NSW Arch No. 10388)	

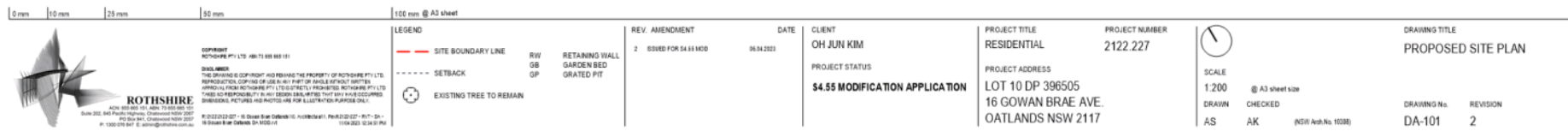
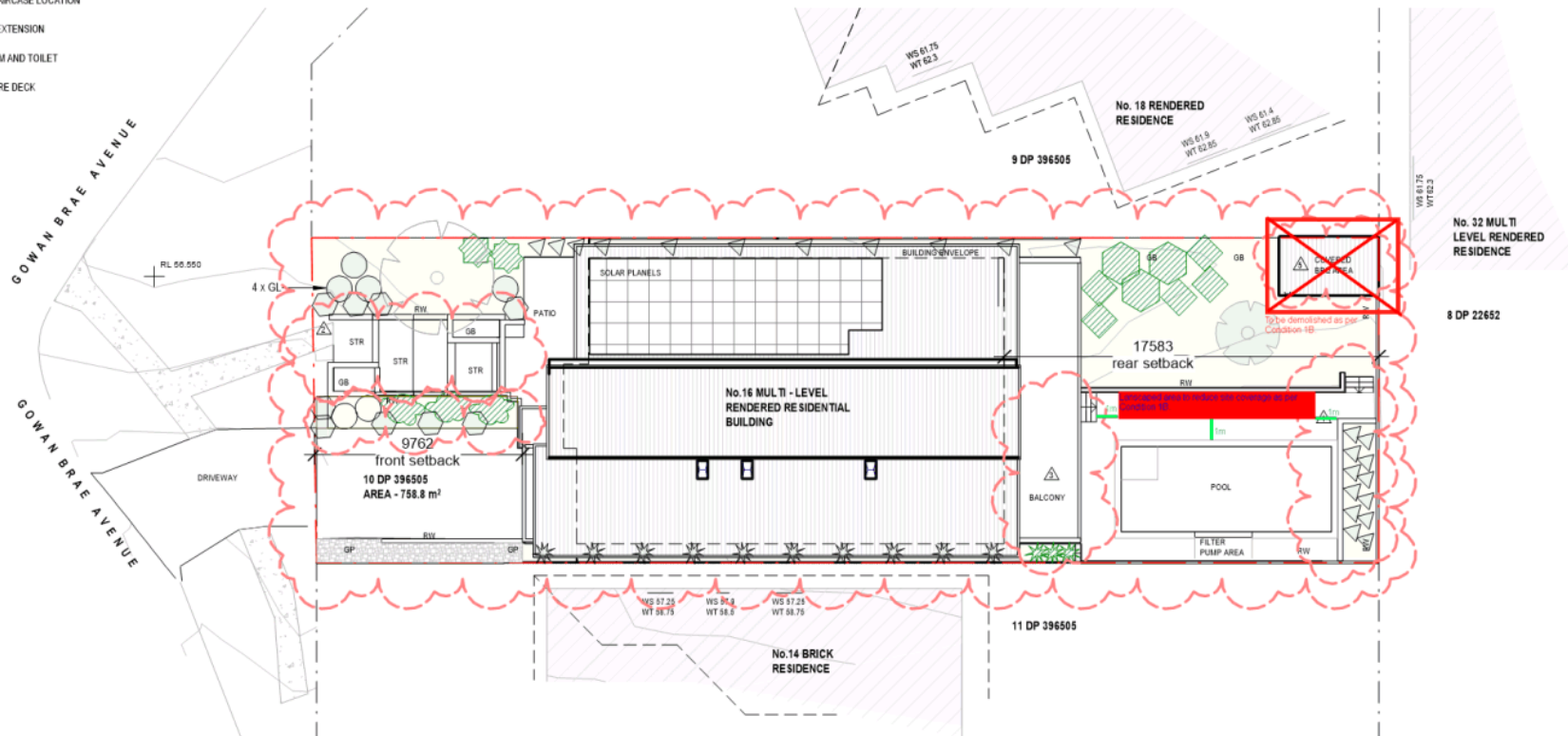
DRAWING TITLE
 BASIX & NATHERS
 COMMITMENTS

DRAWING No. REVISION
 DA-001 2



- 1 REVISED BASIX
- 2 REVISED STEPS & PLANTER BOX
- 3 REVISED BALCONY WITH PRIVACY WALL
- 4 REVISED POOL LOCATION
- 5 COVERED BBQ AREA
- 6 REVISED STAIRCASE LOCATION
- 7 BASEMENT EXTENSION
- 8 GUEST ROOM AND TOILET
- 9 REVISED RAPE DECK

1. Based on survey under taken by Wumara Group
Dated 13/10/22

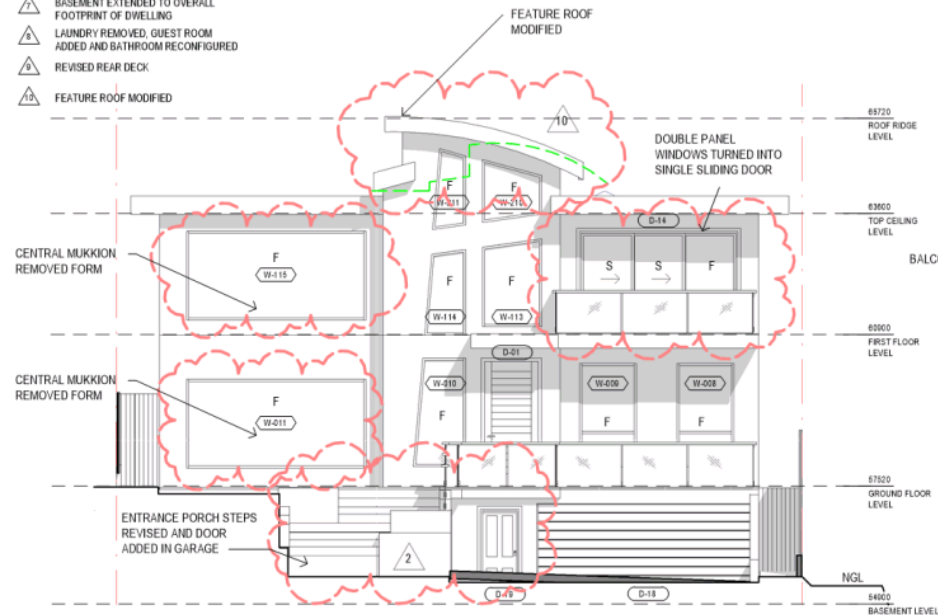


DA-MOD AMENDMENTS

- 1 REVISD BASK
- 2 FRONT ENTRY STEPS & PLANTER BOX MODIFIED
- 3 REAR BALCONY EXTENDED
- 4 REVISED POOL LOCATION
- 5 COVERED BBQ AREA
- 6 LOCATION OF STAIRCASE CHANGED
- 7 BASEMENT EXTENDED TO OVERALL FOOTPRINT OF DWELLING
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- 9 REVISED REAR DECK
- 10 FEATURE ROOF MODIFIED

NOTE:

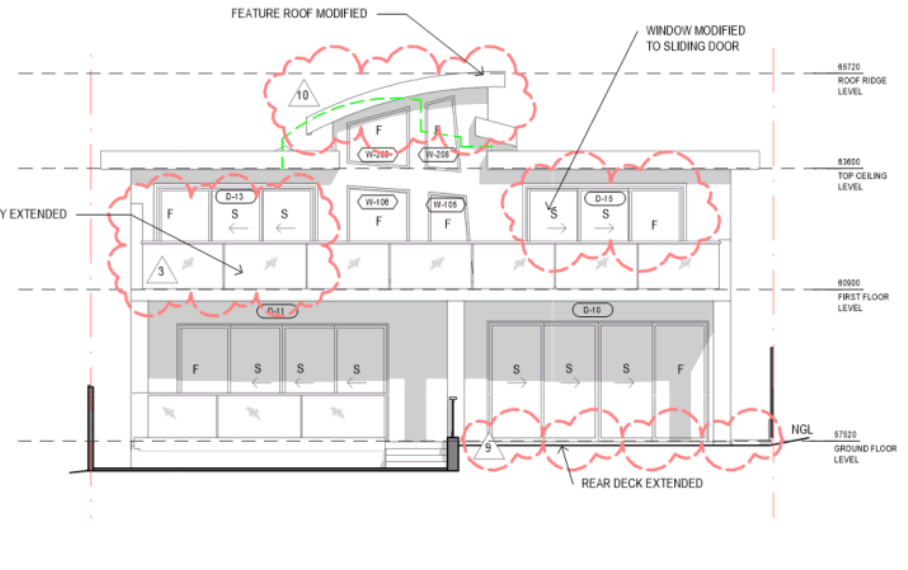
1. Based on survey under taken by Wumara Group
Dated 13/10/22



1

EXISTING WEST (GOWAN BRAE AVENUE) ELEVATION

1 : 100



2

EXISTING EAST ELEVATION

1 : 100

0 mm 10 mm 20 mm 30 mm 100 mm @ A3 sheet



ROTHSHIRE

ROTHSHIRE PTY LTD
100/100 BAY ST, SYDNEY NSW 2000
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— SITE BOUNDARY LINE
NGL NATURAL GROUND LEVEL
EGL EXISTING GROUND LEVEL

REV. AMENDMENT
2 ISSUED FOR DA 33 MOD
DATE
20/04/2023
CLIENT
OH JUN KIM
PROJECT STATUS
\$4.55 MODIFICATION APPLICATION

PROJECT TITLE
RESIDENTIAL
PROJECT ADDRESS
LOT 10 DP 396505
16 GOWAN BRAE AVE.
OATLANDS NSW 2117

PROJECT NUMBER
2122.227

SCALE
1:100
@ A3 sheet size
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AK
(NSW Arch No. 1038)

DRAWING TITLE
EXISTING EAST &
WEST(GOWAN BRAE AVE.)
ELEVATIONS
DRAWING No.
DA-300
REVISION
2

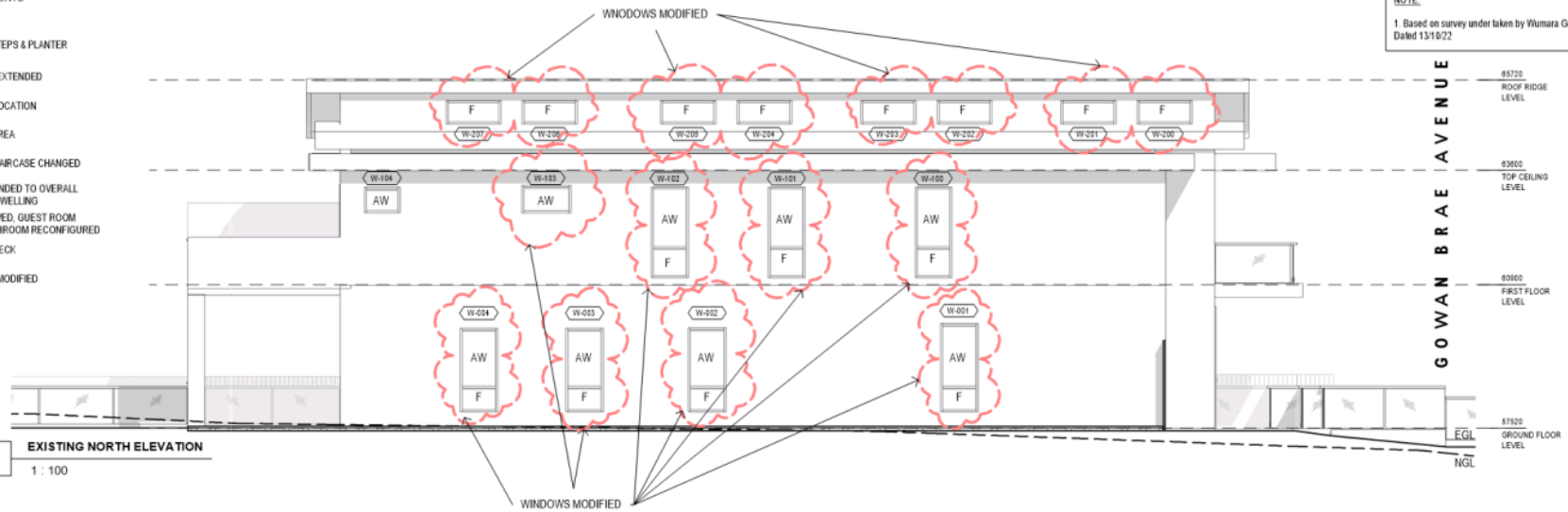
DA-MOD AMENDMENTS

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- △ FRONT ENTRY STEPS & PLANTER BOX MODIFIED
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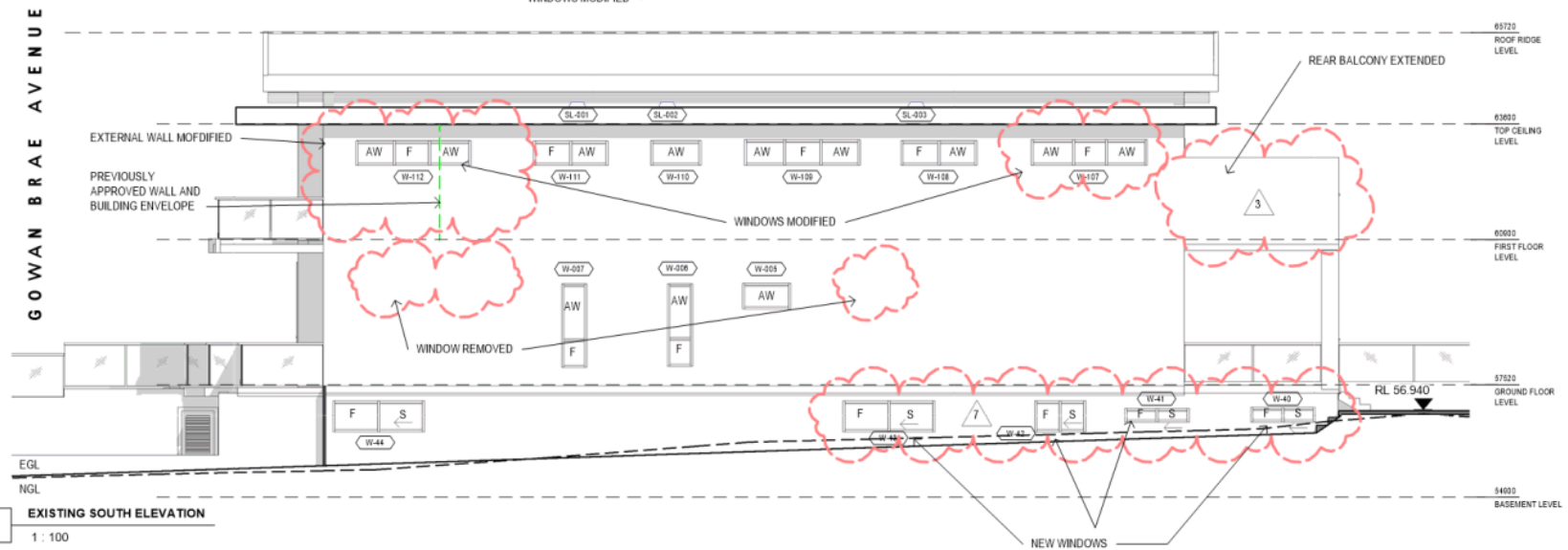
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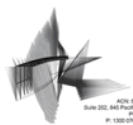
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2 EXISTING SOUTH ELEVATION
1 : 100



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15 Gowan Brae Drive (15) 1585-027
2024-02-15 15:31 PM

LEGEND
— PREVIOUSLY APPROVED BUILDING OUTLINE
- - - SITE BOUNDARY LINE
NGL NATURAL GROUND LEVEL
EGL EXISTING GROUND LEVEL

REV. AMENDMENT
2 ISSUED FOR DA 55 MOD

DATE
20.04.2023

CLIENT
OH JUN KIM

PROJECT STATUS
\$4.55 MODIFICATION APPLICATION

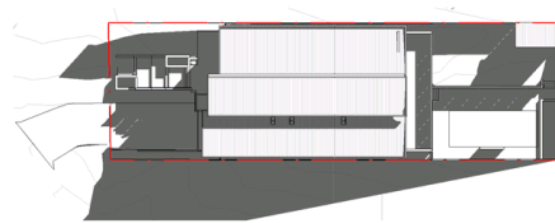
PROJECT TITLE
RESIDENTIAL
PROJECT ADDRESS
LOT 10 DP 396505
16 GOWAN BRAE AVE.
OATLANDS NSW 2117

PROJECT NUMBER
2122.227

SCALE
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(NSW Arch No. 1038)

DRAWING TITLE
EXISTING NORTH AND
SOUTH ELEVATIONS

DRAWING No. DA-301
REVISION 2



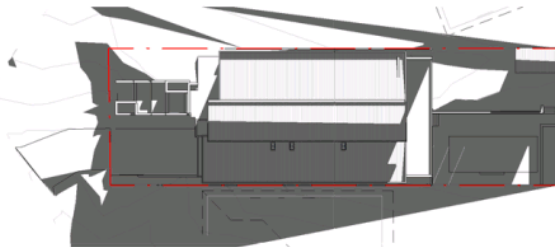
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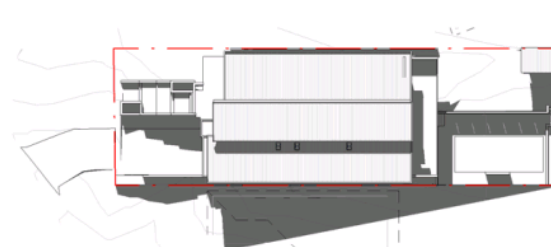
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3 MARCH 21ST 3PM
1 : 500



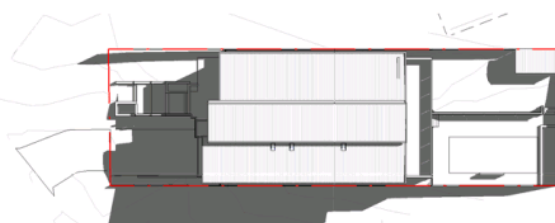
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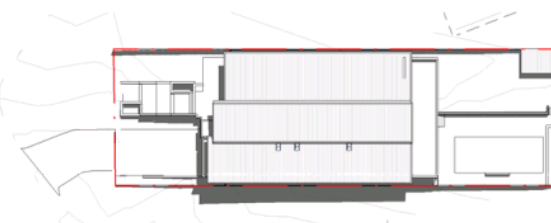
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1 : 500



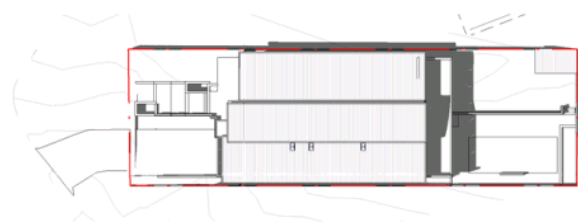
6 JUNE 21ST 3PM
1 : 500



7 DECEMBER 21ST 9AM
1 : 500



8 DECEMBER 21ST 12 NOON
1 : 500



9 DECEMBER 21ST 3PM
1 : 500

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LEGEND

REV.	AMENDMENT	DATE	CLIENT
2	SUBMITTED FOR DA 33 MOD	20/04/2023	OH JUN KIM
PROJECT STATUS			
\$4.55 MODIFICATION APPLICATION			

PROJECT TITLE
RESIDENTIAL
PROJECT ADDRESS
LOT 10 DP 396505
16 GOWAN BRAE AVE.
OATLANDS NSW 2117

PROJECT NUMBER
2122.227



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DRAWING TITLE
SHADOW DIAGRAMS

DRAWING No. DA-902
REVISION 2

WINDOW No.	HEIGHT	WIDTH	SILL	LEVEL	FRAME	OPERATION	GLAZING TYPE
W-001	2078	896	395	GROUND FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-002	1981	896	395	GROUND FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-003	1972	892	395	GROUND FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-004	1972	892	395	GROUND FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-005	601	1120	1786	GROUND FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-006	1921	588	452	GROUND FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-007	1948	588	425	GROUND FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-008	2305	1274	450	GROUND FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-009	2305	1274	450	GROUND FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-010	2425	1200	450	GROUND FLOOR LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-011	1979	4000	421	GROUND FLOOR LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-40	350	1512	1770	BASEMENT LEVEL	ALUMINIUM	SLIDING/FIXED	SINGLE GLAZED
W-41	325	1512	1770	BASEMENT LEVEL	ALUMINIUM	SLIDING/FIXED	SINGLE GLAZED
W-42	723	1190	1547	BASEMENT LEVEL	ALUMINIUM	SLIDING/FIXED	SINGLE GLAZED
W-43	723	2147	1547	BASEMENT LEVEL	ALUMINIUM	SLIDING/FIXED	SINGLE GLAZED
W-44	723	2140	1547	BASEMENT LEVEL	ALUMINIUM	SLIDING/FIXED	SINGLE GLAZED
W-100	2135	872	175	FIRST FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-101	2136	872	175	FIRST FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-102	2136	872	175	FIRST FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-103	654	1170	1703	FIRST FLOOR LEVEL	ALUMINIUM	AWNING	SINGLE GLAZED
W-104	596	847	1711	FIRST FLOOR LEVEL	ALUMINIUM	AWNING	SINGLE GLAZED
W-105	2011	1000	189	FIRST FLOOR LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-106	2131	1393	189	FIRST FLOOR LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-107	600	2702	1750	FIRST FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-108	578	1780	1750	FIRST FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-109	600	2695	1750	FIRST FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-110	576	1180	1750	FIRST FLOOR LEVEL	ALUMINIUM	AWNING	SINGLE GLAZED
W-111	574	1751	1746	FIRST FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-112	576	2682	1747	FIRST FLOOR LEVEL	ALUMINIUM	AWNING/FIXED	SINGLE GLAZED
W-113	1996	1326	200	FIRST FLOOR LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-114	1920	914	0	FIRST FLOOR LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-115	1979	4000	342	FIRST FLOOR LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-200	550	1300	1100	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-201	550	1300	1100	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-202	550	1300	1100	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-203	550	1300	1100	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-204	550	1300	1100	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-205	550	1300	1100	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-206	550	1300	1100	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-207	550	1300	1100	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-208	1640	800	0	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-209	1266	1393	134	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-210	1220	1326	0	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED
W-211	1827	740	-367	TOP CEILING LEVEL	ALUMINIUM	FIXED	SINGLE GLAZED

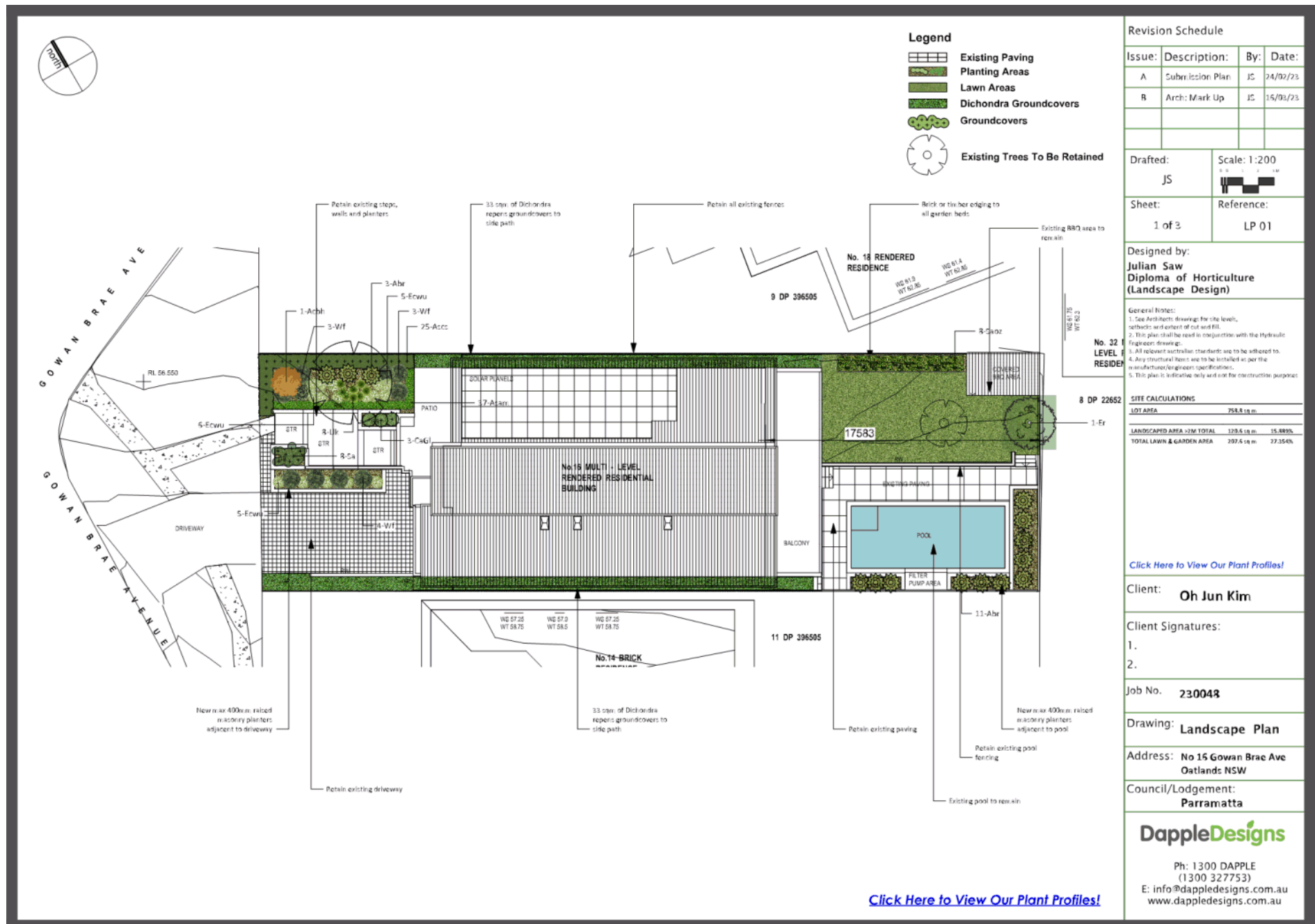
DOOR NO.	HEIGHT	WIDTH	LEVEL	DESCRIPTION
D-01	2800	1200	GROUND FLOOR LEVEL	Contemporary_Front_Door_17747; Contemporary_Front_Door_17747
D-02	2100	760	GROUND FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-03	2100	760	GROUND FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-04	2100	900	FIRST FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 900 x 2100
D-05	2100	900	FIRST FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 900 x 2100
D-06	2100	900	FIRST FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 900 x 2100
D-07	2100	900	FIRST FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 900 x 2100
D-08	2100	900	FIRST FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 900 x 2100
D-10	2660	4860	GROUND FLOOR LEVEL	Choo Door - Sliding Four Panel - Glazed Sliding Quad; Glazed Sliding 4 Panel 4900 x 2641
D-11	2601	4641	GROUND FLOOR LEVEL	Choo Door - Sliding Four Panel - Glazed Sliding Quad; Glazed Sliding 4 Panel 4700 x 2641
D-12	2100	760	FIRST FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-13	2260	3450	FIRST FLOOR LEVEL	Choo Door - Sliding Tripple Glazed; Glazed Sliding 3 Panel 3530 x 2300
D-14	2260	3450	FIRST FLOOR LEVEL	Choo Door - Sliding Tripple Glazed; Glazed Sliding 3 Panel 3530 x 2300
D-15	2260	3450	FIRST FLOOR LEVEL	Choo Door - Sliding Tripple Glazed; Glazed Sliding 3 Panel 3530 x 2300
D-16	2100	760	FIRST FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-17	2100	760	FIRST FLOOR LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-18	2400	4805	BASEMENT LEVEL	Parametric_garage_door_9124_4500x2400mm
D-19	2100	800	BASEMENT LEVEL	CE Single Traditional Timber 4 Panel (Adjustable); Traditional Swing Single 4 Panel 900 x 2100
D-20	2100	760	BASEMENT LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-21	2100	760	BASEMENT LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-22	2100	760	BASEMENT LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-23	2100	760	BASEMENT LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-24	2100	760	BASEMENT LEVEL	Choo Door - Swing Single Traditional 4 Panel (solid); Traditional Swing Single 4 Panel 760 x 2100
D-41	2032	762	BASEMENT LEVEL	Single-Louvered_0762 x 2032mm

DA-MOD AMENDMENTS

- 1 REVISED BASIS
- 2 FRONT ENTRY STEPS & PLANTER BOX MODIFIED
- 3 REAR BALCONY EXTENDED
- 4 REVISED POOL LOCATION
- 5 COVERED BBQ AREA
- 6 LOCATION OF STAIRCASE CHANGED
- 7 BASEMENT EXTENDED TO OVERALL FOOTPRINT OF DWELLING
- 8 LAUNDRY REMOVED, GUEST ROOM ADDED AND BATHROOM RECONFIGURED
- 9 REVISED REAR DECK
- 10 FEATURE ROOF MODIFIED



Page 156



LANDSCAPE SPECIFICATION

SITE ESTABLISHMENT

ALL RUBBISH, DEBRIS, FALLEN BRANCHES SHALL BE CLEARED FROM LANDSCAPED AREAS AND DISPOSED OF USING SKIP BINS ONSITE OR BY TRANSPORTING TO THE LOCAL WASTE MANAGEMENT FACILITY. ANY UNUSED BRICKS, CONCRETE BLOCKS OR TIMBER SHOULD BE EITHER RE-USED ONSITE WHERE POSSIBLE OR RECYCLED AT THE LOCAL WASTE MANAGEMENT FACILITY.

TREE PROTECTION

TREES TO BE RETAINED SHALL BE PROTECTED DURING SITE WORKS AND TREE PROTECTION BARRIERS INSTALLED ACCORDING TO TREE PROTECTION DETAILS. NO EXCAVATION OR CHANGE IN SOIL LEVEL SHOULD TAKE PLACE AROUND THE BASE OF SUCH TREES. ANY ARBORIST REPORT MUST BE ADHERED TO AND TREE PROTECTION ZONES MAINTAINED WHERE APPLICABLE.

WEED ERADICATION

AREAS TO BE LANDSCAPED ARE TO BE SPRAYED WITH GLYPHOSATE AT THE RECOMMENDED RATE AT LEAST 1 WEEK PRIOR TO ANY LANDSCAPE WORKS TAKING PLACE IN ORDER TO ALLOW WEEDS TO DIE OFF. CARE IS TO BE TAKEN TO PROTECT REMAINING VEGETATION FROM THE HERBICIDE APPLICATION AND SHOULD ONLY BE UNDERTAKEN IN STILL WEATHER. ALL WEEDS ARE THEN TO BE DISPOSED OF APPROPRIATELY AT THE LOCAL WASTE MANAGEMENT FACILITY.

GARDEN BED PREPARATION

ENSURE ALL GARDEN BEDS HAVE BEEN EXCAVATED TO 250MM BELOW FINISHED LEVELS. RIP THE SUBGRADE A FURTHER 100MM IN DEPTH. INSTALL PREMIUM GARDEN SOIL OR MIX NATURAL TOP SOIL WITH IMPORTED SOIL TO A DEPTH OF 250MM. INSTALL 75MM DEPTH OF LEAF LITTER MULCH FROM ANL LANDSCAPE SUPPLIES OR EQUIVALENT.

LAWN AREA PREPARATION

EXCAVATE LAWN AREAS TO A DEPTH OF 100MM BELOW REQUIRED FINISHED LEVELS. DO NOT EXCAVATE WITHIN WITHIN TREE PROTECTION ZONES WHERE APPLICABLE OR WITHIN 1500MM OF THE TRUNK OF ANY EXISTING TREES TO BE RETAINED. ENSURE THAT ALL SURFACE WATER IS DIRECTED TOWARD ANY DRAINAGE PITS, KERBS AND AWAY FROM ANY BUILDINGS. SUBGRADE IS TO BE RIPPED TO A DEPTH OF 150MM AND A 50MM DEEP LAYER OF TURF UNDERLAY INSTALLED ON TOP. LAWNS SHOULD HAVE AN EVEN GRADE SO THAT NO PONDING OR POOLING OCCURS. 'SIR LAUNCHER' FERTILISER OR EQUIVELANT SHOULD BE SPREAD OVER LAWN AREAS PRIOR TO LAYING TURF. LAY 'SIR WALTER BUFFALO' TURF ROLLS CLOSELY BUTTED ENSURING NO GAPS BETWEEN ARE PRESENT. ROLL AND WATER THOROUGHLY AFTER LAYING.

PLANTING

PLANTS ARE TO BE HEALTHY, FREE OF PEST/DISEASES AND TRUE TO TYPE & SPECIES. REFER TO LANDSCAPE PLAN FOR LOCATION AND SPACING. ALL PLANTS SHOULD BE PLACED IN A HOLE DUG TWICE THE SIZE OF THE POT. GENTLY TEEGE THE ROOTS OF ANY POT BOUND PLANTS. THE BASE OF THE TRUNK SHOULD BE INSTALLED LEVEL WITH THE SURFACE OF THE GROUND AND DISH CREATED AROUND THE BASE OF EACH PLANT TO AID WITH WATER RETENTION. WATER THOROUGHLY AFTER PLANTING.

PLANT LIST

TYPE	SYMBOL	BOTANIC NAME	COMMON NAME	MATURE HEIGHT X WIDTH	NATIVE?	QTY	POT SIZE
TREES							
	Er	ELAEOCARPUS RETICULATUS	BLUEBERRY ASH	9M X 4M	YES	1	45LTR
SHRUBS							
	Acbh	GREVILLEA 'HONEY GEM'	GREVILLEA 'HONEY GEM'	3M X 2M	YES	1	200MM
	Wf	WESTRINGIA FRUITICOSA	COASTAL ROSEMARY	1M X 1M	YES	10	200MM
GROUNDCOVERS & PERENNIALS							
	CaGl	CARPOBROTUS GLAUDESCENS	PIGFACE	0.2M X 1M	YES	3	140MM
		DICHONDRA REPENS	KIDNEY WEED		YES	56.25QM	PLANT TILES
	Ecwu	BANKSIA 'BIRTHDAY CANDLES'	BANKSIA 'BIRTHDAY CANDLES'	0.5M X 0.5M	YES	16	140MM
	Sa	SCAEVOLA ALBIDA (WHITE)	COAST FAN FLOWER	0.2M X 1M	YES	8	140MM
GRASSES & STRAP LEAF PLANTS							
	Abr	ANIGOZANTHUS SP. (ORANGE)	KANGAROO PAW	UP TO 1.5M TALL	YES	14	140MM
	Lik	LOMANDRA LONGIFOLIA 'KATRINUS'	KATRINUS	0.75M X 0.75M	YES	8	140MM
HEDGES							
	Asom	ACMENA SMITHII 'ALLYN MAGIC'	DWARF LILY PILLY	TRIMMED UP TO 0.4M	YES	37	200MM
	Ascs	ACMENA SMITHII 'CHERRY SURPRISE'	CHERRY SURPRISE LILY PILLY	TRIMMED UP TO 1.5M	YES	25	200MM
	Saaz	SYZYGIUM AUSTRALE 'RESILIENCE'	LILLY PILLY RESILIENCE	TRIMMED UP TO 3M	YES	8	200MM

STAKING

ALL TREES AND TOP HEAVY SCREENING SHRUBS SHOULD BE STAKED WITH 2 X 25MM X 25MM LONG TIMBER STAKES PER PLANT. LENGTH OF STAKES IS DEPENDANT ON THE HEIGHT AND STABILITY OF THE TREE/SHRUB. STAKES SHOULD BE FIRMLY POSITIONED. HESSIAN TAPE IS TO BE PLACED AROUND THE TREE AND STAKES ALLOWING SOME MOVEMENT IN ORDER TO ALLOW THE TRUNK TO DEVELOP STRENGTH OVERTIME.

GARDEN EDGING

USE EITHER 'HAVEN' BRICK EDGING OR SIMILAR LAID ON A 50MM THICK BED OF MORTAR, OR TREATED TIMBER EDGING SECURED WITH INGROUND TIMBER STAKES. ALL GARDENS ARE TO HAVE EDGING INSTALLED AND BE INSTALLED AS PER PLAN.

RETAINING WALLS

REFER TO MANUFACTURERS INSTRUCTIONS FOR CONSTRUCTION OF RETAINING WALLS. DETAILS ON THIS PLAN ARE A GUIDE ONLY.

COMPLETION

SITE IS TO BE CLEARED OF ANY SURPLUS MATERIALS AND DEBRIS PRIOR TO PRACTICAL COMPLETION. WORK IS TO BE COMPLETED TO THE SATISFACTION OF COUNCILS GUIDELINES AND ANY DA CONDITIONS

MAINTENANCE PERIOD

A 12 MONTH MAINTENANCE PERIOD FROM THE DATE OF PRACTICAL COMPLETION WILL APPLY. DURING THIS TIME THE OWNER IS RESPONSIBLE FOR RECTIFYING ANY DEFECTIVE WORK. DURING THE MAINTENANCE PERIOD THE FOLLOWING ACTIVITIES ARE TO BE UNDERTAKEN.

a) **REPLACEMENTS:** ANY PLANTS/TREES THAT HAVE DIED SHALL BE REPLACED WITH THE SAME SPECIES AND SIZE AS INDICATED ON THIS PLAN. THE SPECIMENS MUST BE IN GOOD HEALTH AND FREE FROM PESTS AND DISEASES.

b) **WATERING:** REGULAR WATERING OF PLANTS IS REQUIRED. PLANTS SHOULD BE WATERED TWICE A WEEK WITHIN THE FIRST

2 MONTHS OF PLANTING AND DURING DRY PERIODS. LESS FREQUENT WATERING IS REQUIRED ONCE PLANTS ARE ESTABLISHED AND DURING PERIODS OF RAIN. THE CONTRACTOR/OWNER SHOULD USE THEIR DISCRETION.

c) **GARDEN BEDS:** GARDEN AREAS SHOULD BE REGULARLY WEEDED AND MULCH TOPPED UP IF REQUIRED. NO BARE SOIL IS TO BE PRESENT AND SPECIFIED DEPTHS MAINTAINED.

d) **LAWN AREAS:** LAWN AREAS SHALL BE MOWN REGULARLY (AT LEAST ONCE A WEEK IN GROWING SEASON) IN ORDER TO PROMOTE A THICK LAWN THAT OUTCOMPETES ANY WEEDS. LAWN CLIPPINGS ARE NOT TO BE SPREAD OVER GARDEN AREAS. ANY DEAD AREAS OF LAWN OCCURRING THE MAINTENANCE PERIOD, ARE TO BE REPLACE WITH THE TURF VARIETY SPECIFIED IN THE PLAN.

e) **PRUNING:** ADEQUATE HORTICULTURAL PRUNING METHODS SHOULD BE USED ON PLANTS AS BECOMES NECESSARY. ANY HEDGES ARE TO BE TRIMMED REGULARLY. DEAD AND DANGEROUS TREE BRANCHES PRUNED AND LIGHT PRUNING OF SHRUBS TO PROMOTE THICK FOLIAGE COVER.

f) **FERTILISING:** 'ORGANIC LIFE' FERTILISER OR EQUIVELANT SHALL BE APPLIED AS PER MANUFACTURERS INSTRUCTIONS TO ALL GARDEN BEDS ONCE PER MONTH. DYNAMIC LIFTER OR SIMILAR SHOULD BE APPLIED TO ALL LAWN AREAS TWICE A YEAR, ONCE IN MID SPRING AND ONCE IN EARLY SUMMER. WATER THOROUGHLY AFTER EACH APPLICATION OF FERTILISER.

Revision Schedule

Issue:	Description:	By:	Date:
A	Submittal Plan	JS	24/02/23
B	Arch: Mark Up	JS	15/03/23

Drafted:

Scale: 1:200



Sheet:

Reference:

2 of 3

LP 01

Designed by:

Julian Saw
Diploma of Horticulture
(Landscape Design)

General Notes:

1. See Architects' drawings for site levels, setbacks and extent of cut and fill.
2. This plan shall be read in conjunction with the Hydraulic Engineer's drawings.
3. All relevant Australian standards are to be adhered to.
4. Any structural items are to be installed as per the manufacturer/engineers specifications.
5. This plan is indicative only and not for construction purposes.

SITE CALCULATIONS

LOT AREA	758.8 sq m
LANDSCAPED AREA - 25% TOTAL	189.6 sq m 15.88%
TOTAL LAWN & GARDEN AREA	237.4 sq m 27.35%

[Click Here to View Our Plant Profiles!](#)

Client:

Oh Jun Kim

Client Signatures:

- 1.
- 2.

Job No.

230048

Drawing:

Plant List/Specification

Address:

No 15 Gowan Brae Ave
Oatlands NSW

Council/Lodgement:

Parramatta

DappleDesigns

Ph: 1300 DAPPLE
(1300 327753)
E: info@dappledesigns.com.au
www.dappledesigns.com.au

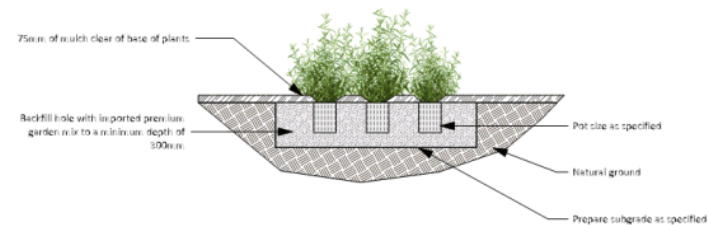
[Click Here to View Our Plant Profiles!](#)



DETAILS

1. TURF ROLLS ARE TO BE IN GOOD HEALTH, FREE FROM PESTS AND DISEASES AND WITHOUT HOLES
2. APPLY WATER SAVING CRYSTALS TO THE GROUND PRIOR TO LAYING
3. BUT ROLLS CLOSELY TOGETHER TO AVOID GAPS AND DIEBACK
4. WATER THOROUGHLY AFTER PLANTING AND REGULARLY UNTIL ESTABLISHED

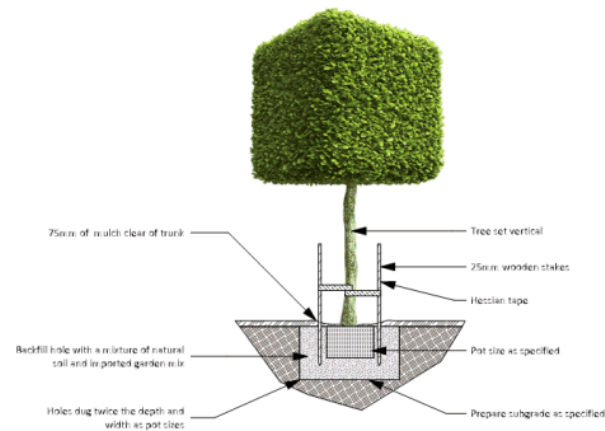
TURF LAYING DETAIL
SCALE 1:20



DETAILS

1. SPECIMENS ARE TO BE IN GOOD HEALTH AND FREE FROM PESTS AND DISEASES
2. GENTLY LOOSEN ROOTS IF REQUIRED, PRIOR TO PLANTING
3. WATER THOROUGHLY AFTER PLANTING
4. REFER TO PLAN FOR QUANTITIES AND SPACING

SHRUB & GROUNDCOVER PLANTING DETAIL
SCALE 1:30



DETAILS

1. SPECIMENS ARE TO BE IN GOOD HEALTH AND FREE FROM PESTS AND DISEASES
2. WATER THOROUGHLY AFTER PLANTING

TREE PLANTING DETAIL
SCALE 1:40

Revision Schedule

Issue:	Description:	By:	Date:
A	Submission Plan	JS	24/02/23
B	Arch: Mark Up	JS	16/03/23

Drafted:
JS

Scale: 1:200
0 5 10 15 20

Sheet:
3 of 3

Reference:
LP 01

Designed by:
Julian Saw
Diploma of Horticulture
(Landscape Design)

General Notes:
1. See Architects' drawings for site levels, setbacks and extent of cut and fill.
2. This plan shall be read in conjunction with the Hydraulic Engineer's drawing.
3. All relevant Australian standards are to be adhered to.
4. Any structural items are to be installed as per the manufacturer/engineer's specifications.
5. This plan is indicative only and not for construction purposes.

SITE CALCULATIONS

LOT AREA	754.8 sq m
LANDSCAPED AREA - 25% TOTAL	188.6 sq m 15.88%
TOTAL LAWN & GARDEN AREA	237.4 sq m 27.35%

[Click Here to View Our Plant Profiles!](#)

Client: **Oh Jun Kim**

Client Signatures:

- 1.
- 2.

Job No. **230048**

Drawing: **Details**

Address: **No 15 Gowan Brae Ave
Oatlands NSW**

Council/Lodgement:
Parramatta

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Ref: 2122227-LET-003-R2

20 April 2023

The General Manager
City of Parramatta
PO Box 32
Parramatta NSW 2124

RE: Request to Vary the Height of Buildings Development Standard for the Property Located at 16 Gowan Brae Avenue, Oatlands

Dear Sir/Madam,

This request is made pursuant to Clause 4.6 of the Parramatta (former The Hills) Local Environmental Plan 2012 (**LEP**) to accompany a Modification Application (**Mod-DA**) to City of Parramatta (**Council**) for the retention of the existing constructed dwelling 16 Gowan Brae Avenue, Oatlands (the **site**). This request seeks a variation to the maximum building height limit pursuant to Clause 4.3 of the LEP 2012.

Clause 4.6 of the LEP 2012 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development by allowing flexibility in particular circumstances and enables the consent authority to grant consent for development even though the development contravenes the maximum height of building development standard.

Clauses 4.6(3)&(4) require the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard. Clause 4.6(4)(a) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied::

- That the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- That the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard; and
- That 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.

Accordingly, this request provides an overview of the site and proposed development, details the extent of the proposed variation and why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, including sufficient environmental planning grounds to justify the contravention, having regard for the matters for contained within Clause 4.6(4)(a).

Suite 202, 845 Pacific Highway Chatswood NSW 2067
PO Box 941, Chatswood NSW 2057

(P) 1300 078 847
(E) admin@rothshire.com.au



1. The Site

The subject site is located at 16 Gowan Brae Ave, Oatlands (Lot 10 in DP 396505). The site accommodates a part two (2) storey, part three (3) storey detached 5-bedroom dwelling with integrated (basement) garage and swimming pool and is fully constructed.

Please also refer to a detailed description of the site within the supporting Statement of Environmental Effects (SEE).

2. Proposed Development

The proposal seeks the retention of the existing form of the constructed dwelling. The dwelling was constructed under an existing Development Application (DA), reference DA/380/2017, and Construction Certificate (CC), reference 367/2016, however the constructed dwelling at the site departs from the design.

The proposed development seek a modification to the existing DA for the departure in the design and is submitted concurrently with a Building Information Certificate (BIC) to legitimise structural works undertaken to date. The subject Mod-DA therefore seeks to undertake necessary alterations and additions to enable the finalisation of construction and occupation of the dwelling ongoing.

Please also refer to a detailed description of the proposed development within the supporting SEE.

3. Land Zoning

The site is zoned R2 – Low Density Residential Pursuant to the LEP 2012. The objectives of the R2 zone are:

- *"To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the existing low density residential character of the area.."*

4. Development Standard to be Varied

This request seeks a variation to Clause 4.3 (Height of Buildings) of the LEP 2012. The objectives of this development standard are:

- *"(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
- *(b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas."*

Pursuant to Clause 4.3(2), the site is subject to a maximum permitted building height of 9.0m.



5. Nature of Variation Sought

The proposed development has a maximum height of 9.525m and therefore represents a variation to Clause 4.3 of the LEP 2012 by 575mm (5.8%).

The extent of this variation is limited to a small architectural feature of the front portion of the roof form, as detailed at Figures 1 and 2 below.

The reason for this request to vary the height of building development standard is that it is not practicable to undertake alterations to the existing built form to bring the dwelling into compliance. To do so would require a significant scope of works, including erection of full scaffolding to the front portion of the dwelling, without any improved amenity as a result of compliance.

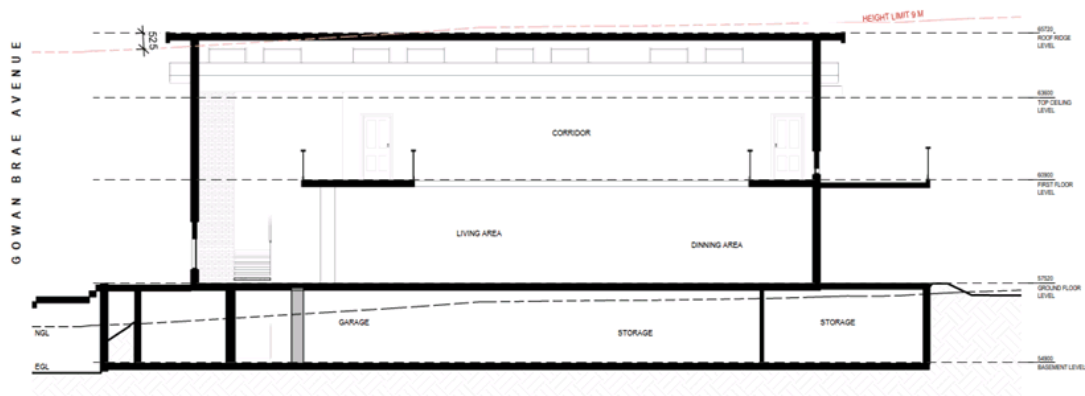


Figure 1. Extract of proposed section (Drawing No. DA-801) showing extent of proposed variation.

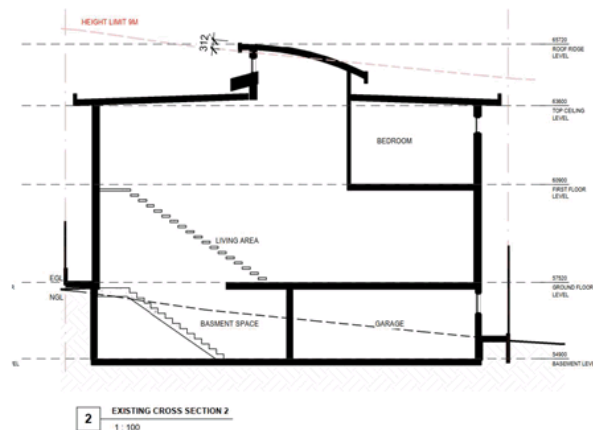


Figure 2. Extract of proposed short section (Drawing No. DA-506) showing extent of proposed variation.



6. Clause 4.6(3)(a): Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) of the LEP 2012 requires the applicant to provide justification that strict compliance with the maximum building height development standard is unreasonable or unnecessary in the circumstances of the case.

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court (LEC) and the NSW Court of Appeal in:

- *Wehbe v Pittwater Council* [2007] NSW LEC 827 (*Wehbe*); and
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (*Four2Five*).

The relevant matters contained in Clause 4.6 of the LEP 2012, with respect to the maximum building height development standard, are each addressed below, including with regard to these decisions.

In *Wehbe* (at 43–48), Preston CJ established five potential ways for determining whether a development standard could be considered to be unreasonable or unnecessary and that approval of the objection may be consistent with the aims of the policy. These include the following methods:

1. *"The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone."*

In the matter of *Four2Five*, Commissioner C Pearson, at 62 stated within the judgement the following, in reference to a variation:

"The case law developed in relation to the application of SEPP1 may be of assistance in applying cl 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under cl 4.6 where cl 4.6(3)(a) uses the same language as cl 6 of SEPP1."

Relevant to the proposed development, the first method is considered to be appropriate in establishing that compliance with a development standard is unreasonable or unnecessary. Given the proposed development and this variation request relates to the retention of an existing dwelling, having been established without necessary planning approvals, there are practical impediments to modifying the structure into compliance with the development standard. Therefore, methods two through five are not considered applicable.

An assessment of proposed development against the objectives of the height of building development standard are provided at Table 1 below.



Table 1. Assessment of the Objectives of the Height of Buildings Development Standard

Objective		Proposal
Cl.4.3(1)	<i>The objectives of this clause are as follows—</i>	Refer below.
Cl.4.3(1)(a)	<i>to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,</i>	<p>The proposed development is considered to be compatible with the height, bulk and scale of the existing and desired future character of the Oatlands locality.</p> <p>The proposal complies with the applicable building coverage development standard and presents as a well-designed, articulated building form, comparable to surrounding developments within the streetscape and with suitable landscaping to integrate with the bushland setting of the locality.</p> <p>The proposed variation is limited to the front extremity of the roof form, which due to site levels, is not discernible in the presentation of the dwelling from Forest Road. In this regard, the proposed variation is not considered to increase the overall bulk of the building.</p> <p>The proposal is considered to result in an appropriate transition to adjoining properties. The site sits south of a similar scale dwelling to the north and opposite a similar scale dwelling to the west.</p>
Cl.4.3(1)(b)	<i>to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,</i>	<p>As detailed in the supporting solar access diagrams, the proposal maintains compliant solar access to the subject and surrounding properties (including areas of private open space) in accordance with The Hills Development Control Plan 2012 (DCP).</p> <p>Neither the site or surrounding properties benefit from any significant views or vistas. In this regard, the proposal will not affect any views in the locality.</p> <p>The proposal is considered to maintain residential amenity and visual privacy in accordance with the provisions of the DCP 2012.</p> <p>The orientation of the subject site, being in an east-west arrangement, further mitigates any potential impacts to adjoining properties to the west, which hold a north-south orientation.</p> <p>Further, the extent of the variation is limited to the roof form only, and does not resulting in any increased void space or any additional Gross Floor Area (GFA).</p>



Having regard to the above, it is considered that compliance with the height of buildings development standard is unreasonable and unnecessary in the circumstances, as the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

It is not practicable to undertake alterations to the existing built form to bring the dwelling into compliance. To do so would require a significant scope of works, including erection of full scaffolding to the rear portion of the dwelling, without any improved amenity as a result of compliance.

7. Clause 4.6(3)(b): Environmental Planning Grounds to Justify Contravening the Development Standard

It is considered there are sufficient environmental planning grounds to justify the proposed contravention of the maximum height of building development standard as follows:

- The extent of the variation is limited to a small element of the roof form only, being the central front architectural feature of the roof form. The majority of the dwelling form is within the maximum permitted building height.
- Due to the topography of the site, the extent of the proposed variation does not increase the overall maximum RL of the roof form and is not considered to alter the visual bulk of the dwelling when viewed from surrounding properties.
- The extent of the proposed variation comprises the roof structure only and does not contribute to any additional GFA at the site, noting the proposal complies with the maximum FSR for the site.
- The extent of the proposed variation does not result in any additional storeys or accessible areas (that are not GFA, such as attic storage or a roof terrace). The proposal maintains a part two (2) storey, part three (3) storey built form, consistent with surrounding development patterns and the built form intended by the planning framework.
- Neither the site or surrounding properties benefit from any significant views or vistas. In this regard, the proposal will not affect any views in the locality.
- The proposal does not result in any unreasonable visual impact to surrounding properties. Suitable design measures have been incorporated within the design of the dwelling, including window positioning and the provision of privacy screening, to ensure a suitable relationship to neighbouring properties.
- The proposal maintains compliance solar access to the subject site and surrounding properties, in accordance with the provisions of the DCP 2012.

For the reasons nominated above, it is considered there are sufficient environmental planning grounds to support the proposed variation to the height of buildings development standard.

8. Clause 4.6(4)(a)(ii): In the Public Interest Because it is Consistent with the Objectives of the Zone and Development Standard

The proposal is considered to be in the public interest because it is consistent with the objectives of the zone and the height of buildings development standard.

An assessment of proposed development against the objectives of the height of building development standard are provided at Table 1 above.



An assessment of proposed development against the objectives of R2 – Low Density Zone are provided at Table 2 below.

are provided at Table 2 below.

Table 2. Assessment of the Objectives of the R2 – Low Density Residential Zone

Objective	Proposal
<i>To provide for the housing needs of the community within a low density residential environment.</i>	<p>The proposal seeks to legitimise the existing single detached dwelling for private single residential occupation.</p> <p>The proposal complies with the applicable building coverage for the site and is therefore considered to provide for the housing needs of the community within a low density residential environment.</p>
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	This item is not applicable to the proposed development.
<i>To maintain the existing low density residential character of the area.</i>	The proposal complies with the applicable building coverage for the site and is therefore considered to provide for the housing needs of the community within a low density residential environment.

For the reasons nominated above, the proposed variation to the height of buildings development standard is considered to be in the public interest as it would allow for the retention and legitimisation of the existing part completed dwelling, consistent with the objectives of the R2 – Low Density Residential Zone and the height of buildings development standard, without unreasonable impact to surrounding properties, the character of the locality or the broader environment.

9. Other Matters For Consideration

Pursuant to Clause 4.6(5) of the LEP 2012, in deciding whether to grant concurrence, the Planning Secretary must consider

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

It is understood that concurrence to the proposed variation is not required by the Planning Secretary pursuant to clause 4.6(4)(b), as we understand that the relevant consent authority has the necessary delegation as set out in the Assumed Concurrence Notice issued by the Secretary of the Department of Planning and Environment dated 21 February 2018 (attached to DPE Planning Circular PS 20-002 dated 5 May 2020).

Notwithstanding, a response to these matters is provided below.



10. Whether Contravention of the Development Standard Raises any Matter of Significance for State or Regional Environmental Planning

The variation of the maximum height development standard is not considered to not raise any matter of significance for State or regional planning.

11. The Public Benefit of Maintaining the Development Standard

For the reasons discussed within this letter, in the circumstances of the proposed development, it is considered there is no public benefit in maintaining the development standard.

If the development standard were to be maintained, this would further prolong resolution of the development consent matter with Council, meaning the dwelling would continue to remain in an uncertain state impacting Council, the property owner and the local community.

12. Any Other Matters Required to be Taken into Consideration by the Secretary Before Granting Concurrence

There are no other relevant matters requiring consideration.

13. Conclusion

This request is made pursuant to Clause 4.6 of the LEP 2012 to accompany a Mod-DA to Council for the retention of the existing form of the constructed dwelling to enable finalisation of occupation at 16 Gowan Brae Avenue, Oatlands.

This request seeks a variation to the maximum building height limit pursuant to Clause 4.3 of the LEP 2012.

Pursuant to Clause 4.3(2), the site is subject to a maximum permitted building height of 9.0m. The proposed development has a maximum height of 9.525m and therefore represents a variation to Clause 4.3 of the LEP 2012 by 525mm (5.8%).

For the reasons discussed within this letter, despite the minor variation to the height of buildings control, the proposal is considered to be of high architectural merit, having been sensitively designed and incorporate modulation, articulation and high-quality finishes. The proposed variation does not increase the height of the dwelling in storeys and does not result in any additional GFA at the site.

The proposed design is considerate in ensuring compatibility with adjacent and surrounding dwellings and is presented appropriately when viewed from the surrounding areas. The appropriate design ensures no unreasonable adverse environmental impacts will result from the proposed works, including in terms of privacy, view sharing, visual intrusion and overshadowing.

Consequently, strict compliance with the height of buildings development standard is considered to be unreasonable and unnecessary in the circumstances and the use of Clause 4.6 of the LEP 2012 to vary this development standard is appropriate in this instance.

Based on the above, it is sensible to conclude that strict compliance with the maximum building height control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.



DOCUMENT NO.: 2122227-SEE-RPT-001-4

STATEMENT OF ENVIRONMENTAL EFFECTS

ADDRESS:	16 GOWAN BRAE AVENUE OATLANDS NSW 2117 LOT 10 IN DP 396505
REPORT ISSUED FOR:	CITY OF PARRAMATTA
SCOPE:	SECTION 4.55 MODIFICATION TO DEVELOPMENT APPLICATION DA/380/2017 SINGLE DWELLING & SWIMMING POOL



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3.	DEVELOPMENT HISTORY	6
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DOCUMENT HISTORY

Table 1. Document revision & history

Rev.	Description	Author	Reviewer	Date
1	Issued for DA	JA	NRT	09-Jan-22
2	Issued for s4.55 Modification	NRT	NRT	20-Apr-23
3	Updated issue for s4.55 Modification	NRT	NRT	11-May-23
4	Updated issue for s4.55 Modification	NRT	NRT	25-May-23



1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared on behalf of the property owners by Rothshire Services Pty Ltd (**Rothshire**) to accompany a s4.55 Modification Application (**Mod-DA**) to City of Parramatta Council (**Council**) for the retention of the existing constructed dwelling, and alterations and additions to landscaping to enable finalisation of construction and occupation at 16 Gowan Brae Avenue, Oatlands (the **site**).

The dwelling was constructed under an existing DA and Construction Certificate (CC), however the constructed dwelling at the site departs from the design to an extent that requires a new DA for the dwelling and the relevant variations to the design.

The proposed development seeks to legitimise this ongoing matter with Council for the site and is submitted concurrently with a Building Information Certificate (**BIC**) to legitimise works undertaken. The subject Mod-DA therefore seeks to include the works varied from the original DA and to undertake minor alterations to landscaping to enable the finalisation of construction and occupation of the dwelling ongoing.

This report has been prepared with reference to the architectural plans and supporting documentation prepared by Rothshire accompanying this report. This report provides an overview of the site and its context, a detailed description of the proposed development, the planning framework and an environmental assessment of the proposed development.

Based on the conclusions of the comprehensive assessment undertaken, and in the absence of any significant adverse environmental impacts, Council's approval of the Mod-DA is sought.



2. THE SITE

The site is located at 16 Gowan Brae Avenue, Oatlands NSW 2117 and is legally described as Lot 10 DP 396505.

The site is rectangular in shape, with a total area of 758.8 m² and has a change in elevation of approximately 2m from falling from the east to west corner of the site. The site is located within an established residential area with development surrounding the site consisting predominately of low density, two-storey detached dwellings with some three storey dwellings where part basement levels are provided.

The site resides within a residential area, approximately 5km northeast of the Parramatta CBD and railway station. Direct buses to Parramatta are accessible from Pennant Hills Road, requiring a 500m walk from the site.

The site is located within the City of Parramatta Local Government Area (**LGA**) and is zoned R2, Low Density Residential pursuant to the historical The Hills Local Environmental Plan 2012 (**LEP 2012**) and the currently adopted Parramatta Local Environmental Plan 2023 (**LEP 2023**).

The site is not identified as, nor located within proximity to, any local or state heritage items. The site is not located within, nor within proximity to, any Heritage Conservation Area. The site is not affected as bushfire nor within proximity to any environmentally significant lands (ESL). The site is not burdened by any easements.

Please refer to an aerial image photo of the site at **Figure 1** and map of the land zoning in **Figure 2**.



Figure 1. Aerial view of site (Sixmaps.nsw.gov.au)

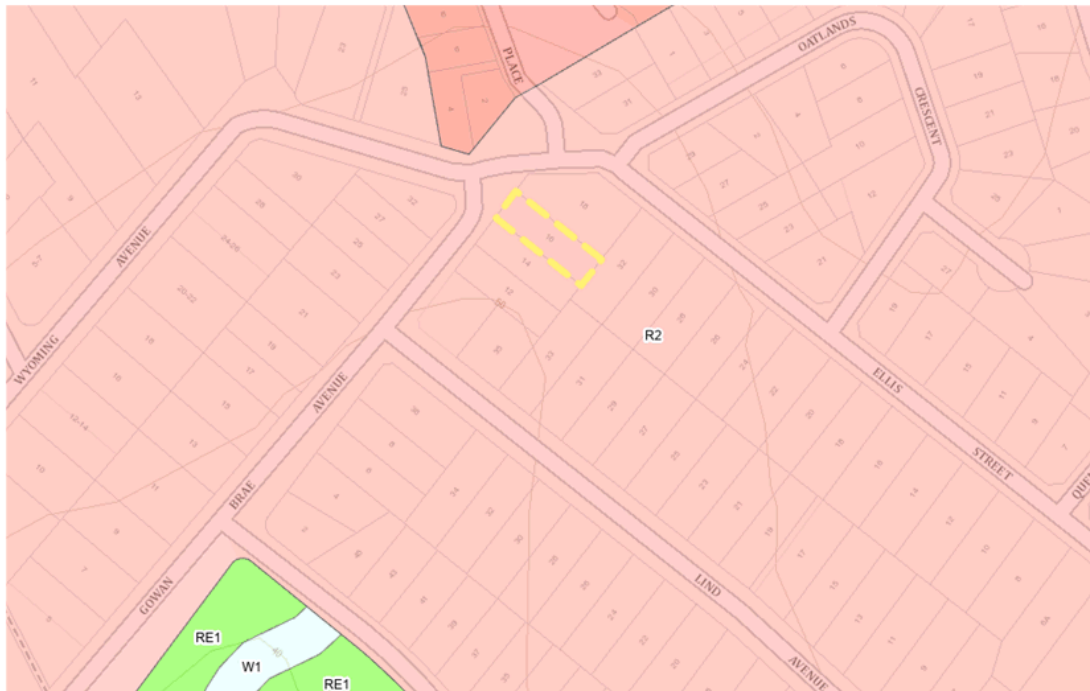


Figure 2. Extract of the Site Zoning (sourced from NSW ePlanning Spatial Viewer – LEP 2023).



3. DEVELOPMENT HISTORY

DA Tracker

On 15 November 2017, development approval (**DA**) consent was approved for the original building (Development Consent No: DA/380/2017). As recorded in the description, the following was approved:

"Tree removal and construction of a part 2 and part 3 storey dwelling and swimming pool."

Construction Certificate

On 20 February 2018, a construction certificate (**CC**) was issued for the original building (Certificate no. 367/2016). As recorded in the description, the following was approved:

"Construction of a part 2 and part 3 storey dwelling and swimming pool."

Other Works

Despite the legitimate issue of the DA and CC consents and commencement of construction, the design of the dwelling was subsequently revised, to the extent areas departed from the relevant guidance contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (**Codes SEPP**). On this basis a new DA is required to be submitted for the regularisation of the development.

Current application

This Mod-DA submission seeks to undertake regularisation of the varied work to the development as well as the necessary minor works to enable finalisation of the occupation at 16 Gowan Brae Avenue, Oatlands.



4. THE PROPOSED DEVELOPMENT

This Statement of Environmental Effects is to accompany new architectural plans and a BCA Compliance assessment to support the as-built dwelling on the site.

As the dwelling has been fully constructed, the scope of proposed works is anticipated to be minor, primarily affecting the exterior of the building only.

The modification to the development from the original DA include:

- Minor change to the front entry stairway
- Minor increase in building height
- Change to location of internal stairs
- Increase in basement storage area
- Increase in size of front and rear balconies
- Change of swimming pool location
- Minor changes to windows

The anticipated alterations to the site include:

- Landscaping works to increase landscape coverage to the site including:
 - raised garden bed to the pool area;
 - Extensive native planting the side setbacks;
 - Extensive native planting to the front and rear setbacks including partial demolition of driveway;
- Minor stormwater works to provide water tanks in accordance with BASIX requirements;



5. STATUTORY PLANNING FRAMEWORK

In accordance with Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) the following section provides an appraisal of the proposed development having regard to the statutory planning instruments that apply to this site consistent with the planning instruments applied at the time of the original Development Application (determined 21 November 2017), including:

- The Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy No. 55 (Remediation of Land);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- The Hills Local Environmental Plan 2012 (**LEP 2012**); and
- The Hills Development Control Plan 2012 (**DCP 2012**).

It is noted that a new LEP has since been adopted by Parramatta City Council applicable to the site which is the Parramatta Local Environmental Plan 2023 (**LEP 2023**) which has been considered in this assessment of the proposed modifications to the development.

An assessment against relevant provisions of the planning framework is provided below.

State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP No. 55 is not relevant to the proposed modifications to the development as no changes are expected to impact any requirement addressed under the original Development Application DA/380/2017.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans.

In accordance with SEPP (BASIX), a BASIX Certificate has been prepared by a qualified consultant in relation to the proposal. This Certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, having particular regard to water, thermal comfort and energy.

Please refer to the BASIX Certificate accompanying this report.



Parramatta Local Environmental Plan 2023

DA/380/2017 was determined on 21 November 2017 and therefore the applicable local planning instrument is the historical version of The Hills Local Environmental Plan 2012 (version current from 17/11/2017 to 24/11/2017), however an assessment has been made against both the current LEP 2023 and the historical LEP 2012.

Zoning and Permissibility

The site is zoned R2, Low Density Residential, pursuant to the LEP 2023 (consistent with the previous LEP 2012).

Development of the site for the construction of a two-storey dwelling house (including alteration and additions) is permitted within the R2 Zone under the LEP 2023 (consistent with the previous LEP 2012).

Principal Development Standards

An assessment of the proposal against the Principal Development Standards and key built form controls under the LEP 2023 & LEP 2012 as they apply to the proposal are provided in Table 2 below.

Table 2. LEP 2023 & LEP 2012 Key Provisions

Clause	LEP 2012 Key Provisions	LEP 2023 Key Provisions	Proposal	Complies
Clause 4.3 – Height of Buildings	9m (maximum)	9m (maximum)	9.525m	Refer to clause 5.6
Clause 4.4 – Floor Space Ratio	N/A	0.5:1	<p>There is no Floor Space Ratio applicable to the site per the LEP 2012, the site was designed and constructed in accordance with the DA/380/2017 approval which did not include an FSR control.</p> <p>The current LEP 2023 introduced an FSR control of 0.5:1 on 3 March 2023. The proposal includes no substantial change to the building envelope, however the Gross Floor Area is 256m² which represents an FSR of 0.6:1</p>	Refer comment
Clause 5.6 – Architectural Roof Features	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to allow roof features that integrate with the building composition and form, where the height of the building also satisfies the objectives of clause 4.3 of this Plan.</p> <p>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p>	No change to this clause.	The roof exceeds the requirement of clause 4.3. The part of the roof that exceeds this requirement is considered to be an architectural feature and does not include floor space. Its location causes no increase to overshadowing.	Yes



	<p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—</p> <p>(a) the architectural roof feature—</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>			
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Clause 4.6 - Exceptions to Development Standards

There is no mechanism under the EP&A Act for a clause 4.6 variation to development standard under a s4.55 Modification.

It is noted that an exceedance of the FSR under the new LEP 2023 exists, however as detailed in the assessment above, the building envelop has not substantially changed from the DA/380/2017 approval, nor has the bulk of the building. As detailed at Section 1, the site is not within proximity to a heritage item, does not hold any other environmental restrictions and there are no other provisions of the LEP 2023 which apply to the proposed development.

Refer to **Figure 3** and **Figure 4** over page providing the relevant floor space ratio maps for both the LEP 2023 (showing 0.5:1 FSR) and the LEP 2012 (showing no FSR control to the site).

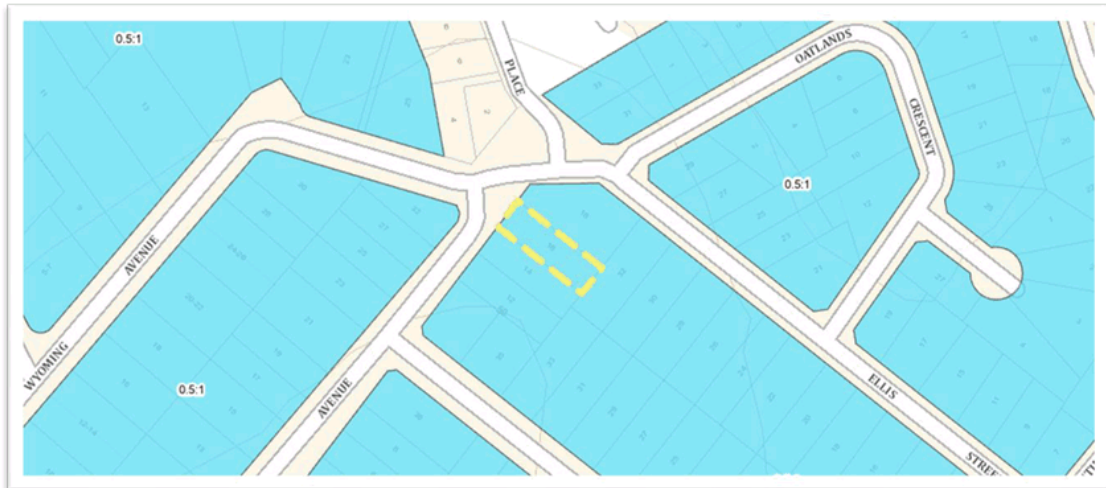


Figure 3. Extract of the Site Zoning (sourced from NSW ePlanning Spatial Viewer).

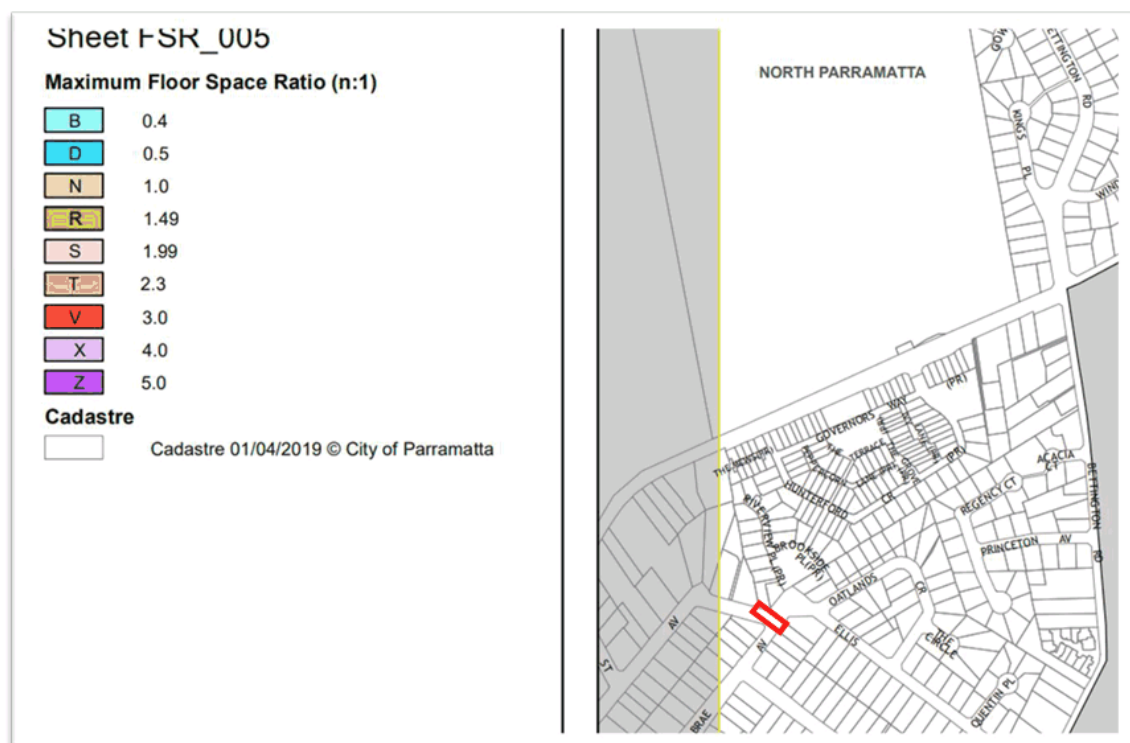


Figure 2. Extract of the Site Zoning (sourced from NSW ePlanning Spatial Viewer).



The Hills Development Control Plan 2012

The Hills Development Control Plan 2012 (**DCP**) outlines development requirements, controls and guidelines within the LGA. The key relevant sections of the DCP 2012 in relation to the proposed development have been outlined below, including:

- Part B Section 2 – Residential;
- Part C Section 1 – Parking;
- Part C Section 3 – Landscaping.

Part B Section 2 – Residential

Part B Section 2 of the DCP 2012 provides development controls and general planning considerations for development within residential areas, including, however not limited to; site planning, built form controls and stormwater management.

Table 3. DCP 2012 Part B Section 2 Key Provisions

Clause	Proposal	Complies
2.4. Site Analysis		
(a) Development should be designed to respect site constraints such as topography, drainage, soil, landscapes, flora, fauna and bushfire hazard.	This item is acknowledged.	Yes
(b) Disturbance to existing natural vegetation and landforms, watercourses, wetlands and overland flow paths should be minimised.	The dwelling has been constructed wholly on land with long standing residential history and is not known to contain any watercourses, wetlands and overland flow paths.	Yes
(f) Development should be designed to be consistent with the character of the streetscape.	The dwelling is of similar style and scale as other houses near the site.	Yes
2.5. Streetscape and Character		
(a) The proposed development must: <ul style="list-style-type: none"> - contribute to an attractive residential environment with clear character and identity; - address the street and boundaries to the site with a building form compatible with adjoining development in terms of street elevation and presentation; and - retain, complement and sensitively harmonise with any heritage item or conservation area in the vicinity that are identified in Council's Local Environmental Plan. 	<p>The style and scale of the existing dwelling house is complementary to other houses near the site. The properties adjoining to the site are both dwelling houses with similar colour and attributes to the subject development.</p> <p>There are no heritage or conservation items.</p>	Yes
(b) The proposed development should maintain neighbourhood amenity and appropriate residential character by: <ul style="list-style-type: none"> - providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing; 	<p>The existing dwelling has been architecturally designed to integrate the slope of the land. The existing landscaping is complementary to neighbouring properties and the streetscape.</p> <p>The height of the building is comparable to the neighbouring property at 18 Gowan Brae Avenue</p>	Yes



Clause	Proposal	Complies
<ul style="list-style-type: none"> - using building form and siting that relates to the land form; - adopting building heights at the street frontage that do not dominate the streetscape; - retaining where possible and providing landscaping in the front and rear yards in particular tall planting in scale with the building proposed; and - considering where buildings are located on neighbouring properties. 	<p>and is considered to have a frontage that integrates into the streetscape.</p> <p>The dwelling is constructed at a corner, with the building setback appearing suitable considering the layout of the allotment.</p> <p>Large existing palm consistent in size with the building is situated at the front of the lot.</p> <p>Additional dense landscape planting is proposed to the front setback including in front of the retaining wall located between the stairs and the driveway.</p>	
2.6. Bush Fire Hazard Management		
a) Council has adopted the NSW Rural Fire Service Guidelines entitled "Planning for Bushfire Protection 2006". Development subject to bushfire risk will be required to address the requirements in these guidelines.	The site has not been identified as being located in a bushfire prone location.	Not Applicable
2.10. Heritage		
(a) Views to and from significant items of natural or cultural heritage should not be impeded by development.	There are no heritage items within or within the vicinity of the site.	Not Applicable
(c) All developments must address and comply with the provisions of Part C Section 4 – Heritage.	The site is not located in the vicinity of a heritage or conservation item.	Not Applicable
2.12. Stormwater Management		
(a) Water Sensitive Urban Design (WSUD) measures should be employed in the management of the site's/development's stormwater in terms of water retention, reuse and cleansing.	This item has been acknowledged.	Noted
(b) In all development, consideration should be given to utilising one of the following water sensitive urban design measures:- <ul style="list-style-type: none"> - M1 Low Impact Building Design - M2 Low Impact Landscape Design <p>A detailed description of the actions required to implement each of these measures is included in Appendix B – Water Sensitive Urban Design of The Hills Shire Development Control Plan. Where only BASIX exemption is relied on, rain water tanks to reuse rainwater must be installed for each new dwelling outside the Kellyville Rouse Hill Release Area.</p>	This item has been acknowledged. Consideration has been given to the WSUD measures, rainwater tanks are proposed for reuse of rainwater.	Yes
(d) Drainage systems are to be designed and constructed in accordance with the design guidelines set out in "Australian Rainfall and Runoff 1987" published by the Institution of Engineers, Australia	Drainage systems have been inspected and verified by a hydraulic engineer.	Yes
2.14. Dwellings		
2.14.1. Building Setbacks		
(a) The minimum road frontage setback for any classified road is 10 metres.	The site is not located on a classified road.	Not Applicable
b) The minimum road frontage setback requirement for any non-classified roads is as follows: Primary Road Frontage Setback 10m.	The front of the dwelling is setback 9.762m from the site boundary, this is considered to be a minor variation to the front setback requirements of 10m	Refer comment



Clause	Proposal	Complies
	and considering the building is currently built and completed, the work involved with moving the external wall 238mm does not return a practical benefit.	
(c) Where the predominant setback pattern of the existing streetscape reflects setbacks which exceed the required minimum, the greater setback suggested by the character created by the three (3) adjoining dwellings either side of the proposed dwelling will apply.	The setback is consistent with the nearest three dwellings on Gowan Brae Avenue.	Yes
(e) All garages must be setback in accordance with the setbacks described in a), b) and c) above, or 5.5 metres, whichever is the greater. This is required to ensure vehicles parked on the driveway in front of the garage do not encroach into the road reservation.	The garage is setback in accordance with b)	Yes
(f) The maximum width of a dwelling must be (for buildings less than or equal to 18m at the building line): - Percentage of width at the building line: 80%	The building width is consistent with the approved DA/380/2017.	Refer comment
(g) The minimum side boundary setback requirement is (for 2 storey dwelling house): - Distance of wall to boundary line: 900mm - Distance of eave to boundary line: 675mm	Building setbacks are consistent with this clause.	Yes
(h) The minimum rear boundary setback requirement is: - 1 storey element of dwelling: 4m setback - 2-3 storey elements of dwelling: 6m setback	The rear boundary setback is 17.420m which exceeds the setback requirement.	Yes
(k) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and lighting.	The site utilises fencing to delineate the private property. Habitable rooms to the street provide adequate natural surveillance.	Yes
2.14.2. Site Coverage		
(a) The maximum site coverage permitted in residential zones is 60% with the exception of land zoned E4 Environmental Living and land identified in the Map Sheets by pink shading, where the maximum site coverage is 30%. Note: For the purpose of this plan the calculation of the site coverage will be subject to the following criteria: - any impervious area including, but not limited to, buildings, driveways, patios, pools, tennis courts, decks, recreation facilities and the like will be included within the calculation of site coverage; and - The total land area of the lot will be used in the calculation of site coverage. The total land area excludes restricted development areas or land required for public purposes	The site coverage is 556m ² . The lot area is 758.8m ² with a 60% site coverage allowance of 455.2m ² . The constructed site coverage represents a site coverage of 73.2%. Whilst the site coverage is exceeded, the areas available for landscaping are proposed to be planted with substantial native planting to significantly enhance the site. Where possible hardstand areas have been proposed to be removed included some paving from the pool area, part of the driveway in the front setback to landscape in front of a retaining wall, hardstand in the side setbacks.	Refer comment
(b) Of the maximum permitted site coverage, the dwelling building footprint is to be no more than 45%, with the exception of land shaded pink on Map Sheets 1-42.	The building coverage provided is 283m ² , representing 37.3% of the site area.	Yes
2.14.3. Building Height		
Refer to Clause 4.3 'Height of buildings' of The Hills Local Environmental Plan 2012.	Maximum building height: 9.525m. Refer to the clause 4.6 variation submission prepared concurrently with this submission.	Refer comment
2.14.4. Private Open Space		



Clause	Proposal	Complies
(a) Private open space (behind the front building line) is to be 20% of the lot area or 80m ² whichever is the greater and can be contained within the landscaped area of the site.	All private open space has been provided in the rear setback of the site. Total site area 758.8m ² x 20% = 151.76m ² Provided POS is 254m ² > 151.73m ²	Yes
(b) The private open space area must be able to contain a rectangle measuring 6 metres by 4 metres.	A level 6m x 4m area is provided in the rear yard	Yes
(c) The private open space area is to be: <ul style="list-style-type: none"> - continuous to, and accessible from, the primary living areas of the dwelling; - located and oriented to ensure it is not directly overlooked from adjoining lots or buildings; and - located on relatively flat land to ensure it is useable as open space. 	Private open space is accessible via sliding doors to the dining / living room and kitchen. The private open space is not directly overlooked by the adjacent property, at 18 Gowan Brae Avenue, due to the building orientation. The private open space is on relative flat land to ensure useability.	Yes
(d) At least 50% of the required minimum open space area is to receive direct sunlight between 10.00am and 3.00pm during mid-winter. Appropriate shadow diagrams are to be provided at development application stage to demonstrate compliance with this standard.	The site design is compliant with the requirements of this clause. Refer to shadow diagrams provided with the architectural plans.	Yes
2.14.5. Landscaping and Open Space		
(a) All setback and car parking areas are to be landscaped and maintained in accordance with the provisions of Part C Section 3 – Landscaping.	Refer to assessment.	Noted
(b) The minimum required landscaped or naturally vegetated area for residential development as a percentage of the total site area is 40%.	The landscaped area is 192m ² and represents 25.8% of the site area Min Landsc. Area = (site area x 40%) = (758.8m ² x 40%) = 303.52m ² > 195.84m ² The landscaped area has been enhanced through extensive planting of native species as well as removal of hardstand areas where possible to revert to landscaped area including: <ul style="list-style-type: none"> • Partial removal of paving to pool area for planting; • Partial removal of driveway hardstand for landscaping (including creating a visual enhancement to the retaining wall at the driveway); • Side setback hardstand removal for planting; • Retention of the original palm tree located in the front setback, retention of the jacaranda tree in the rear setback; • Extensive planting of native species. 	Refer comment
(c) Consideration should be given to Council's Safer by Design Guidelines, particularly in regard to natural surveillance, sightlines and lighting.	Front setback fencing is not utilised, and passive surveillance is provided by the terraced landscaping.	Yes



Clause	Proposal	Complies
Note: Landscaped area does not include any paved or built upon area such as driveways, tennis courts, patios/decks, outbuildings or pools.		
2.14.6. Dwelling Design and Construction		
(a) Removal of existing trees should be minimised in any building proposal. Refer to Clause 5.9 Preservation of trees or vegetation of The Hills Local Environmental Plan 2012 and Part C Section 3 – Landscaping for requirements	The dwelling has been constructed on an existing residential property. Amendments to the site in this new proposal will not result in the removal of any existing trees.	Yes
(b) Any part of the structure must comply with the building line setbacks applying to the land.	Refer assessment at 2.14.1.	Refer comment
(c) Stairs, single storey verandahs, single storey entry features, and single storey porticos may encroach up to 1.2 metres of the building setback for 30% of width of the dwelling provided the design, materials, colours and construction be consistent with the dwelling.	The slope of the site requires terraced style stairs for safe access to the building, the stairs follow the form of the land and do not create new structures, as well as being integrated with planter boxes to reduce the impact on the streetscape. The stairs do not exceed 30% of the width of the dwelling (3.8m = 25.2% of frontage).	Refer comment
(d) Dwellings must be designed so that walls facing public spaces contain window or door openings to a habitable room	The dwelling has been designed such that the living area and bedroom overlook the street to aid in surveillance.	Yes
(e) Council discourages design that results in carports and garages facing a public place as prominent elements of the streetscape. Garages should be no more than 6.5m in width and should not extend across more than 50% of the width of the property (measured at the required building line setback). Garages must be designed to be:- <ul style="list-style-type: none"> - visually subservient; - integrated into the overall dwelling design; and - constructed of similar materials and finishes to the dwelling. 	The basement garage width is 6.287m and represents 41.6% of the width of the property. The basement garage is to the lower side of the property and will be made visually less prominent by the introduction of landscaping to the retaining wall side of the driveway.	Yes
(f) Two of the criteria listed below should be utilised to minimise the impact of garages: <ul style="list-style-type: none"> - Garage doors are divided by a vertical masonry pillar or similar; - Upper floor element projected forward of the garage to cast a shadow and take prominence; - Colours and textures to ensure the garage doors do not dominate the street elevation; - Verandah or pergola provided across the face of the garage; - Utilisation of vertical elements to mitigate the horizontal elements of the garage; - Garage entrance to be oriented away from the primary street frontage; and - Staggered garages whereby one garage is setback from the adjoining garage (triple garages will not be supported unless one garage is setback from the adjoining two garages). 	The basement garage door is separated into a garage vehicle door and a pedestrian door with a vertical masonry pillar between. The garage door is located on the lower side of the property and is partially hidden by the retaining wall to the dwelling access stairs and will be further shielded by the use of landscaping to the retaining wall side of the driveway.	Yes
2.14.7. Cut and Fill		
(a) Building siting and design should consider the topography of the site and if cut and fill is necessary it must be balanced to ensure no fill leaves the site.	The basement storage of the dwelling required cut of the site. No fill exceeded 600mm.	Refer comment



Clause	Proposal	Complies
(b) Where plans show an excess of 600mm of filling and, provided that the filling does not exceed 1.5 metres, a condition of approval will be imposed requiring a concealed dropped edge beam to contain the fill in excess of 600mm. Should the plans show an excess of filling above 1.5 metres, the applicant will be requested to amend the design to reduce the filling required.	There was no adverse effect on adjoining property owners.	
(c) Excavation in excess of 1 metre may be permitted, subject to there being no adverse effect on the adjoining owners and the submission of structural engineers details of retaining walls with the Development Application, or alternatively, a separate Development Application is to be submitted.		
2.14.8. Building Materials		
(a) All building construction must comply with the Environmental Planning and Assessment Act 1979, Local Government Act 1993, and Building Code of Australia.	All building construction has been deemed to be compliant with the relevant codes. Refer to a concurrent BIC application for the subject property.	Yes
(b) The choice of materials and external finishes are to be compatible with surrounding developments and landscape features in terms of colours, textures and quality.	The external finishes are consistent with the approved DA/380/2017.	Yes
(c) The following factors must be considered when selecting materials: <ul style="list-style-type: none">- suitability for the purpose;- durability;- long term appearance;- local environmental impacts;- broader and longer term environmental impacts; and- the quantity of material required.	The external finishes are consistent with the approved DA/380/2017.	Yes
(f) Select materials that will minimise the long-term environmental impact over the whole life of the development.	The external finishes are consistent with the approved DA/380/2017.	Yes
(g) Preference should be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost, recycled material or materials with low embodied energy, better lifecycle costs and durability.		
(h) Choice of materials should be based on consideration of both their environmental and economic costs.		
2.14.9. Privacy – Visual and Acoustic		
(a) Buildings are to be designed to ensure maximum protection of privacy; in particular the privacy of primary living areas must be protected. Where appropriate consideration should be given to: <ul style="list-style-type: none">- using windows that are narrow, translucent or obscured or, in the case of bathrooms, have window sills a minimum of 1.5 metres above the upper storey floor level;- ensuring that windows that face directly to the windows, balconies or yards of adjoining dwellings are appropriately screened; and- screening of opposing windows, balconies and yards with appropriate landscaping.	Visual privacy of the dwelling has been considered for all living areas and habitable rooms. The windows installed to the development are consistent with this clause. All upstairs windows north-east and south-west adjacent neighbour dwellings are installed with a minimum sill height of 1.5m. All taller windows and glazed doors have been provided with curtains.	Yes



Clause	Proposal	Complies
(b) First floor balconies will not be permitted where they overlook living areas of adjacent dwellings.	The site configuration does not permit balcony overlooking into the living area of adjacent dwellings.	Yes
(c) Windows should be placed to minimise direct viewing between dwellings.	The existing windows of the dwelling have been placed such that direct viewing between dwellings is minimised. This is also complemented by the window sill height and size selection.	Yes
(d) Dwellings are to be designed to limit the potential for noise transmission to the living and sleeping areas of adjacent existing and future developments.	The proposal is consistent with the approved DA/380/2017.	Yes
(e) Careful consideration should be given to the location of air-conditioning systems, swimming pools and the like to minimise the impact on the amenity of adjoining properties.	The proposal is consistent with the approved DA/380/2017.	Yes
(f) Private open space areas and driveways are to be designed to minimise noise impacts.	The proposal is consistent with the approved DA/380/2017.	Yes
2.14.10. Solar Access		
(a) Dwellings should be sited to allow adequate provision for access of direct sunlight to private open space within the subject land and on adjacent properties. At least 50% of the required private open space within the subject property and that on adjoining properties is to receive direct sunlight for a minimum of 4 hours between 9am and 3pm on 21 June.	The dwelling is sited such that direct sunlight is provided to the private open space and swimming pool in the rear setback. The site will receive adequate direct sunlight to comply with this clause.	Yes
(b) Living areas of dwellings shall be orientated to the north wherever possible.	The living area and dining room are orientated towards the north.	Yes
(c) Maximise the amount of direct sunlight available to clothes drying areas.	A clothes drying area is provided within the open space in the rear setback.	Yes
(d) Orient buildings so that each dwelling obtains direct sunlight where possible. Ideally, orientate the long axis of the development up to 30 degrees east and 20 degrees west of true north.	The orientation of the building is constricted by the orientation of the street and existing streetscape. However, the dwelling obtains direct solar access to the private open space and living areas, which meets the objectives of this clause. The proposal is consistent with the approved DA/380/2017.	Yes
(e) Where winter solar access is not optimum consider the use of double-glazing or high performance glass.	Winter solar access is considered to be adequate.	Not applicable
(f) Windows should have suitable shading or other solar control to avoid summer overheating.	Suitable shading has been provided to the windows by eaves and balconies. The proposal is supported by a BASIX certificate.	Yes
(g) Consider the use of horizontal shading devices (for north facing windows) including eaves, verandahs, pergolas, awnings and external horizontal blinds to allow low winter sun whilst providing shade from high summer sun.	North facing windows are sheltered by eaves. The larger windows have been provided with curtains to act as an appropriate shading device.	Yes
(h) West facing windows can cause excess heat in summer. If suitable, minimise the size of east and west facing windows, or consider external vertical shading devices such as vertical blinds, blade walls and thick vegetation.	All east and west facing windows to the ground floor and first floor are provided with retractable curtains or vertical blinds. Building is orientated length wise north-west to south-east. No windows face direct west or east. Windows are deemed to comply with this clause.	Yes



Clause	Proposal	Complies
(i) Shading elements are to be integrated into the overall elevation design.	All shading elements are integrated into the architectural design and complement the finishes of the building façade.	Yes
2.14.11. Ventilation		
(a) Consider ventilation in early design stages.	There is suitable ventilation within the building due to the open nature of the design and large open spaces together with window and door openings.	Yes
(b) Consider prevailing breezes in relation to building orientation, window design and internal circulation.	This item is acknowledged.	Yes
(c) Place windows to allow for cross ventilation.	Window locations allow for ample, unrestricted cross ventilation.	Yes
(d) Consider the installation of fans, roof vents, louvered windows and high-level windows for rooms or spaces where cooling rather than heating is the priority.	There is suitable ventilation within the building due to the open nature of the design and large open spaces together with window and door openings.	Yes
(e) Windows should be lockable in a partly open position.	Windows may remain open in the partly open position and adjusted to suite occupants' needs.	Yes
(f) Provide security screen doors at dwelling entries.	The design of windows and locations allow for ample cross ventilation, if sought by occupants'. Therefore, the objectives of this clause have been satisfied.	Refer comment
(g) Minimise air gaps by incorporating door and window seals.	Seals are incorporated in openings.	Yes
2.14.12. Lighting		
(a) The design should maximise the use of natural lighting through window placement and skylights.	Large windows and glazed doors have been installed to allow adequate natural light through the existing east (street facing) and west (private open space) elevations.	Yes
(b) Incorporate dimmers, motion detectors, automatic turn-off switches where appropriate.	Dimmers, switches and automatic switches incorporated as required to suit occupants' needs.	Yes
(c) Provide separate switches for special purpose lights.	Lighting separated to best suite areas uses, functions and occupant requirements.	Yes
2.14.14. Car Parking and Vehicular Access		
(a) Car parking is to be provided in accordance with Part C Section 1 - Parking.	The parking provision exceeds the requirement of Part C – Section 1.	Yes
(b) The location and design of driveways and parking areas should enable the opportunity for landscape screening.	The existing driveway has been well integrated into the landscaping of the site with proposed landscaping to the retaining wall side of the driveway.	Yes
(c) Provision is to be made for convenient and safe access to car parking facilities.	The existing dwelling contains a basement garage, accessible from the inside of the dwelling.	Yes
(d) At least one car parking spaces must be provided behind the front building line. Single garages must have minimum internal dimensions of 5.5m by 3.0m. Double garages must have minimum internal dimensions of 5.5m by 5.0m	A basement garage has been provided behind the building line to accommodate 4 cars, the car spaces provided exceed the required minimum dimensions.	Yes
2.14.15. Access and Surveillance		



Clause	Proposal	Complies
(a) Site planning and dwelling design is to allow general observation of the street, the site and the approaches to the dwelling entry from the inside of each dwelling.	The dwelling is designed with multiple glazed windows to the street elevation, located at the living area and the landing area providing suitable surveillance of the street.	Yes
(b) Access to dwellings is to be direct and without unnecessary barriers. For example, use ramps instead of stairs/steps, consider the height and length of handrails and eliminate changes in level between ground surfaces.	There are multiple doors which will allow for direct access to the dwelling. There are no unnecessary barriers.	Yes
(c) Stairs and ramps are to have reasonable gradients and non slip even surfaces. Refer to Australian Standard 1428.1 - 2001 Design for Access and Mobility and supplementary AS 1428.2 - 1992.	The external stairs and driveway have a non-slip finish.	Yes
2.15. Fencing		
(a) Any boundary fencing shall be subject to the requirements of the Dividing Fences Act 1991.	This item has been acknowledged.	Yes
(b) Front fencing is to be consistent with the height, scale, and style of existing fencing in the street. Where there are no existing front fences, front fences are not supported.	The front fencing is consistent with the height of existing fencing in the street. The street does not appear to have a defined fencing style.	Yes
(c) Consideration should be given to Council's Safer by Design Guidelines, particularly in regards to natural surveillance, sightlines and anti-graffiti surfaces.	The site utilises fencing to delineate the private property yet see-through. Habitable room locations provide for adequate natural surveillance.	Yes
(d) Where front fencing over 1.2 metres in height is proposed, this shall be of open style.	The existing front fence is of open style. The style of the fence complements the finishes of the house landscaping.	Yes
(e) Any fencing in the front setback over 1.2m in height shall be setback from the front boundary a minimum of 500mm to allow opportunities for landscaping to soften the impact of the fence.		
(g) Side and rear boundary fencing should be a maximum of 1.8 metres in height.	The existing side and rear boundary fencing is a maximum of 1.8m in height.	Yes
2.16. Waste Management		
2.16.1. Storage and Facilities		
(a) Waste collection and separation facilities must be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen capable of holding at least a single days waste, and be sufficient to enable separation of recyclable material.	Suitable waste storage is provided in the kitchen, a waste storage room is provided under the front access stairs providing sufficient room for the storage of waste.	Yes
(b) Adequate storage for waste materials must be provided on site.		
(c) All waste storage areas must be screened from view from any adjoining property or public place.	The existing dwelling features a dedicated bin storage space within the basement, screened from the public. Adequate bin storage space has been provided. The location of the bin storage space provides convenient access to the street and to the basement garage.	Yes
(d) Waste storage areas must be kept clean, tidy and free from offensive odours at all times.		
(e) Bin storage space is to be: - incorporated into the landscape design of each dwelling; and - adequate for one 240 litre garbage bin and one 240 litre recycling bin per dwelling.		
(f) Location of the bin storage space: - is to be convenient to the occupant(s) of the dwelling; and		



Clause	Proposal	Complies
<ul style="list-style-type: none">- must allow the bins to be wheeled to the street kerb over flat or ramped surfaces with a maximum grade of 7% and not over steps, landscape edging or gutters or through the dwelling.		
2.17. Services		
<p>(a) Unless it is satisfied that adequate provision has been made for the supply of water and disposal of sewage, Council may not grant consent to the development.</p> <p>(b) All water, gas, power and communication services are to be located underground.</p>	All services have been provided to the existing property as required.	Yes
2.18. Swimming Pools		
<p>(a) Swimming pools are not to be located within the front or secondary boundary setback.</p> <p>(b) Swimming pools are required to have a minimum setback of 1m from the waterline to side and rear boundaries</p> <p>(c) Swimming pool filters are to be placed at a location away from dwellings on adjoining properties and enclosed in soundproof structures.</p>	<p>The swimming pool is located within the rear setback.</p> <p>Adequate setbacks to the rear and side boundaries have been provided.</p> <p>Pool enclosure located an adequate distance from dwellings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

A review of this section has been undertaken and given that the dwelling resides on a long-standing residential property and is well integrated into the streetscape, the building design is considered to be suitable in this regard. The proposal is therefore considered to be consistent with this section of the DCP 2012.

Part C Section 1 – Parking

Part C Section 1 of the DCP 2012 provides development controls and general planning considerations related to parking and access.

In this regard, the design elements covered under this section have been built in accordance with the DA and CC consents and therefore require no further assessment.



Part C Section 3 – Landscaping

Part C Section 3 of the DCP 2012 provides development controls and general planning considerations related to landscaping controls and provisions.

Table 4. DCP 2012 Part C Section 3 Key Provisions

Clause	Proposal	Complies
3.1. General Planning and Design Controls		
(a) The landscaping of any site should have regard to the natural environment of the location and be consistent with landscaping character of the area.	The landscaping of the site is consistent with the landscaping character of the streetscape.	Yes
(b) Landscaped areas shall have a minimum width of two metres.	The existing landscaped area exceeds the minimum width of 2 metres.	Yes
(c) All landscaping is to adhere to the following principles: <ul style="list-style-type: none"> - Planting is to be in scale with the proposed buildings; Planting to consist of a variety of trees, shrubs and ground covers; - Landscaping to side and rear boundaries should effectively screen the development; - Consideration should be made to alternatives to traditional fencing by using vegetation or change in height of the landform as natural barriers; - Artificial mounding using excavated materials is encouraged to enhance or screen buildings and car parking areas - See Figure 5 – Screening and mounding for noise attenuation - Planting shall be of advanced species except where it is demonstrated to Council's satisfaction that semi-advanced stock is more suited to soil and / or plant characteristics; - All electrical substations, water supply valves, hydrants and the like shall be suitably screened, however, due consideration shall be given to the requirements of the appropriate authority, and must not be located through the root ball of any trees being retained; - Plant selection for all landscape developments will be assessed for its suitability toward existing site conditions such as soils, aspect, drainage and micro-climate; - Plant selection appropriate to the existing or proposed cultural landscape will also be included in the general assessment of a proposal; and - Species selection and landscape design should minimise the need for watering. 	It is considered that the landscaping principles have been adhered to, and therefore complies with this clause.	Yes
(c) Trees should be of species unlikely to cause structural damage to buildings, retaining walls, paths, services and other property.	These controls have been addressed in the proposed landscaping design.	Yes
(d) Consideration should be given to the types of footings to be used in a development to reduce the impact on mature trees.		



Clause	Proposal	Complies
(e) Stormwater drainage lines and other services should be located to minimise the disturbance around existing trees which are to be retained.		
(f) Landscaping plans should be consistent with architectural plans and engineering plans, especially with regard to levels, stormwater drainage and on-site detention.		
3.2. Protection of Trees and Understory		
(a) Where natural vegetation exists, all trees must be preserved in accordance with The Hills LEP 2012.	Two existing trees were retaining in the construction of the dwelling, compliant to this clause.	Yes
(c) Hard surfaces should be avoided under the drip line of any tree.		
(d) Wherever trees are removed (with consent) as a consequence of the development, an equal or greater number of replacement trees must be incorporated into the landscaping of the new development.		
(e) Services must not be located in areas that will disturb the root plate of an existing tree		
3.5. Drainage and On-site Detention		
(a) All landscape works are to include provision for adequate drainage including collection or dispersal of stormwater run-off, prevention of ponding of water on pavements or discharge of run-off onto adjoining properties or public areas.	This item has been incorporated within the existing and proposed stormwater plans.	Yes
(b) Above ground detention structures should be suitably landscaped to improve the visual amenity of the development.	Detention structures are located below ground.	Not applicable
(c) Detention structures should be suitably integrated into the landscaping for the whole site, including common open space areas.	Detention structures are located below ground.	Not applicable
(d) Plant species used in these areas must be capable of withstanding periodic inundation and must not impact upon the functioning of the area as a detention structure.	Landscaping does not negatively impact the stormwater design of the site or neighbouring sites.	Yes
3.6. Landscape Construction Standards		
Objective: (i) To ensure that standards of landscape construction are consistent throughout the Hills Shire.	It is anticipated that works have been completed to the requirements of this clause.	Yes
3.11. Residential Development		
(a) Open space should take advantage of the outlook and natural features of the site.	Visual access to the natural features of the site is promoted to the open space in both the front and the rear setbacks.	Yes
(b) Consideration must be given to the privacy between dwellings, security and surveillance of open space.	Habitable rooms to the street elevation of the dwelling will facilitate surveillance of the open space in the front setback.	Yes
(c) Unsealed landscaped areas are to be maximised to facilitate on-site infiltration of storm water runoff, subject to the sites conditions.	Landscaped areas are proposed to be maximised where possible on the site including removal or hardstand area to the front, side and rear setbacks where possible.	Yes
(d) Landscaping and vegetation must: - Use vegetation types and landscaping styles that blend the development into the streetscape and visually reduce the bulk and scale of the development;	The site's existing landscaping features grassed areas and medium sized trees. Due to the vegetation types used, it is not anticipated that the foundations of any buildings will be affected.	Yes



Clause	Proposal	Complies
<ul style="list-style-type: none"> - Be located with other plants with similar water requirements; - Not adversely effect the foundations of any structure or cause damage to underground or overhead servicing; - Ensure vehicular and pedestrian vision and safety; - Contribute to the energy efficiency of the building by ensuring compliance with the ESD objectives outlined in Part A of the DCP; and - Maintain the established planting character of the streetscape and wider area. 	The vegetation on site is well integrated into the streetscape and is not anticipated to cause any visual or safety impact to vehicles or pedestrians.	
<p>(e) When paving or hard surfaces are to be used for driveways, patios, paths and other similar uses, these surfaces should be:</p> <ul style="list-style-type: none"> - Semi porous or graded (e.g. gravels) to maximise on site water infiltration (if practical); - In materials and colours that compliment the development and do not detract from the streetscape; and - Finished in non slip surfaces; 	The existing driveway is constructed of a non-slip cobblestone paver pattern. The style and colour of the driveway is complementary to the finishes on the façade of the house.	Yes
<p>(f) The location and choice of vegetation should take into account the soil conditions, topography and water conditions of the site.</p>	This item has been acknowledged.	Noted

A review of this section has been undertaken and concludes that the existing landscaping to the site is consistent with this section of the DCP 2012. As previously mentioned, there is no intention to remove vegetation with the submission of a new Development Application.

There are no further clauses relevant to this proposal from DCP 2012.



6. ENVIRONMENTAL ASSESSMENT

Section 4.15 of the Environmental Planning and Assessment Act 1979 requires the following matters to be considered in the assessment of the proposed development.

Impact of the development including the environmental impact of the development on both the natural and built environment and social and economic impact on the locality.

The construction of the existing dwelling is not considered to have resulted in any unreasonable environmental impact. The landscaping plans and consent for removal of some trees has been approved by Council previously (DA/380/2017). The current presentation of the dwelling to the street is well integrated into the streetscape and complements the landscaping, materials and finishes of surrounding properties.

Pursuant to the new proposal, the anticipated alterations to the landscaping to the front of the house will reduce the visual noise of paved areas and introduce more natural environment, including natural topography and reinstatement of grassed areas. The proposed works can be considered as appreciative to the natural environment and will have minimal impact on the appearance of the built structure.

The proposal is not considered to have any social or economic impact on the locality.

Suitability of the Site for the Development

The existing dwelling is permissible within the zone, R2 – Low Density Residential, and consistent with the objectives to provide for the housing needs of the community within a low density residential environment.

The new proposal intends to make amendments to the landscaping of the site to allow it to comply with applicable development standards. Through introduction of more natural landscaping only, the proposal does not detrimentally alter the presentation of the site within the streetscape and is not expected to cause any unreasonable amenity impact to neighbours.

The new proposal is therefore considered to be suitable for the site.

Any submissions made in accordance with the Act or Regulation

The development application will be publicly notified in accordance with Council's notification policy. The proponent will prepare a response to any submissions received by Council during the exhibition period.

The Public Interest

For the reasons discussed within this report, and in the absence of any unreasonable social, economic or environmental impact, the proposed development is considered to be in the public interest.



7. CONCLUSION

This submission seeks development consent for the proposed modification to the current DA/380/2017 for the existing dwelling at 16 Gowan Brae Avenue, Oatlands NSW 2117 (Lot 10 DP 396505).

The proposed scope of works will allow regularisation of the building to the Council's LEP & DCP requirements and is expected to have negligible impact on adjoining residences. The planned alterations to the site landscaping is not anticipated to cause any fragmentation or cause any amenity impacts to neighbouring properties, but will reintroduce greater natural landscaping to the streetscape.

Based on the conclusions of the comprehensive assessment undertaken, and in the absence of any significant adverse environmental (including flooding), social, heritage or economic impacts Council's approval of the modification application is sought.

DEVELOPMENT APPLICATION

ITEM NUMBER	5.3
SUBJECT	25 Chester Street, EPPING NSW 2121 (Lot 22, DP 262348)
DESCRIPTION	Demolition of existing dwelling including tree removal and construction of single storey dwelling with attic. The site is within East Epping Conservation Area pursuant to clause 5.10 of the Parramatta Local Environmental Plan 2023.
REFERENCE	DA/643/2023 - D09384864
APPLICANT/S	Planning Solutions
OWNERS	F Xue & Ms W C Zheng
REPORT OF	Group Manager Development and Traffic Services
RECOMMENDED	Approval

DATE OF REPORT 02 APRIL 2024

REASON FOR REFERRAL TO LPP

This development application is being referred to Parramatta Local Planning Panel as the application received more than 10 unique objections.

EXECUTIVE SUMMARY

The Development Application, DA/603/2023 was lodged to Council on 24 October 2023 for the demolition of the existing dwelling, retention of the existing detached garage, and construction of a single storey dwelling with an attic on land at 25 Chester Street, Epping

The Site and surrounding properties are zoned R2 Low Density Residential. The Site is located within the East Epping Heritage Conservation Area and several heritage items are located within 50 metres of the site, namely the dwellings at No. 21, 23, and 27A Chester Street, and the street trees within Chester Street.

In accordance with the Parramatta Consolidated Notification Procedures, the Development Application was notified from the 1 November 2023 and 15 November 2023. In response thirteen (13) submissions were received generally raising the following concerns: Demolition of a dwelling within a heritage conservation area, non-compliance with landscaping and deep soil areas, tree removal, setbacks, dwelling design, privacy, bulk and scale, height, finishes, driveway design, presence of asbestos, and heritage impacts.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the development received 10 or more unique submissions by way of objection.

Council's Senior Heritage Advisor has reviewed the development and supports the demolition of the existing dwelling as an appropriate replacement dwelling is proposed.

The development responds to the constraints of the site and is generally in keeping with the established pattern of development within the East Epping Heritage Conservation Area.

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/643/2023 be approved subject to conditions of consent.

RECOMMENDATION









- (a) That the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, grant development consent to DA/643/2023 on land at 25 Chester Street Epping, for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent in **Attachment 1**.
- (b) That submitters are advised of the decision.

REASONS FOR APPROVAL

1. The development is permissible in the R2 Low Density Residential zone and generally satisfies the requirements of the applicable planning provisions.
2. The development will be compatible with the East Epping Heritage Conservation Area and will not detract from the nearby heritage items.
3. For the reasons given above, approval of the application is in the public interest.

Nina Salvador
Development Assessment Officer

ATTACHMENTS:

1	 	Combined Assessment Report and draft conditions	43 Pages
2	 	Locality Map	1 Page
3	 	Plans used during assessment	34 Pages
4		Internal Plans used during assessment (confidential)	18 Pages
5	 	Complete Heritage impact	61 Pages

REFERENCE MATERIAL



City of Parramatta Council

File No: DA/643/2023

**SECTION 4.15 ASSESSMENT REPORT
PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

SUMMARY

DA No:	DA/643/2023
Property:	25 Chester Street, EPPING NSW 2121 Lot 22 DP 262348
Proposal:	Demolition of existing dwelling including tree removal and construction of single storey dwelling with attic. The site is within East Epping Conservation Area pursuant to clause 5.10 of the Parramatta Local Environmental Plan 2023.
Date of receipt:	23 October 2023
Applicant:	PLANNING SOLUTIONS
Owner:	F Xue and Ms W C Zheng
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:	13
Conciliation Conference Held:	No
Prelodgement Meeting Held:	Yes
Recommendation:	Approval
Assessment Officer:	Nina Salvador

LEGISLATIVE REQUIREMENTS

List of relevant provisions under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021 • SEPP (Building Sustainability) 2022 • SEPP (Biodiversity and Conservation) 2021 • Parramatta Local Environmental Plan (LEP) 2023 • Parramatta Development Control Plan (DCP) 2023
Zoning	R2 – Low Density Residential
Heritage	No
Heritage Conservation Area	Yes – East Epping Conservation Area
Bushfire Prone Land	No
Integrated development	No
Clause 4.6 variation	No
Delegation	Parramatta Local Planning Panel –10 or more unique objections

SITE HISTORY

Date	Comments
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15 November 2022	<p>DA/750/2022 was lodged for tree removal and construction of a two-storey dwelling and demolition of the existing dwelling, it was eventually withdrawn due to the number of submissions.</p> <p>At the time, the following issues were raised with respect to the development:</p> <p><u>Demolition</u></p> <p>The existing house was in poor condition and not suitable for modern living requirements. The existing house is contributory to the streetscape with its single storey presentation, however the timber cottage itself is not noted being any significant to the conservation area.</p> <p>However, the inappropriate design of DA/750/2022 did not accommodate to the existing character of the area.</p> <p><u>Streetscape character</u></p> <p>The proposal detracted the streetscape of Chester Street with its excessive bulk, and unsympathetic design. The two-storey dwelling did not harmonise with the Epping Conservation character and was not supported by council.</p> <p><u>Materials and finishes</u></p> <p>The proposed finishes were out of character and not sympathetic of the Epping Conservation Area. Recommendation to alter the roof tiles and masonry walling was suggested to align with the streetscape.</p> <p><u>Garage</u></p> <p>The proposed double garage was not supported from the heritage perspective. It was recommended the new proposed garage is to be retained or rebuilt within its current existing location.</p> <p><u>Engineering</u></p> <p>The cut and fill were not supported, and reductions was suggested to address the site borders overland affected area.</p> <p><u>Driveway</u></p> <p>The driveway conflicted with the power pole, water meter and kerb gully were not supported by the council. It was suggested, the driveway to be relocated.</p>
7 February 2023	<p>Pre-lodgement notes for PL/133/2022 were issued.</p> <p>The plans considered as part of PL/133/2022 are substantially the same as the plans lodged under the subject development application.</p> <p>A pre-lodgement meeting (PL/133/2022) occurred for the demolition of a single storey dwelling the proposal. The outcome of the pre-lodgement were the following:</p> <p><u>Garage</u></p> <p>The proposed double garage posed issues for with the Heritage Conservation Area. The double garage is to be relocated to the rear or retain the existing garage at the rear.</p> <p><u>Sloped site</u></p>

	The subject site slopes approximately three metres to the street. It was suggested the dwelling to respond to the slope of the site appropriately.
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APPLICATION HISTORY

Date	Comments
23 October 2023	DA/643/2023 was lodged.
01 November 15 November 2023	– DA/643/2023 was notified in accordance with the Council's Notification procedures. In response, 13 submissions were received.
11 January 2024	A Request for Information was sent to the applicant. The issued raised related to the location, size, and orientation of dormer windows.
25 January 2024	The applicant submitted the amended plans to council.

SITE DESCRIPTION AND CONDITIONS

The legal property description is Lot 22 DP 262348. The site is a rectangular allotment and has an upward slope from the front to the rear of approximately 2.32 metres over a distance of 49 metres.

The subject site has the following area and dimensions:

Area – 897.5 square metres

Frontage – 17.78 metres

Rear – 17.78 metres

East – 50.46 metres

West – 50.46 metres

The site and surrounding properties are zoned R2 Low Density Residential, see **figure 1** below.

The subject site currently accommodates a single residential dwelling. It is located within the East Epping Heritage Conservation Area (*the HCA*).

The site was inspected on 2 December 2023.

This further demonstrated in **figure 5**, the closest heritage item being I080, known as 23 Chester Street. A total of 5 heritage items are within the 100m radius of the subject site and are listed below:

Chester Street is itself classified as a local heritage road reserve and shares a frontage to the subject site.

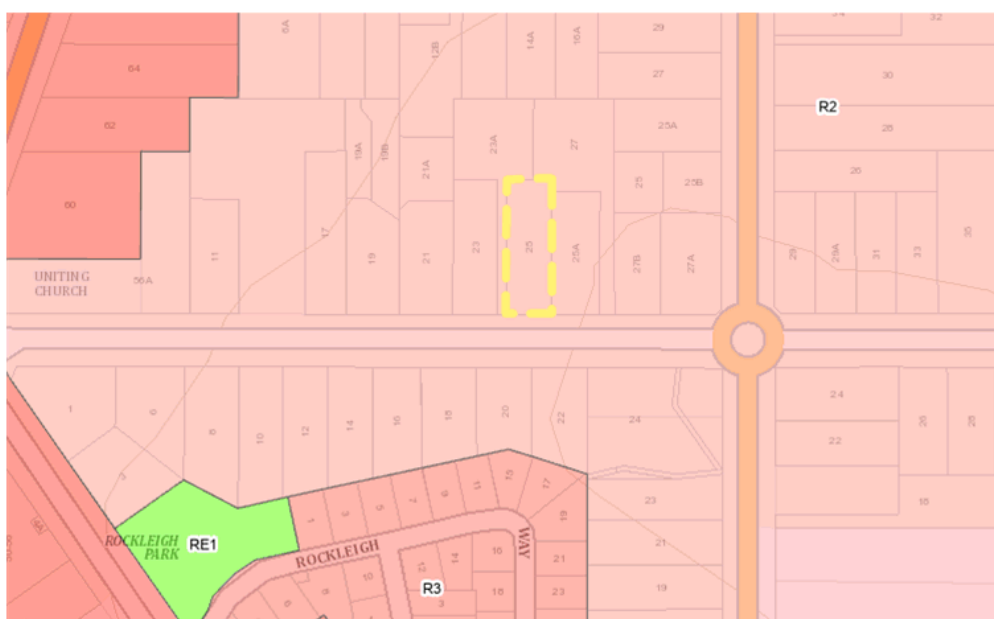


Figure 1: Land Zoning Map (Source: NSW Planning Portal)

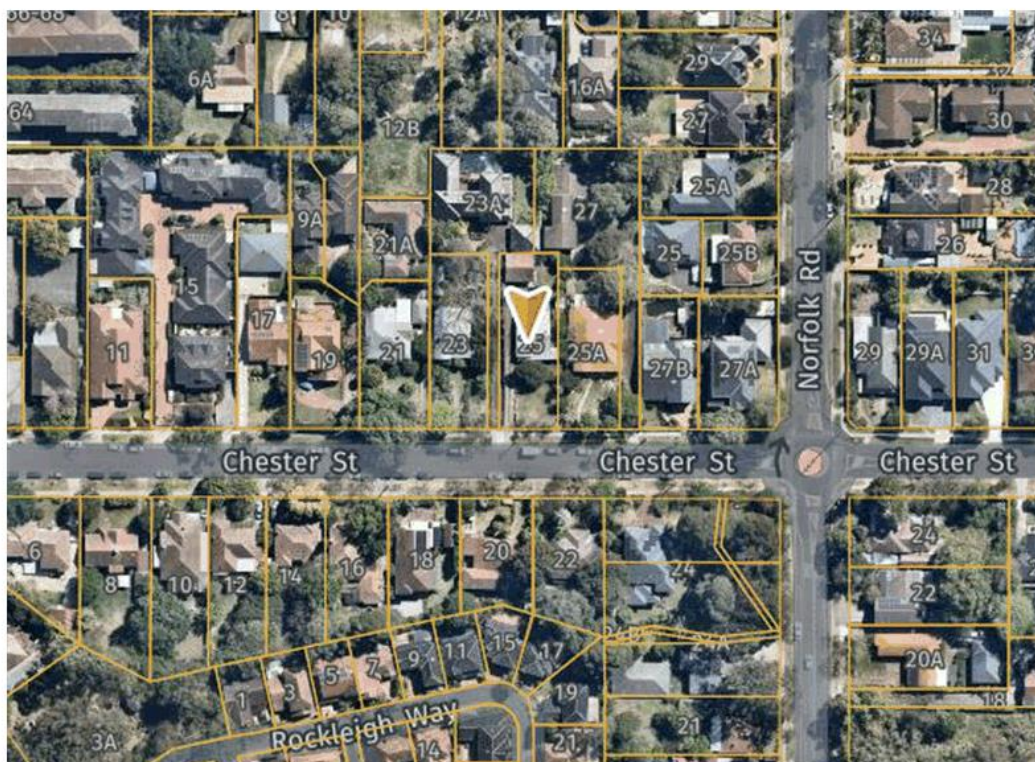


Figure 2: Aerial image of the subject site and surrounding context (Source: Nearmaps)



Figure 4: Subject site viewed from the street (Source: Site Inspection Photos)

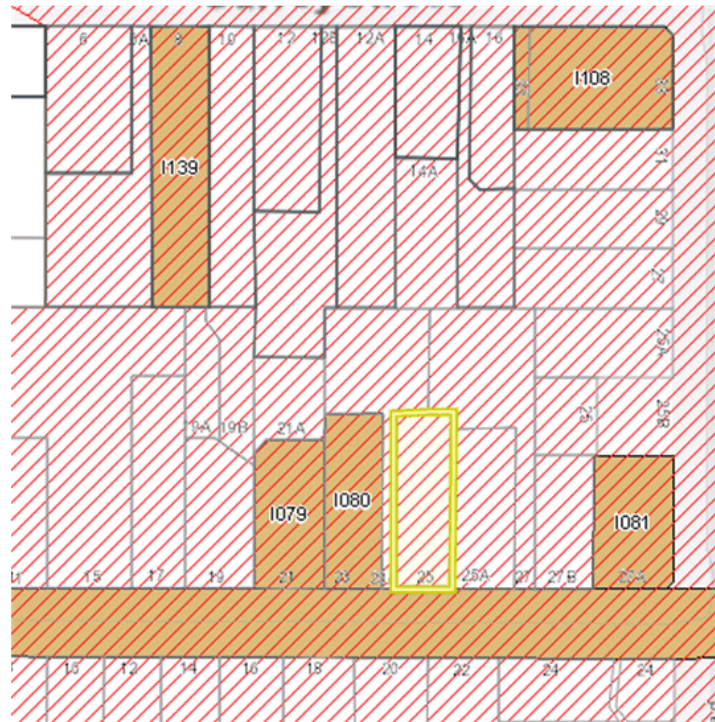


Figure 5: Heritage conservation area (subject site highlighted yellow)

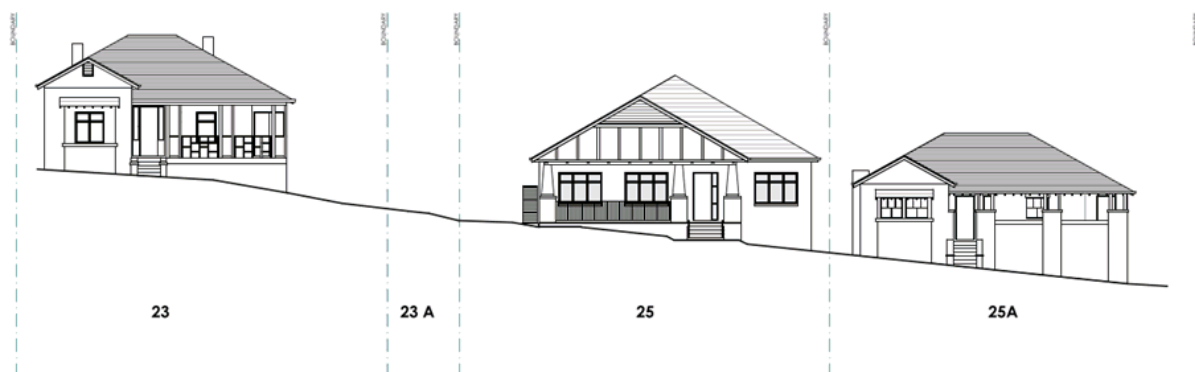


Figure 6: Streetscape of Chester Street

SECTION 4.15 EVALUATION

The Proposal

Development Application DA/643/2023 was lodged on 23 October 2023 for a 1 storey residential dwelling with an attic. Specifically, the application seeks approval for:

- **Demolition of existing structures**

The proposal seeks to demolish the existing single dwelling house, along with retaining walls and hardstand surfaces.

- **Tree removal**

To facilitate for the new development, removal of thirteen (13) trees are proposed. The following trees are proposed to be removed:

- One (1x) Lemon Tree
- One (1x) Common Fig Tree
- One (1x) Mandarin
- Two (2x) Orange
- Seven (7x) Camellia Tree
- One (1x) Olive Tree

- **Construction**

The construction involves, a single storey residential dwelling with an attic. The dwelling has an attached rear and front patio. Associated retaining walls of <0.6m are proposed to the rear in replacement of the original retaining walls which are to be demolished. No new parking spaces are proposed with the existing garage to be retained, and the original driveway footprint is to be maintained with an additional turn area.



Figure 6: Front elevation (south)



Figure 7: West elevation



Figure 8: East elevation

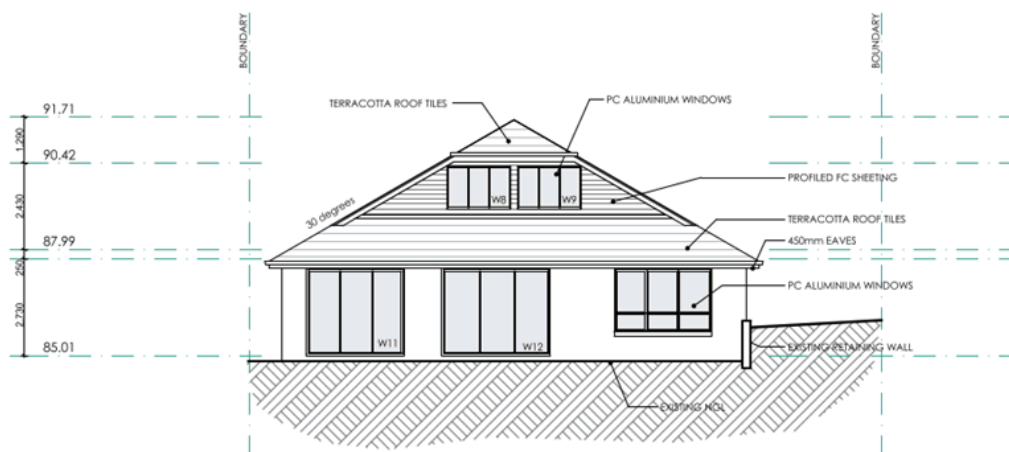


Figure 9: Rear elevation (north)



PERMISSIBILITY - The site is zoned R2 Low Density Residential under the Parramatta LEP 2023. The proposal is defined as a dwelling house. The proposed development and associated works are permissible with consent.

An attic is defined as, “means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.”

Therefore, the form of the proposed development is more appropriately described as a single storey dwelling with an attic.

ZONE OBJECTIVES - The proposed development is consistent with the objectives of the zone.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 - Chapter 4: REMEDIATION OF LAND

The provisions of the SEPP have been considered in the assessment of the development application.

<input checked="" type="checkbox"/>	A review of Council’s records reveals the site does not have an obvious history of a previous land use that may have caused contamination.
<input checked="" type="checkbox"/>	Historic aerial photographs were used to investigate the history of uses on the site.
<input checked="" type="checkbox"/>	A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
<input checked="" type="checkbox"/>	A search of public authority databases did not include the property as contaminated.
<input checked="" type="checkbox"/>	The statement of Environmental Effects states that the property is not contaminated.



There is no specific evidence that indicates the site is contaminated.

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

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDING) 2022

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition has been imposed to ensure such commitments are fulfilled during the construction of the development.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 Vegetation in non-rural areas

The application proposes the removal of vegetation from the site. Council's Tree and Landscape Officer has reviewed the application and raised no objections to the removal of the vegetation from the site subject to conditions of consent.

The following trees are to be retained and removed:

Table 1: Tree removal

Tree number	Name of Tree	Determination	Reason
1	<i>Citrus x sinensis</i> Orange	Retained	Trees are of a significant distance from the proposal and is not required to be removed.
2	<i>Mangifera indica</i> Mango	Retained	
3	<i>Citrus reticulata</i> Mandarin	Retained	
4	<i>Citrus sp.</i> Citrus	Retained	
5	<i>Citrus limon</i> Lemon	Retained	
6	<i>Citrus reticulata</i> Mandarin	Retained	
7	<i>Citrus x sinensis</i> Orange	Retained	
8	<i>Citrus x sinensis</i> Orange	Retained	
9	<i>Citrus limon</i> Lemon	Removal	The trees are within the building footprint, the size of the tree is less than 3 metres.
10	<i>Ficus carica</i> Common Fig	Removal	
11	<i>Citrus reticulata</i> Mandarin	Removal	
12	<i>Citrus x sinensis</i> Orange	Removal	
13	<i>Citrus x sinensis</i> Orange	Removal	
14	<i>Camellia japonica</i> Camelia	Removal	
15	<i>Camellia japonica</i> Camelia	Removal	
16	<i>Camellia japonica</i> Camelia	Removal	
17	<i>Camellia japonica</i> Camelia	Removal	
18	<i>Camellia japonica</i> Camelia	Removal	
19	<i>Camellia japonica</i> Camelia	Removal	

20	<i>Camelia japonica</i> Camelia	Removal	
21	<i>Olea europaea</i> Olive	Retained	Trees are a significant distance from the proposal and not required to be removed.
22	<i>Punica protopunica</i> Pomegranate	Retained	
23	<i>Olea europaea</i> Olive	Retained	
24A	<i>Olea europaea</i> Olive	Removal	This tree is within the building footprint, the size of the tree is less than 3 metres.
24B	<i>Olea europaea</i> Olive	Retained	Trees are a significant distance from the proposal and not required to be removed.
25	<i>Jacaranda mimosifolia</i> Jacaranda	Retained	
26	<i>Tibouchina 'Alstonville'</i> Tibouchina	Retained	
27	<i>Pyrus calleryana</i> Callery Pear	Retained	
28	<i>Jacaranda mimosifolia</i> Jacaranda	Retained	

Chapter 6 – Water Catchments

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP within in Chapter 6 are not applicable to the proposed development.

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

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

Clause	Comment
Clause 2.48 – electricity infrastructure	The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
Clause 2.98 – Development adjacent to rail corridors	The subject site is not adjacent to a rail corridor.
Clause 2.119 – frontage to a classified road	The subject site does not have frontage to a classified road.
Clause 2.120 – Impact of road noise or vibration on non-road development	Chester Street has an average daily traffic volume of less than 20,000 vehicles per day. As such, clause 2.120 is not applicable to the development application.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

Development standard		Compliance
Cl. 4.3 Height of buildings	Yes	Allowable = 9m Proposed = 7.1m
Cl. 4.4 Floor space ratio	Yes	Allowable = 449.5m ² or 0.5 Proposed = 321m ² or 0.35
Cl. 5.1A Development on land intended to be acquired for public purposes	N/A	The proposal is not identified on the map.
Cl. 5.6 Architectural roof features	Yes	An architectural roof feature is proposed with a gabled dormer window on the east and west side.

		<p>No architectural roof feature is proposed.</p> <p>The proposal meets the objectives of 4.3 not exceeding in height of protrudes beyond the building footprint.</p>
Cl. 5.7 Development below mean high water mark	N/A	The proposal is not for the development of land that is covered by tidal waters.
Cl. 5.10 Heritage conservation	Yes	<p>The subject site does not contain a heritage item, it is in the vicinity of an item and falls under the East Epping Heritage Conservation Area. The proximity to heritage items can be seen in figure 5.</p> <p>An assessment of the proposal against the heritage controls within the LEP and DCP are discussed later in this report.</p>
Cl. 5.10(8) Aboriginal places of heritage significance	N/A	Yes, the subject site is not to be considered to have aboriginal heritage significance.
Cl. 5.21 Flood Planning	N/A	The site is not identified to be flood prone.
Cl. 6.1 Acid sulphate soils	N/A	The site has been conditioned to appropriately carry out works involving acid sulphate soils.
Cl. 6.2 Earthworks	Yes	The proposed development is in keeping with the objectives of the clause.
Cl. 6.3 Biodiversity	N/A	The site is not identified to be within the biodiversity conservation area map.
Cl. 6.4 Riparian and waterways	N/A	The site is not identified on this map.
Cl. 6.5 Stormwater	N/A	The site is not identified on this map.
Cl. 6.6 Foreshore Area	N/A	The site is not identified on this map.
Cl. 6.8 Development on landslide prone land	N/A	The site is not located on a landslide prone land.
Cl. 4.6 Exceptions to development standards	N/A	No exceptions to the development standards are proposed.

PARRAMATTA DEVELOPMENT CONTROL PLAN 2023

Development standard		Compliance
Part 2 Design in Context		
2.4. (C.04) - Building form and massing - Bulk	Yes	<p>The proposal has been designed in a style that is cohesive with the surrounding dwellings in with regards to the design, articulation and façade treatment. and the form and massing are consistent with the character of the area.</p> <p>The bulk and scale are suitable for the site and positively responds to the surrounding context. The proposed development appropriately includes the attic into the design with a minimised bulk when viewed from the front.</p>
2.4. Building form and massing (C.04) – Finishes and materials	Yes	The proposed finishes and materials are sympathetic to the surrounding dwellings. The proposal is not out of

		character and will complement the existing, adjoining dwellings.
2.5. (C.01) - Streetscape and building address– Facades	Yes	The design of the dwelling positively contributes to the character of the area. The design replicates the design and façade of neighbouring properties.
2.5. (C.12) - Roof design	Yes	The roof design is appropriate for the development and its heritage context and minimises the bulk and scale of the building. This has been addressed through the sloping 30-degree roof finished in terracotta tiles.
2.6. (C.01) - Front fences	Yes	The original brick fence is to be retained.
2.8. Views and vistas	N/A	The site does not contain any views or vistas.
2.9. Public domain	N/A	The site does not adjoin a public domain.
2.10 Accessibility and connectivity	N/A	The proposal will not alter the street network accessibility and connectivity.
Part 3 Residential Development		
3.2.1. Solar access and cross ventilation	Yes	The primary living areas and private open space of the subject site, as well as neighbouring properties, will receive a minimum of 3 hours sunlight from 9am to 3pm during the winter solstice given the building design and orientation of the site.
3.2.1. (C.02) Private open space	Yes	Control= 100m ² Proposed = 109m ²
3.2.2. Visual and acoustic privacy	Yes	The subject site does not adjoin a noise generating land use.
3.2.2. (C.03) Locate windows so they do not provide direct and close views into the windows of other dwellings, particularly those of living areas.	Yes	<p>The windows facing the neighbouring dwelling at 25a Chester Street have no privacy issues as the proposal meets the side setback of 900mm, from the adjoining property and the windows are appropriately positioned in terms of sill heights, and is separated by the access handle for 23A Chester.</p> <p>Window W6 in the east elevation is associated with a family room and has some potential for over looking of the property at 25a Chester Street.</p> <p>Notwithstanding numerically compliant setbacks, the finished floor level of the dwelling at this point would allow for some overlooking from the family room into the windows of No. 25A Chester Street.</p> <p>As discussed below, a condition of consent is recommended that the window must be fitted with a fixed privacy screen, or the sill height of that window must be increased to 1.5 metres above finished floor level.</p>
3.2.3. (C.01) Attics are to be no greater than 30m	No, but acceptable	Proposed = 32m ² The proposal of the attic is appropriately incorporated into the design of the dwelling.

		Although numerically non-compliant, the exceedance is minor with no perceptible impact when viewed from adjoining sites or the public domain.
3.2.3. (C.02) Roofs (containing attics or otherwise) are not to exceed 32 degrees in pitch.	Yes	Control= Maximum 32 degrees Proposed = 30 degrees
3.2.3. (C.03) Attics are to be designed to fit within the building and are not to increase the bulk and height of the roof.	Yes	The design of the attic is well integrated and does not affect the height and bulk of the roof.
3.2.3. (C.04) Attics are to be cross ventilated using opposing windows, a whirlybird or similar. These should be positioned to maximize cross ventilation.	Yes	A condition of consent is recommended for a whirlybird to be installed on the roof with details to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
3.2.3. (C.05) Attics are to have a minimum floor to ceiling height of 2.4 metres.	Yes	The proposal complies with the floor to ceiling height being 2.43m.
3.2.3. (C.06) Attic spaces are to have a minimum wall height of 1.5 metres at the edge of the room.	Yes	The outer wall of the attic is 1.5metres high, meeting the control.
3.2.3. (C.07) Attics are to be centrally located with setbacks from the external facades of the dwelling.	Yes	The proposed attic is located within the centre of the proposal and has a 2.5m setback from the external facades.
3.2.3. (C.08) Dormer windows may be included in attics, provided they are no higher than the height of the main roof of the building, no greater than 1.5 metres in width and are not to incorporate access or a balcony.	Yes	No dormer windows are proposed.
3.2.3. (C.11) Attic windows should face the front and rear boundaries of the site, or an element of the public domain such as a park.	Yes	Attic windows are located at the rear as seen in the rear elevation of development. It does not face a public domain nor pose privacy issues for the rear property with its sufficient setback and obstruction of the garage.
3.2.4. Swimming pools	Yes	No swimming pool is proposed.
3.3.1.4. (C.01) Deep soil	No, but acceptable	Control= 30% or 269.25 Proposed= 27.8% or 251.5 The retention of the garage to the rear of the site to comply with the controls of the HCA, along with new access arrangements, has led to a minor variation in the deep soil and landscaped areas. This minor alteration of deep soil requirements will not detrimentally impact the amenity of the area.
3.3.1.2. (C.09) Maximum length of a wall is to be 10metres	No, but acceptable	The proposal breaches this control with the longest wall being 20m along the west elevation. Council deems this

		<p>to be acceptable due to the surrounding design and wall lengths of houses on Chester Street. No. 21, No. 25a and No. 27b Chester Street which have wall lengths exceeding the 10-metre control.</p> <p>The proposal meets the objectives of maintaining the visual cohesiveness of the street with its design, minimal bulk and height.</p>
3.3.1.4. (C.02) Landscaped area	No, but acceptable	<p>Control= 40% or 359 Proposed= 29% or 263.5m</p> <p>Current landscape = 434m</p> <p>The new proposed house is of a reasonable size, well suitable to the houses adjacent and adjoining the subject site. The retention of the garage to the rear of the site to comply with the controls of the HCA, along with new access arrangements, has led to a minor variation in the deep soil and landscaped areas.</p>
3.3.1.5. Parking and vehicular access	Acceptable	<p>The application proposes to retain the existing detached double garage located at the rear of the site.</p> <p>The application proposes to reconstruct the existing wheel-strip driveway and construct a turning bay within the front setback of the site.</p> <p>Part 3.3.1.5 of the PDCP 2023 states “<i>Driveways may be required to incorporate a dedicated turning area to allow the 85% Design Car Turning Path, where...vehicles would otherwise have to reverse more than 30 metres.</i>”. The proposed driveway is 42m long and therefore a turning bay is appropriate for this site.</p> <p>It is noted that Council’s Senior Heritage Advisor raised no concerns with respect to the turning bay and any impacts to the HCA.</p>
Minimum front setback	Yes	<p>Control = Consistent with streetscape Proposed = 14.01m from the first habitable room, 12.01m from the porch.</p> <p>The proposed front setback is generally consistent with the setbacks within Chester Street.</p>
Minimum side setbacks	Yes	<p>Control = 0.9m or 900mm Proposed = 0.9m or 900mm</p> <p>The proposal meets the minimum side setback of 0.9m or 900mm.</p>
Minimum rear setback	Yes	<p>Control = 30% 15.14m Proposed = 16.3m</p>

		The proposal meets the minimum rear setback, measured from the outer wall.
Part 4 Special Precincts		
Heritage Conservation Areas & Special Precincts	Yes	The subject site is not a heritage item although is located within the East Epping Heritage Conservation Area. See part 7 for further analysis.
Part 5 Environmental Management		
5.1. Flood management	N/A	The site is not identified to be flood prone.
5.1.5. Groundwater	Yes	The proposal does not impact on groundwater.
5.2.1. Soil erosion and sedimentation	Yes	Appropriate conditions have been placed to mitigate soil erosion and sedimentation.
5.2.4. Earthworks and development on sloping land	Yes	The development does not propose extensive earthworks and is not a severely sloped site.
5.2.3. Salinity	Yes	The proposal does not impact on salinity.
5.2.6. Air quality	Yes	The proposal will not increase pollutants in the area.
5.3.1. Biodiversity	Yes	The site is not identified to be 'Biodiversity' or 'Riparian Land and Waterways' on the Parramatta LEP Natural Resources Map.
5.3.2. Waterways and riparian zone	Yes	The site is not located on/near a waterway
5.3.4. Tree and vegetation preservation	Yes	<p>The proposal seeks the removal of 13 trees in total while retaining the remaining 15 trees. These trees will be retained and protected to facilitate for the maturity and growth of these medium and mature trees.</p> <p>The removal of the 13 trees is supported by the internal landscape officer with additional conditions. See table 1 for further analysis.</p>
5.4.1. Energy efficiency	Yes	The proposal meets the standards of the State Environmental Planning Policy (Sustainable Buildings) 2022.
Part 7 Heritage & Conservation – East Epping Conservation Area		
7.4. (C.68) The removal of existing exotic, native or indigenous trees that are within the curtilage of heritage items should be avoided	Yes	The application proposes the removal of 13 trees from the site. These trees are not indigenous and do not contribute to the significance of <i>the HCA</i> or adjoining heritage items.
7.5. (C.01) Design and siting should complement the form, orientation, scale of heritage item	Yes	The single storey plus attic height ensures the dwelling is sympathetic to the surrounding heritage items and HCA.
7.5. (C.02) Adequate space should be provided around the heritage item to allow for its interpretation.	Yes	There is sufficient distance with a 12m side setback from heritage item I080/No. 23 Chester Street, including an existing vehicle access handle to a rear property.
7.5. (C.03) Development should maintain significant or historic public domain view to and from the heritage item	Yes	The proposed development does not detract or diminish the heritage value of I080/No. 23 Chester Street. The proposed finishes and design are subdued, complementary to the colours and finishes of heritage item I080/No. 23 Chester Street.
7.5. (C.04) Original or significant landscape features that are associated with the heritage item	Yes	The proposal does not detract or impact the landscape features of heritage item I080/No. 23 Chester Street.

and which contribute to its setting should be retained		
7.5. (C.05) Development in the vicinity must respect the curtilage and setting of the HCA	Yes	The proposal complements the characteristic of heritage item I080/No. 23 Chester Street.
7.10.8. (C.01.) Buildings from the Victorian, Federation, Inter-war and Post-war periods should be retained	No, but acceptable	<p>The proposal seeks to demolish the existing dwelling. Given its dilapidated state, its demolition has been supported.</p> <p>The proposed design does not detract from the existing streetscape of Chester Street and will uphold the character street façade.</p> <p>Council's Senior Heritage Specialist supports the demolition of the existing dwelling. For further analysis see the external referrals below.</p>
7.10.8. (C.02) Development should be single storey	Acceptable	The proposed development is single storey dwelling with an attic. The dwelling appears as a single storey dwelling when viewed from the street.
7.10.8. (C.04.) Windows should be vertically proportioned or broken up into vertical components	Yes	Windows are appropriately placed and broken up into vertical components throughout the dwelling.
7.10.8. (C.05) Dormer windows should be located to the rear	Yes	No dormer windows are proposed.
C.06 Articulation of windows, entry gables and front verandas		<p>The front veranda has an appropriate design.</p> <p>The finishes and materials are consistent with the requirements of <i>the HCA</i>. The entry gables of the front veranda complement the streetscape and the building façade.</p>
7.10.8. (C.08) Hipped and gable roofs	Yes	The proposed roof is in the pseudo-bungalow Californian style to complement the East Epping Conservation Area.
7.10.8. (C.09) Consistent openings, building setbacks	Yes	The setback is complementary to the surrounding properties with the setbacks varying from 6m to 19m with the proposal situated at 12m. This provides incremental variation to the front setbacks whilst still being sympathetic to the character of the area.
7.10.8. (C.10.) Extensive cut and fill is to be avoided	Yes	<p>A maximum cut of 600mm is proposed to the rear of the dwelling to address the slope of the site and minimise the appearance of bulk of the dwelling.</p> <p>A fill of 200mm is proposed in the mid-section of the property, to address rear facing slope of the site.</p>
7.10.8. (C.13.) Clean faced brick (red/brown colours) should be used	Yes	The proposed finishes and design are consistent with the character of the area, with brown hues and red tiled roofs. The finished brick will be a diluted brown similar to No. 22 and No. 24 Chester Street, complementing the surrounding character of the area.
7.10.8. (C.16.) Traditional materials such as slate/ terracotta to be used as roofs	Yes	Terracotta will be used for the roof of the dwelling. Specifically, 'Marseille' Terracotta, a red finish, to complement <i>the HCA</i> . The melded red finish will not detract from the current prevailing streetscape and character. It is in similar design to the existing design of No. 18 & No. 20 Chester Street.

7.10.8. (C.19.) Original fences and gates should be maintained	Yes	The original red brick wall is to be maintained with no proposed changes.
7.10.8. (C.27.) Carports are to be behind the main building liner and separately articulated from the dwelling	Yes	No new garages or carports are proposed. The existing garage located at the rear of the site, is to be retained as per council's suggestion.

REFERRALS

Internal Referrals	Comment
Development Engineer	Supported subject to conditions.
Landscape	Supported subject to conditions.
Heritage	<p>Council's Senior Heritage Specialist has reviewed this proposal and supports this development subject to conditions.</p> <p><i>"The existing house is in a dilapidated state and is a poor contribution to the streetscape of Chester Street. The house on the subject site is not of any specific significance within the conservation area. The removal of the building will not result in the loss of any specific materials, buildings forms or historical significance to East Epping HCA.</i></p> <p><i>The proposed demolition of the existing dwelling, and construction of a new dwelling, will not have significant impact to the East Epping Heritage Conservation Area. The proposed works of the single storey dwelling with pitched roofing, and the sufficient setback of the dwelling positively contributes to the HCA.</i></p> <p><i>Overall, its appropriate design and form are supported by its features above, along with the suitable appropriate materials and colours.</i></p> <p><i>Subsequently the proposed works therefore successfully fulfills the aims and objectives as laid out by the Parramatta DCP 2023."</i></p>
External Referrals	Comments
No external referrals required.	

PUBLIC CONSULTATION

The application was notified in accordance with Council's Consolidated Notification Procedures. In response, 13 unique submissions were received. The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition.

Issue	Response
Demolition <i>Not retaining the heritage character of the area.</i>	<p>The proposal achieves a high standard of sympathetic design in accordance with the HCA. The existing dwelling is in a dilapidated state and is not an individually listed heritage item, rather part of the East Epping HCA. Council supports the demolition of the dwelling with the proposed design.</p>
Landscaping and deep soil drainage and flooding	<p>The landscape and deep soil of the proposal, remains to be similar in nature of its neighbouring properties.</p>

	<p>Number 23A,27B, and 24A have similar existing landscaping and deep soil pattern, enabling the proposal to be similar with existing landscape of Chester Street.</p> <p>This site is not identified to be flood zone and will have sufficient stormwater drainage to support the proposal.</p>
<p>Tree removal <i>amenity and air quality</i></p>	<p>The proposal seeks to remove 13 trees from the site. All the trees listed for removal are noted above in this report and are identified as exotic species, under 3 metres in height, or are within the building footprint and should be removed.</p> <p>The trees identified for removal are not listed as significant to the HCA and would not unreasonably impact on the amenity of nearby properties or affect local air quality.</p>
<p>Setback <i>out of character with Chester Street</i></p>	<p>The proposed setbacks are consistent with the existing dwellings within Chester Street.</p>
<p>Dormer windows</p>	<p>Amended plans were submitted at Council's request to delete the dormers windows. Windows to the attic are now skylights and windows on the rear façade.</p>
<p>Roof (pitch)</p>	<p>The pitch of the roof does not drastically contribute to the bulk and scale of the building. The roof remains to be compliant with section 3.2.3. (C.02) in accordance with the PDCP 2023. Its 30-degree pitch, is suitable for the dwelling, design and overall character of the area with its non-invasive nature.</p>
<p>Veranda <i>out of character with Chester Street and non-compliant with the setback</i></p>	<p>The design of the veranda complements the HCA with its entry gables and muted finishes and materials.</p>
<p>Privacy <i>location of the windows at the attic and east elevation</i></p>	<p>The original design, involved dormer windows facing the East and West, side elevations. Council requested a re-design , proposing the windows to face the rear.</p> <p>The windows within the attic, are facing the rear of the property. There is sufficient setback at the rear posing no concerns for privacy issues to the rear neighbouring property. In addition, the rooms at the rear of the attic are bedrooms.</p> <p>The windows on the eastern elevation serve a sitting room, family room, and rumpus room. Of note, is the window to the 'family room' located centrally within the eastern elevation. Due to the design of the dwelling, this room would have a finished floor level approximately 1metre above natural ground level.</p> <p>To minimise opportunities for overlooking from this active use space, a condition of consent is recommended to either a) install a fixed privacy screen to window 6 (W6) on the architectural plans with a minimum height of 1.5 metres above finished floor level, or b) increase the sill height of this window to a minimum of 1.5 metres above finished floor level. The satisfaction of either of these</p>

	requirements would provide reasonable privacy to the adjoining property of 25a Chester Street.
Bulk (scale) <i>out of character with Chester Street</i>	<p>The building footprint is not excessive and is not out of character for the area. Although, the new proposed dwelling's building footprint is larger than the existing it is well under the maximum floor space ratio for the site.</p> <p>The proposed development's building footprint remains cohesive in nature and is not larger than No. 24a and No.24b Chester Street. It is similar in bulk and size of its neighbour No. 25a Chester Street.</p>
Height <i>not being single storey due to the attic</i>	Council is satisfied that the proposed development is a single storey with an attic, as the attic is contained wholly within the roof form. The deletion of the attic would not result in any meaningful change to the bulk of the proposed dwelling.
Finishes <i>out of character with Chester Street</i>	The finished materials as seen in figure 10 , are sympathetic within the colours and finishes referred to in PDCP 20223 for the HCA. The roof tiles are terracotta in colour and area like those on No. 20 and No. 23 Chester Street.
Driveway turning point. <i>The design of the driveway, and its turning area, disruption to the streetscape to Chester Street.</i>	<p>Part 3.3.1.5 of the PDCP 2023 states "Driveways may be required to incorporate a dedicated turning area to allow the 85% Design Car Turning Path, where...vehicles would otherwise have to reverse more than 30 metres."</p> <p>The driveway is of considerable length, totalling to be 42m in length. This excessive distance poses a risk to the pedestrians on Chester Street. The location of the turn bay at the front of the dwelling is due to the slope of the site at the rear. The driveway width and turning bay is of similar nature with number 19 Chester Street see figure 11 for reference.</p>



Figure 11: Showing No. 19's turning area and its proximity to the subject site.

<p>Driveway material <i>out of character with Chester Street</i></p>	<p>The proposed material of the driveway is concrete. This has been required by Council's Development Engineer due to the slope of the site.</p> <p>Council's Senior Heritage Specialist has deemed this to be acceptable and is not dissimilar to driveway materials in the HCA.</p>
<p>Asbestos</p>	<p>Conditions of consent have been imposed to ensure the safe disposal of asbestos, if encountered.</p>
<p>Maximum length of a side wall 10m</p>	<p>Council finds this variation to the control acceptable due to the development complying with the 3.3.1.2. <i>Building Envelope</i> objectives in the PDCP 2023. The 20m side walls do not contribute to the bulk and scale of the proposal. It remains compliant with the setbacks, height and overall uniformity of the character of Chester Street.</p>
<p>Architectural plans</p>	<p>The submitted architectural plans have been analysed and reviewed. The plans have been amended and all plans include RL's, the issue of window privacy and sill heights have been addressed. The plans accurately show the floor to ceiling heights of the ground level and attic.</p>

Landscape plans and arborist report	Council's Tree and Landscape Officer has included conditions of consent related to landscaping. The arborist report was also reviewed with Council satisfied with the documentation provided.
Heritage impact statement	Council's Senior Heritage Specialist has reviewed the proposal and is satisfied with the documentation provided.
Design / heritage impact.	The design remains to be non-invasive and complementary to the East Epping Heritage Conservation Area. Its use of subdued and sympathetic colours and finishes will not impact the heritage item and upholds the similar façade of the HCA. Further analysis can be seen in <i>part 7</i> of this report.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."

Conciliation Conference – Required and Not Held

The application received 13 unique submissions during the formal notification period and as a result, a Conciliation Conference was required to be held.

In this instance, the applicant chose not to attend a Conciliation Conference and therefore one was not held.

DEVELOPMENT CONTRIBUTIONS

The proposed development is exempt from the payment of Section 7.11 Contribution Plan since:

- the proposal is for demolition of an existing dwelling and construction of a replacement single dwelling.

BONDS

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

EP&A REGULATION 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 1.

CONCLUSION

Conditional consent

After consideration of the development application against section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposed development is suitable for the site and in the public interest.

Therefore, it is recommended that the application be approved subject to conditions.

RECOMMENDATION

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

- A. **That**, the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, grant development consent to DA/643/2023 on land at 25 Chester Street Epping, for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent, for the following:
 - 1. The development is permissible in the R2 Low Density Residential zone and generally satisfies the requirements of the applicable planning provisions.
 - 2. The development will be compatible with the East Epping Heritage Conservation Area and will not detract from the nearby heritage items.
 - 3. For the reasons given above, approval of the application is in the public interest.
- B. **That** all objectors are notified of the decision

“Appendix 4” to Section 4.15 Assessment Report - DA/643/2023**DRAFT CONDITIONS OF CONSENT**

Upon the signature of the applicable delegate, the conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/643/2023
Property Address: Lot 22 DP 262348
 25 Chester Street, EPPING NSW 2121

PART A – GENERAL CONDITIONS**Approved Plans & Supporting Documents**

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Drawings prepared by Brad Inwood Architects

Drawing/Plan No.	Issue	Plan Title	Dated
0810-001	B	Site Analysis	20.01.2024
0810-102	B	Demolition Plan	20.01.2024
0810-103	B	Ground Floor	20.01.2024
0810-104	B	First Floor	20.01.2024
0810-105	B	Roof	20.01.2024
0810-201	B	South	20.01.2024
0810-202	B	West	20.01.2024
0810-203	B	North	20.01.2024
0810-204	B	East	20.01.2024
0810-206	B	Colours and Materials	20.01.2024
0810-301	B	Site Management Plan	20.01.2024

Civil Drawings/Stormwater

Drawing/Plan No.	Issue	Plan Title	Dated
FSP-DWG-242900-H02	A	Site Drainage Plan	26.09.2023
FSP-DWG-242900-H03	A	Rainwater Tank & Pit Details	26.09.2023

Landscape Drawings

Drawing/Plan No.	Issue	Plan Title	Dated
0810-602	B	Landscape Plan	20.01.24
0810-302	B	Erosion and sediment	20.01.20.24

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects		v-02	Planning Solutions	17/10/2023
Waste Management Plan	-	-	Brad Inwood Architects	23/08/2023
Finishes Schedule				
BASIX Certificate No.1419138S_02	1419138S_02	02	Bradley Inwood	23/01/2024

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

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

An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

Soil and Water Management – Stockpiles

- Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

Nuisance Lighting

- Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard DR AS/NZS 4282:2018 The Control of the Obtrusive Effects of Outdoor Lighting.

Tree Retention

4. Trees to be retained are:

Tree No.	Name	Common Name	Location	Tree Protection Zone (m)
1,7,8	<i>Citrus x sinensis</i>	Orange	As per AIA	As per AIA
2	<i>Mangifera indica</i>	Mango	As per AIA	As per AIA
3,6	<i>Citrus reticulata</i>	Mandarin	As per AIA	As per AIA
4	<i>Citrus spp.</i>	Citrus	As per AIA	As per AIA
5	<i>Citrus lemon</i>	Lemon	As per AIA	As per AIA
21, 23, 24b	<i>Olea europaea</i>	Olive	As per AIA	As per AIA
22	<i>Punica protopunica</i>	Pomegranate	As per AIA	As per AIA
25, 28	<i>Jacaranda mimosifolia</i>	Jacaranda	As per AIA	As per AIA
26	<i>Tibouchina 'Alstonville'</i>	Tibouchina	As per AIA	As per AIA
27	<i>Pyrus calleryana</i>	Callery Pear	As per AIA	As per AIA

Reason: To protect significant trees which contribute to the landscape character of the area.

#Demolition & tree removal (Delete N/A Councils)

5. Trees equal to or greater than five (5) metres in height, which are protected under the Parramatta Development Control Plan (DCP) 2023 (Part 5.3.4 Tree and Vegetation Preservation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

Construction Certificate

6. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

No encroachment on Council and/or Adjoining proper

7. 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.

Payment of Security deposits

8. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Bond Type	Amount
Nature Strip and Roadway: <i>Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$2575.00
Street Trees: <i>\$2,410 per street tree in current financial year.</i>	\$4,820.00

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

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

Should a bank guarantee be lodged it must:

- Have no expiry date;
- Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/643/2023;
- Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

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

Reason: To 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.

Ventilation

9. A whirlybird or similar mechanical ventilation system must be installed within the roof in order to provide adequate ventilation to the attic. Details shall be provided to the satisfaction of the Certifying Authority.

Reason: To ensure adequate ventilation of the building.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Demolition of buildings

10. Approval is granted for the demolition of the primary dwelling currently on the property, subject to compliance with the following: -

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

Note: Developers are reminded that Safe Work NSW requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.

- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly contain with asbestos approval to commence demolition will not be given until Council is satisfied that all asbestos removal measures and obligations are in place.

- (e) On demolition sites where buildings to be demolished contain asbestos cement, signage is to be erected and maintained in accordance with Cl.469 of the Work Health and Safety Regulation 2017.

- (f) Should the conditions of this development consent require tree protection measures then demolition must not commence until all trees required to be retained are

protected in accordance with the conditions detailed under “Prior to Works Commencing” in this Consent.

(g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

(h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council’s domestic waste service for the disposal of any waste.

(i) Demolition works involving the removal and disposal of friable asbestos must be undertaken by a Class A friable licensed asbestos professional. Where there is in excess of 10sqm of non-friable (bonded) asbestos, the removal and disposal of the non-friable asbestos must be undertaken by either a Class A or Class B Asbestos Licence asbestos professional.

(j) Demolition is to be completed within 5 days of commencement. Unless agreed in writing by the City of Parramatta Council for larger sites.

(k) Demolition works are restricted to Monday to Saturday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Sundays or Public Holidays.

(l) 1.8m high Protective fencing is to be installed to prevent public access to the site.

(m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:

(i) Proposed ingress and egress of vehicles to and from the construction site;

(ii) Proposed protection of pedestrians adjacent to the site;

(iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.

(n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).

(o) Before demolition works begin, adequate toilet facilities are to be provided.

(p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.

(q) Within 14 days of completion of demolition, the applicant must submit to Council:

(i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and

(ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.

(iii) Payment of fees in accordance with Council’s current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

(iv) Prior to any earthworks or construction undertaken on site associated with the proposed development, ensure the above items are submitted and a post demolition clearance is provided from Council.

Reason: To protect the amenity of the area.

Driveway Material

10. Prior to the issue of Construction Certificate, amended plans are to be submitted to the satisfaction of the Private Certifier demonstrating the proposed driveway and turning bay are to be concrete.

Reason: To ensure adequate stormwater disposal.

Privacy Screens

11. Prior to the issue of the Construction Certificate, amended plans are to be submitted to the satisfaction of the Principal Certifier increasing the sill height of window no. 6 (W6) located on the eastern elevation for the Family Room, to a minimum of 1.5 metres above finished floor level.

Reason: To protect the privacy of adjoining residents.

Roof

12. Prior to the issue of the Construction Certificate, amended plans are to be submitted to the satisfaction of the Certifying Authority, indicating that the roof of the dwelling will be entirely terracotta tile as indicated on the approved plans.

Reason: To preserve the heritage character of the area.

Stormwater Disposal

13. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate and include provision for draining the proposed alfresco area, driveway and existing detached garage into the new stormwater drainage system.

Reason: To ensure satisfactory stormwater disposal.

Retaining walls

14. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

Sydney Water Quick check

15. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

Dial Before you Dig Service

16. 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.

Construction of a standard vehicular crossing

17. A standard vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS8 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

Impact on Existing Utility Installations

18. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

Driveway Grades

19. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate

suitable transition lengths. Details are to be provided with the application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.

Reason: To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

Non-standard - Prior to the issue of a CC

20. Prior to the construction certificate application a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a qualified and experienced stormwater drainage consultant shall be submitted to the certifying authority for approval. The final plan shall be in accordance with the abovementioned stormwater concept plan and shall comply with City of Parramatta Stormwater Disposal Policy, the BASIX requirements and with AS 3500. The plans shall in particular include the following;
- Surface levels shall be provided demonstrating that flows are directed around the dwelling towards the discharge point at minimum 1% grade to ensure that flows do not inundate the dwelling.
 - All finished floor levels shall have sufficient freeboard from adjacent external surface levels to ensure the dwelling is not inundated. This freeboard shall be 200mm for habitable FLL and 100mm for non-habitable FFL.

Reason: To ensure proper stormwater disposal

Long Service

21. Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the Long Service Levy of 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST) or as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the Certifier.

Note: The Long Service Levy is to be paid directly to the Long Service Corporation at www.longservice.nsw.gov.au. For more information, please contact the Levy support team on 13 14 41.

Reason: To ensure that the Long Service Levy is paid.

Infrastructure

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

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

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

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

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

Road Opening Permits - DA's involving drainage wrk

24. 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.

Erosion and Sediment Control measures

25. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

Site Maintenance

26. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

Shoring and adequacy of adjoining property

27. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation

- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

Special Permits

28. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

Reason: Proper management of public land.

Driveway Crossing Application

29. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7

(Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

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

Enclosure of the site

30. 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.

Appointment of PCA

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

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

Site Sign

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

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;

- (d) The development consent approved construction hours;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

Public liability insurance

33. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

Tree protection as per arborist report

34. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by CPS dated 05/10/2023 and the conditions of consent.

Reason: To ensure the protection of the tree(s) to be retained on the site.

Pruning/works on tree(s)

35. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

Reason: To ensure the protection of the tree(s) to be retained.

Compliance with Home Building Act (If Applicable)

36. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Reason: Prescribed condition EP&A Regulation, clause 98(1)(b).

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**Stormwater must be connected to the kerb & gutter**

37. Stormwater must be connected to the existing kerb inlet pit in Chester Street within the property frontage.

Reason: To ensure satisfactory storm water disposal.

Driveway trench at boundary

38. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

Erosion & sediment control measures

39. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

Damage to public infrastructure

40. 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.

Dust control

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.

Material storage and trees

42. No materials (including waste and soil), equipment or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the Tree Protection Zone (TPZ) of any tree whichever is greater. All activities involving soil level changes, excavation, all types of cleaning, and refuelling are prohibited within the TPZ.

Reason: To ensure the protection of the tree(s) to be retained on the site.

Excavation to be supervised by arborist

43. All excavation within the distances below, is to be supervised by an Australian Qualifications Framework (AQF) Level 5 Consulting Arborist.

Tree No.	Species	Common Name	Location	Distance from trunk
24b	<i>Olea europaea</i>	Olive	As per AIA	2.0m
26	<i>Tibouchina</i> "Alstonville"	Tibouchina	As per AIA	3.0m

All works within this zone is to be carried out using non-destructive construction method such as hydrovac (on the lowest setting) or careful hand-dig to retain all roots >30mm in diameter.

Once the work is completed a written summary detailing the works undertaken is to be forwarded to the Certifying Authority and to state if works were carried out in accordance with the Conditions of Consent and AS4970 *Protection of Trees on the Development sites*.

Reason: To provided adequate protection of trees.

Planting Requirements

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

Reason: To ensure appropriate landscaping.

Tree Removal

45. Trees to be removed are:

Tree No.	Name	Common Name	Location
9	<i>Citrus lemon</i>	Lemon	As per AIA
10	<i>Ficus carica</i>	Fig	As per AIA
11	<i>Citrus reticulata</i>	Mandarin	As per AIA
12,13	<i>Citrus x sinensis</i>	Orange	As per AIA
14-16 20	<i>Camellia japonica</i>	Camellia	As per AIA
17-19	<i>Camellia sasanqua</i>	Camellia	As per AIA
24a	<i>Olea europaea</i>	Olive	As per AIA

Reason: To facilitate development.

Removal of trees by an arborist

46. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and undertaken in accordance with the Code of Practice for Amenity Tree Industry 1998.

Reason: To ensure tree works are carried out safely.

Copy of development consent

47. 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.

Materials on footpath

48. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

Hours of work and noise

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

- **7am to 5pm on Monday to Friday**
- **7am to 5pm on Saturday**

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

Reason: To protect the amenity of the surrounding area.

Complaints register

50. 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:

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

Construction Noise

51. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

Survey Report

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

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

Building Work Compliance BCA

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

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

Road Occupancy Permit

54. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

Oversize vehicles using local roads

55. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

Driveway Crossover

56. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: Pedestrian and Vehicle safety.

Reinstatement of laybacks etc

57. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

Landscaping shall be completed prior to occupation

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

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

Occupation Certificate

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

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

Street number when site readily visible location

60. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

Record of inspections carried out

61. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

- (a) The development application and Construction Certificate number as registered;
- (b) The address of the property at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with statutory requirements.

BASIX Compliance

62. Under Section 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 1419138S_02, will be complied with prior to occupation.

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

PART F – OCCUPATION AND ONGOING USE

External Plant/Air-conditioning noise levels

63. 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.

Graffiti Management

64. 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.

Release of Securities/Bonds

65. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with Council's policies.

Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

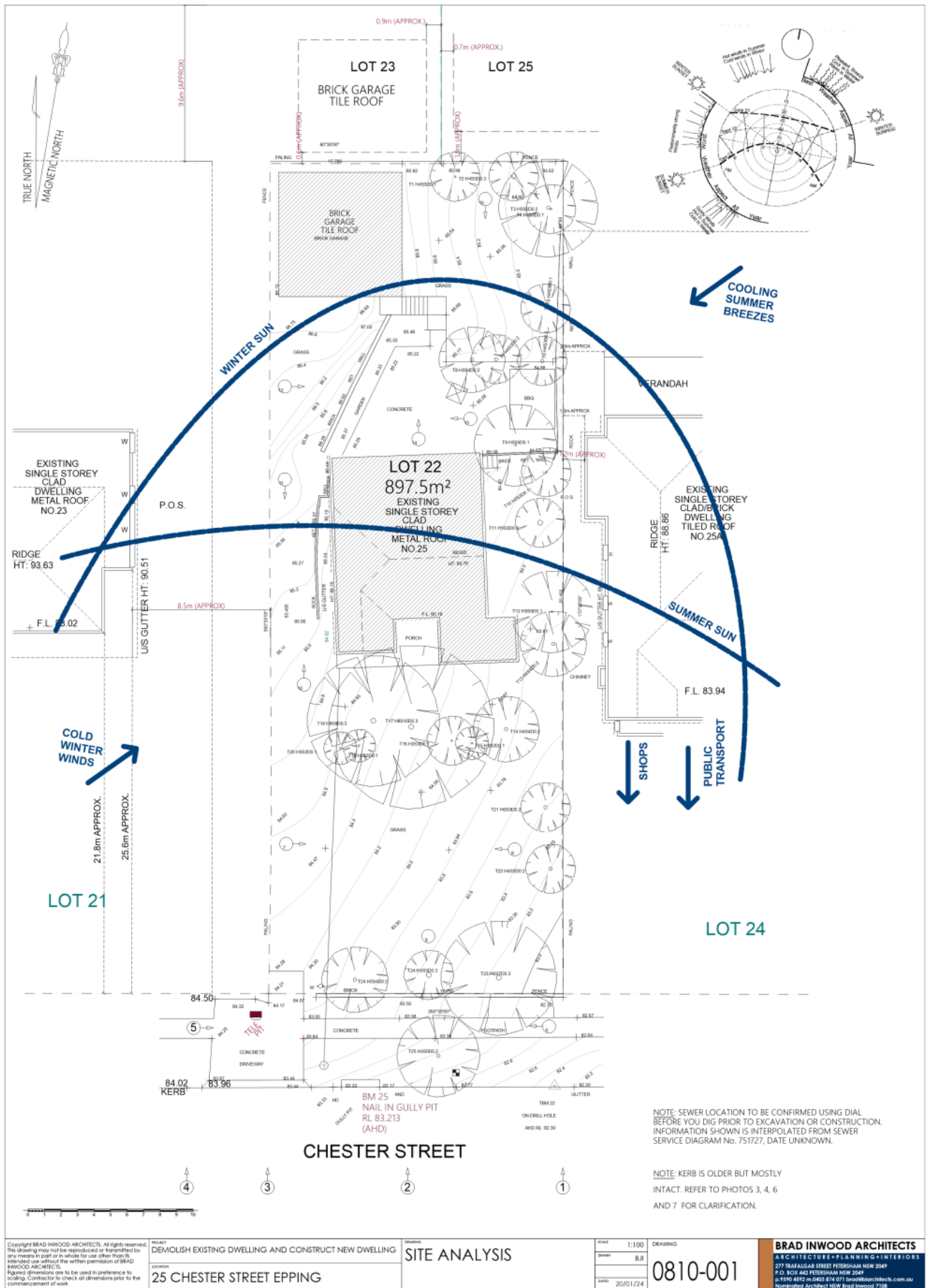
Note: A written application to Council's Civil Assets Team is required for the release of a bond and must quote the following:

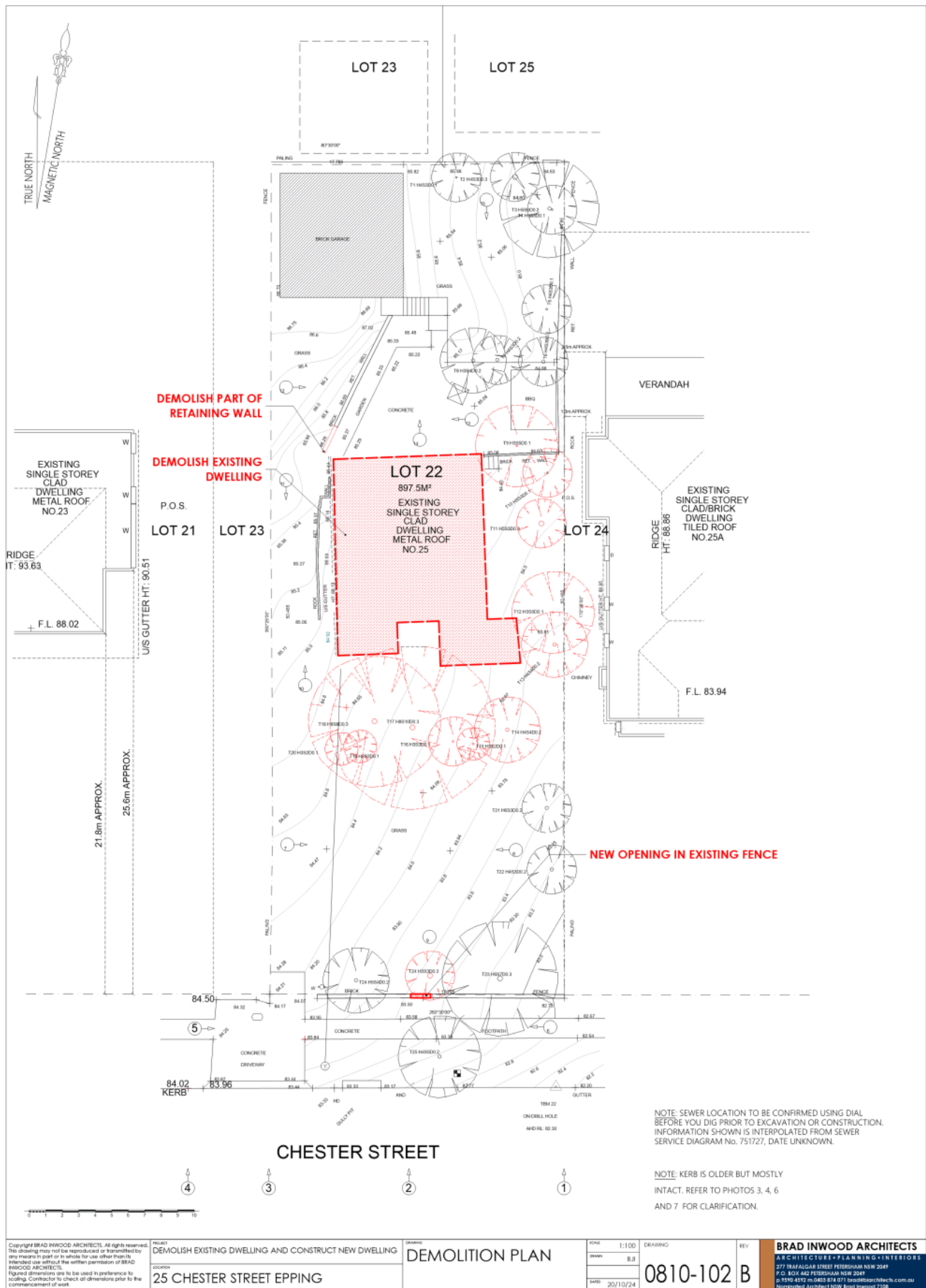
- (a) Council's Development Application number; and
- (b) Site address.

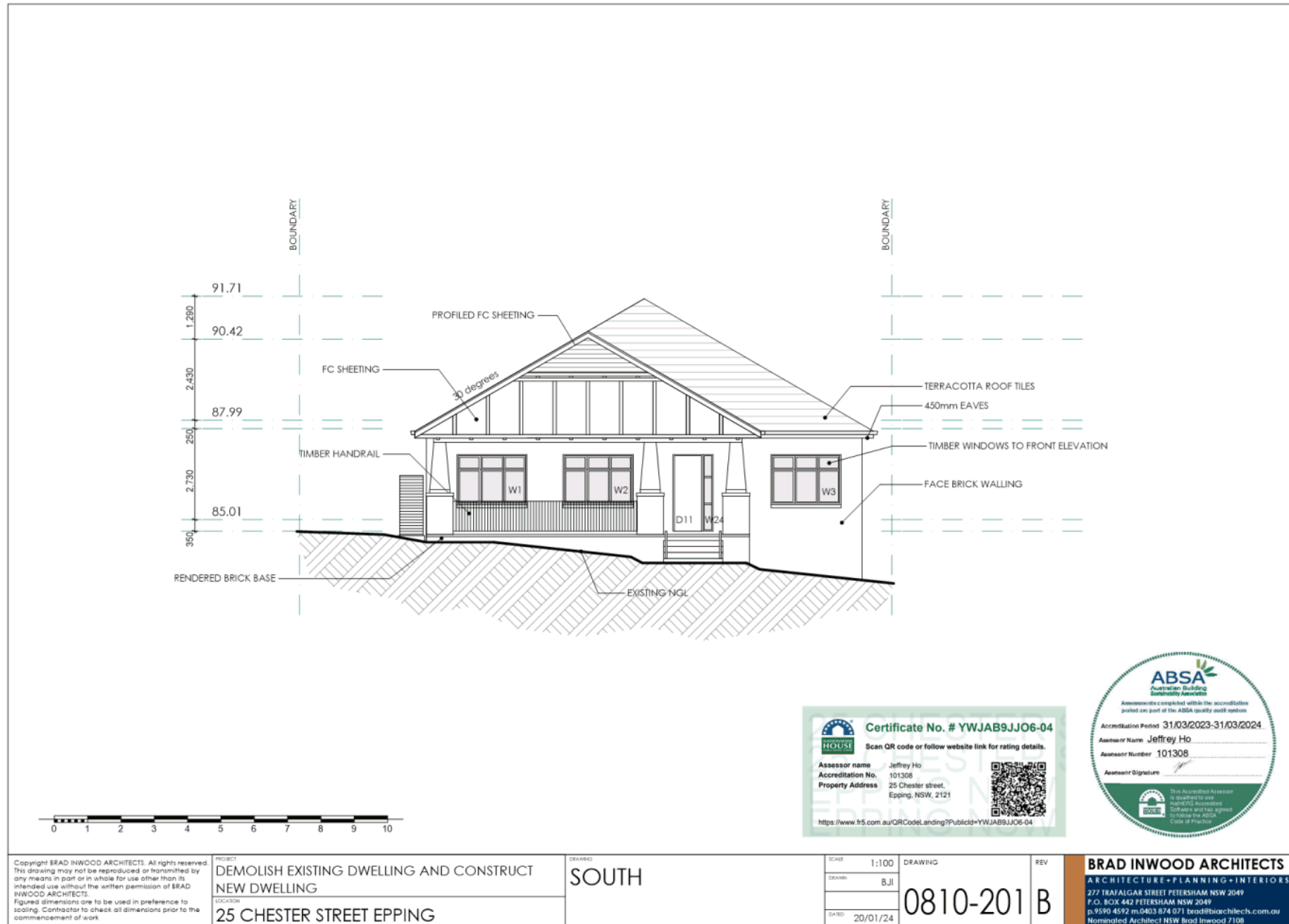
Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

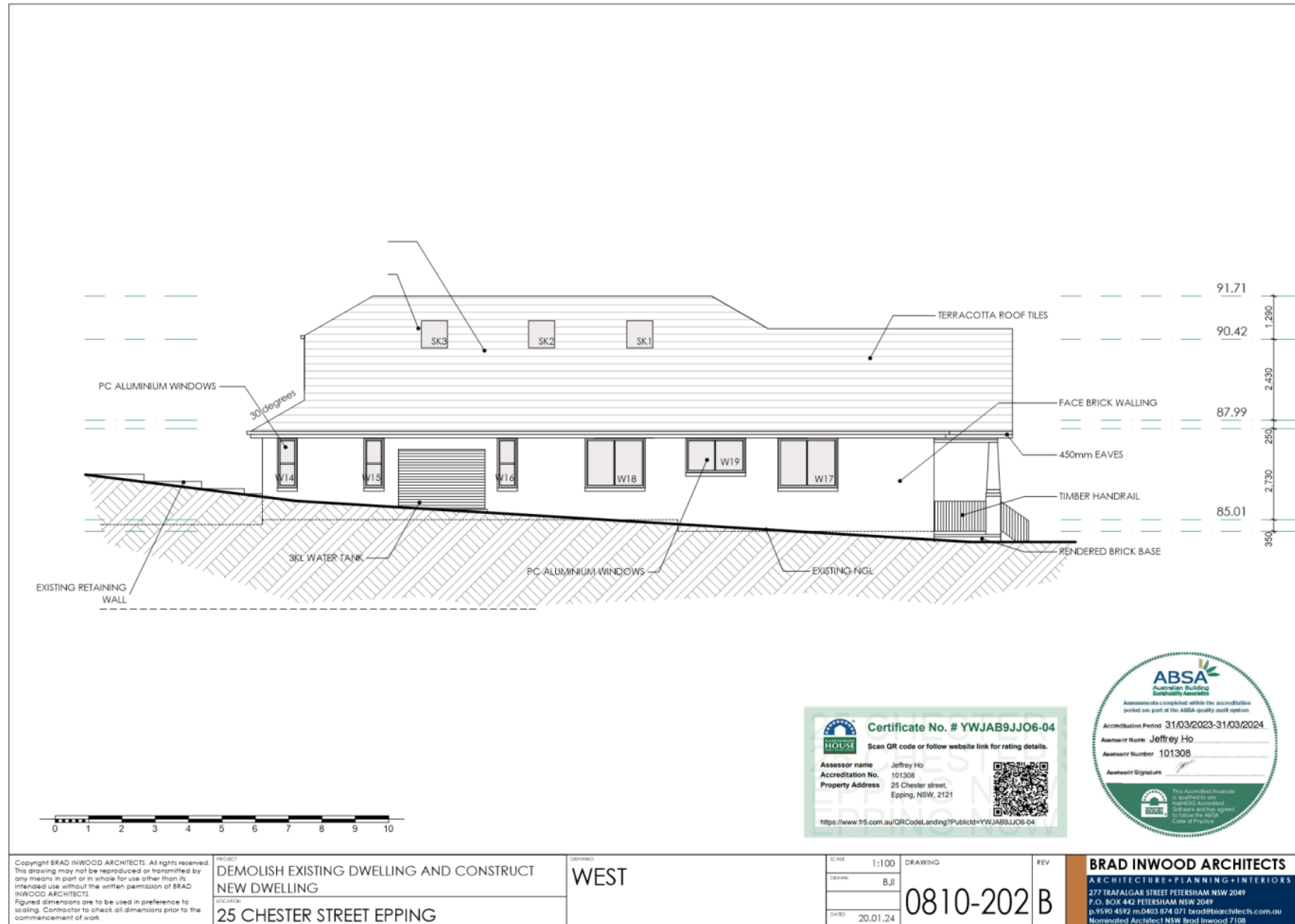
Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

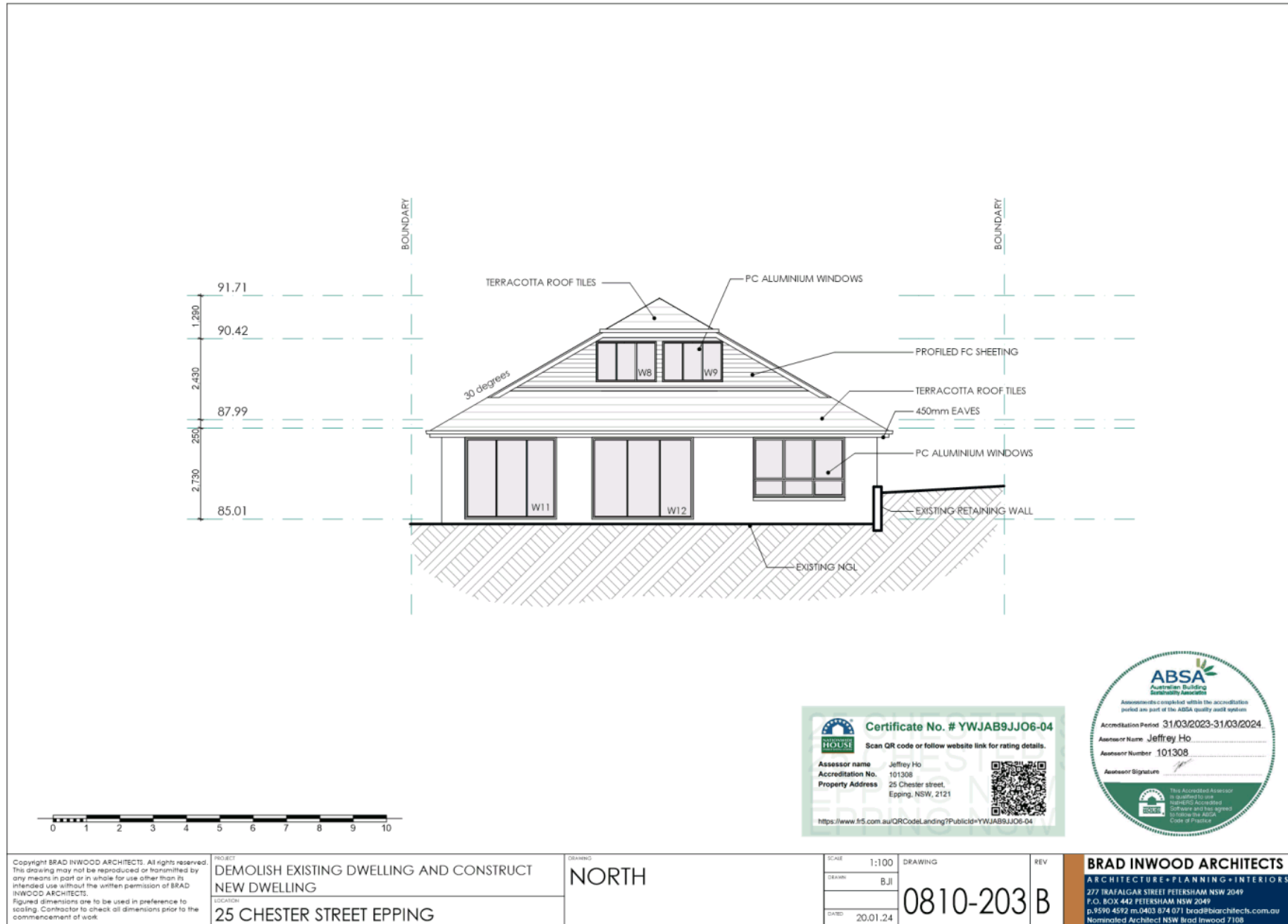


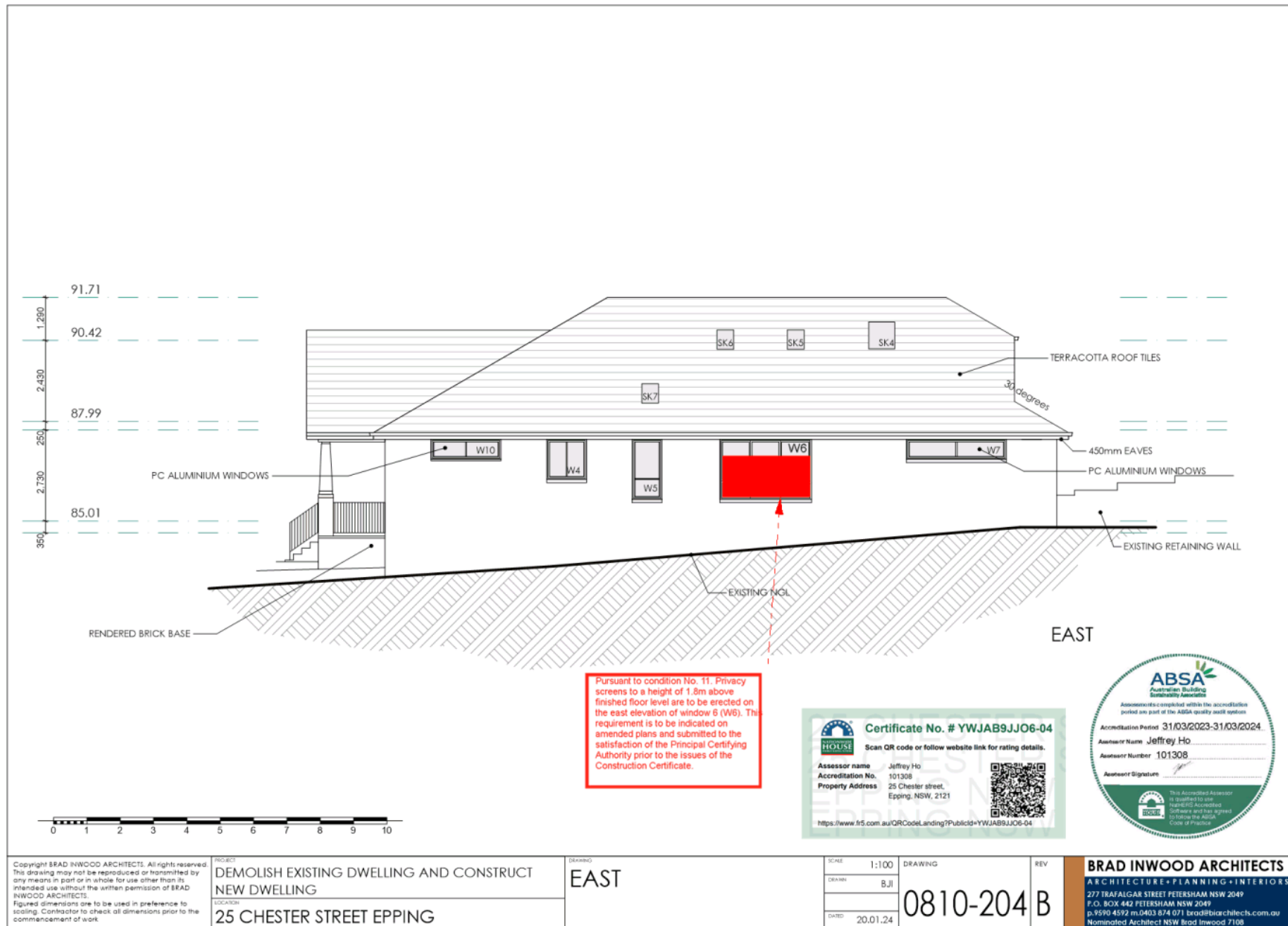


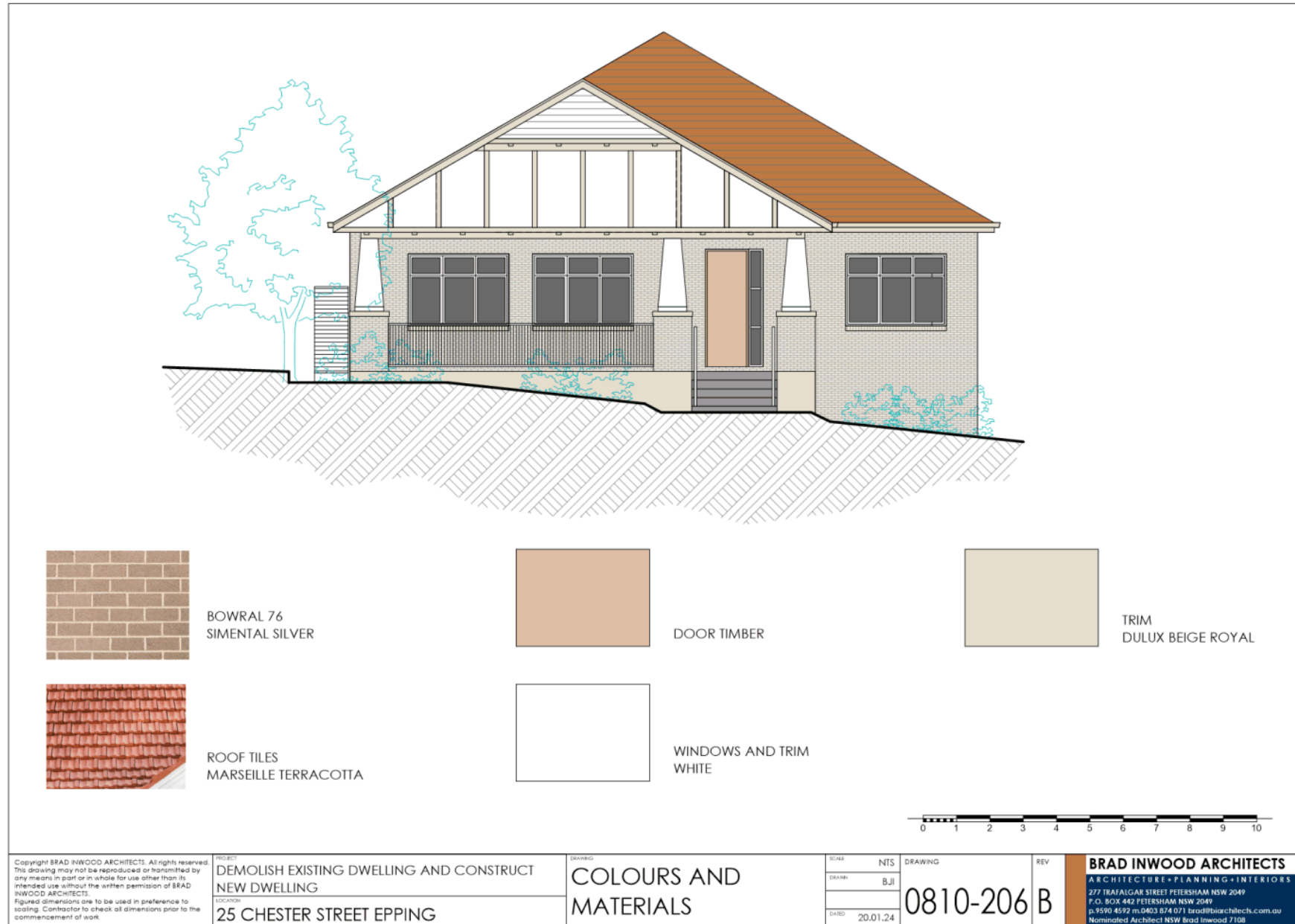


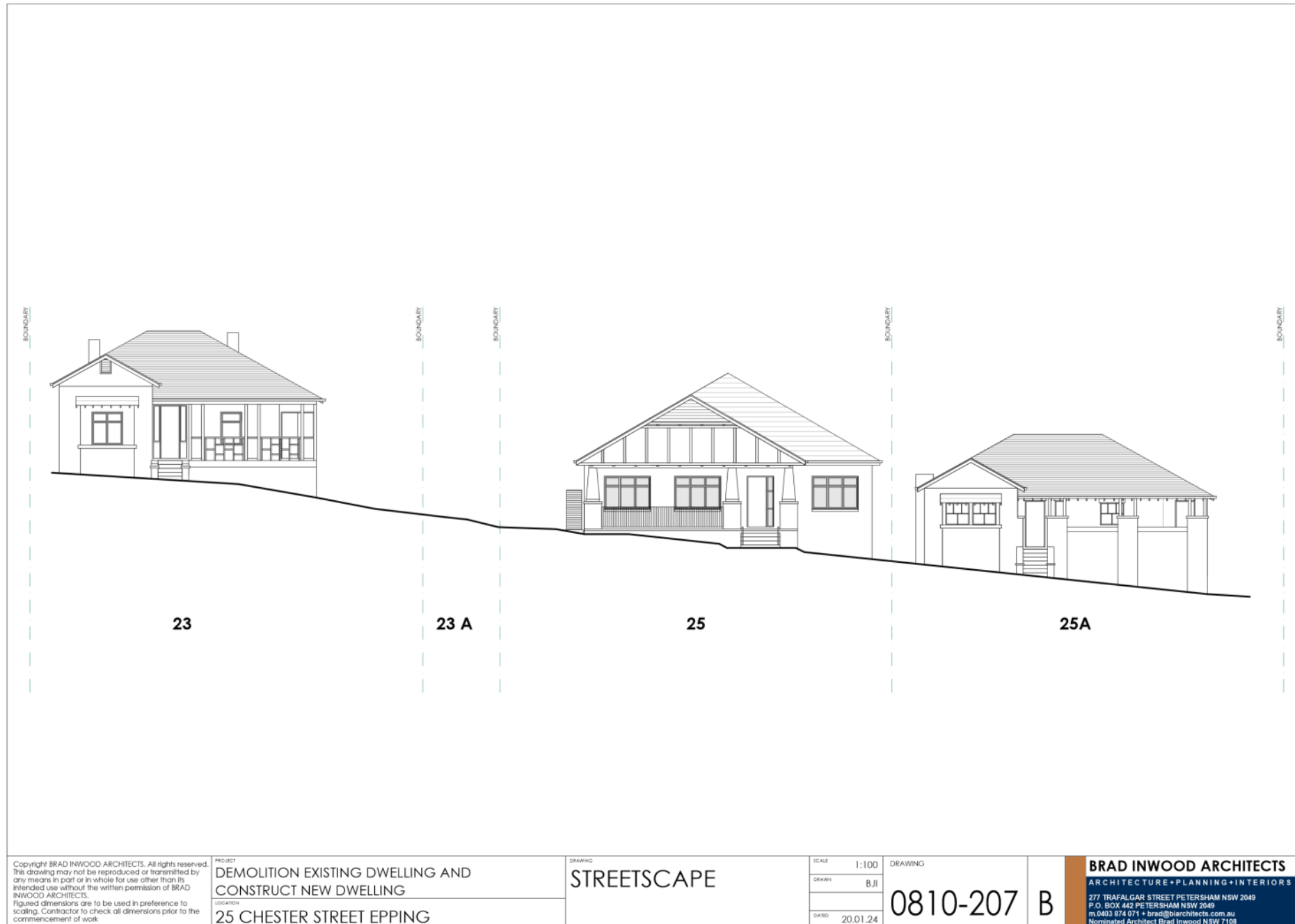


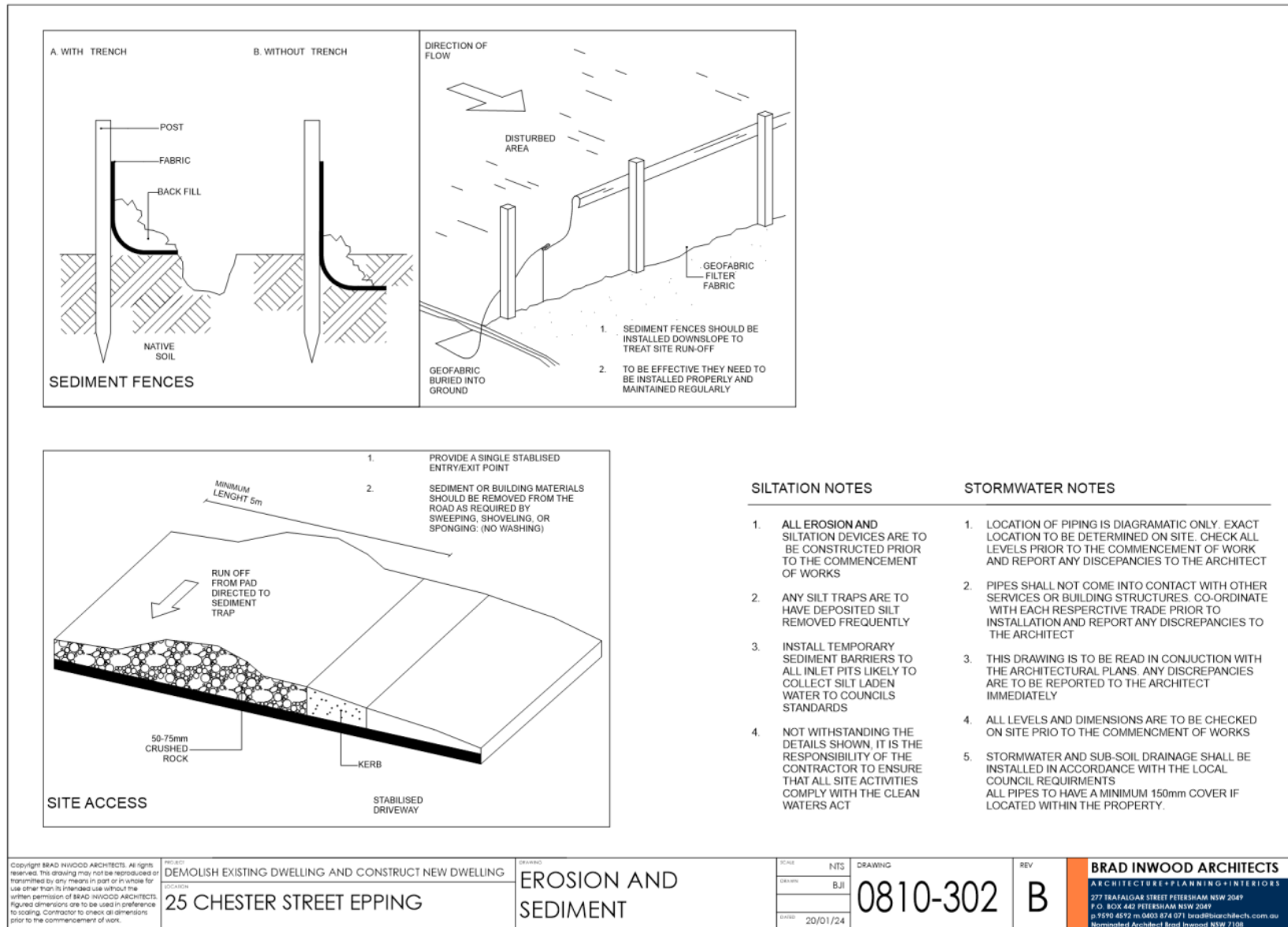














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PROJECT
DEMOLISH EXISTING DWELLING AND CONSTRUCT NEW DWELLING
LOCATION
25 CHESTER STREET EPPING

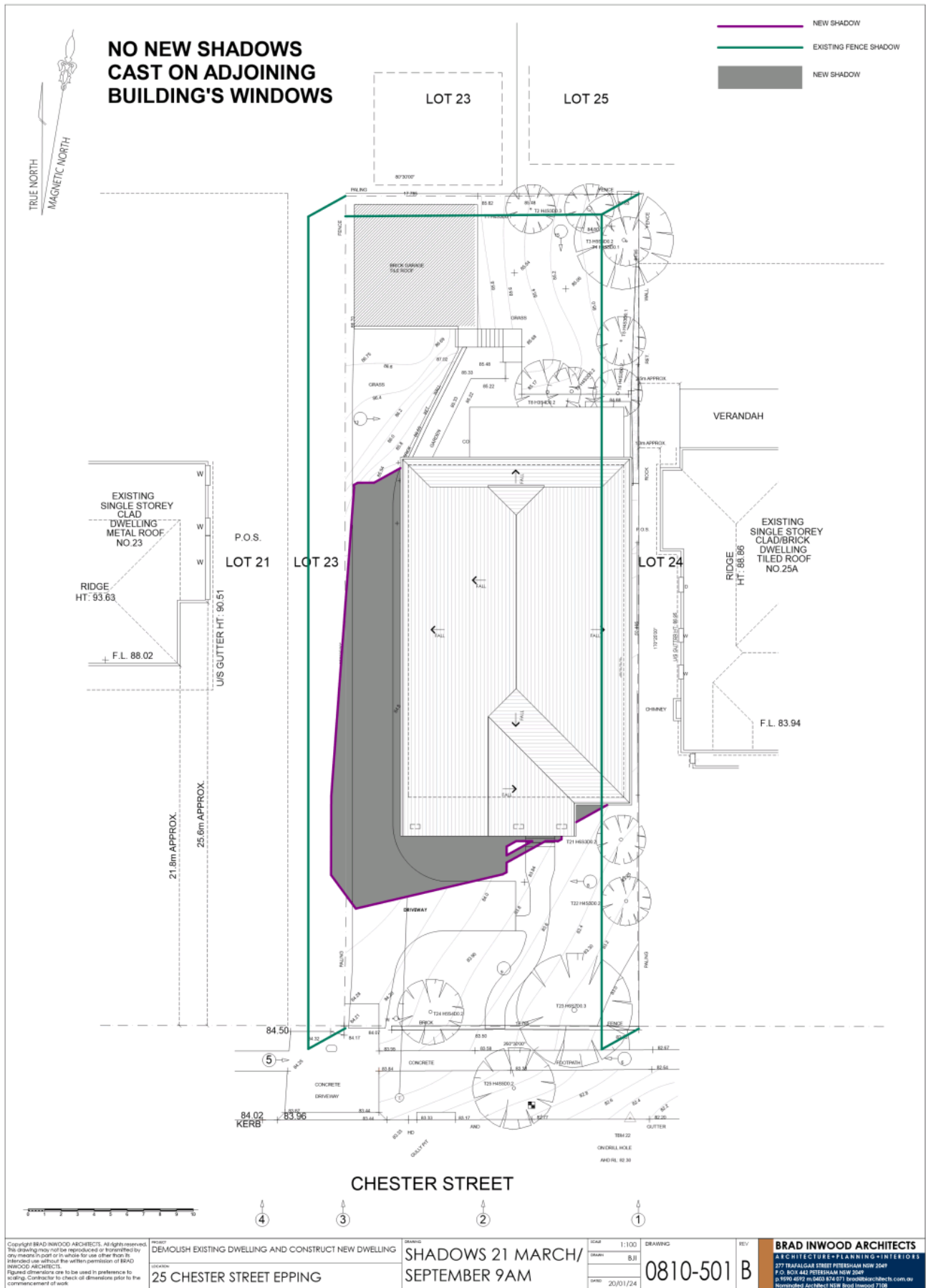
DESCRIPTION
TREE PROTECTION

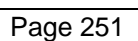
SCALE
NTS
DRAWN BY
BJI
DATE
20/01/24

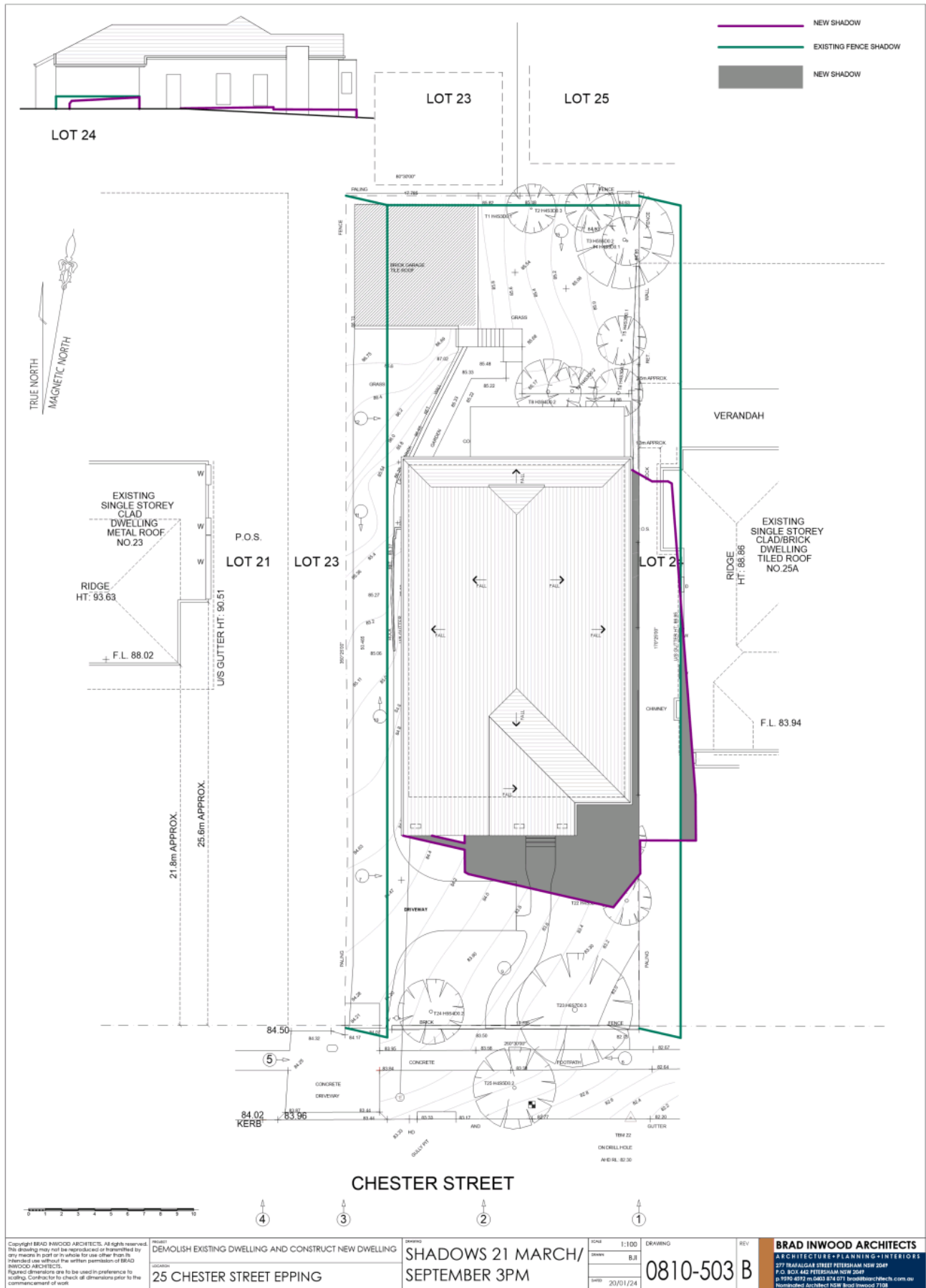
DRAWING
0810-303

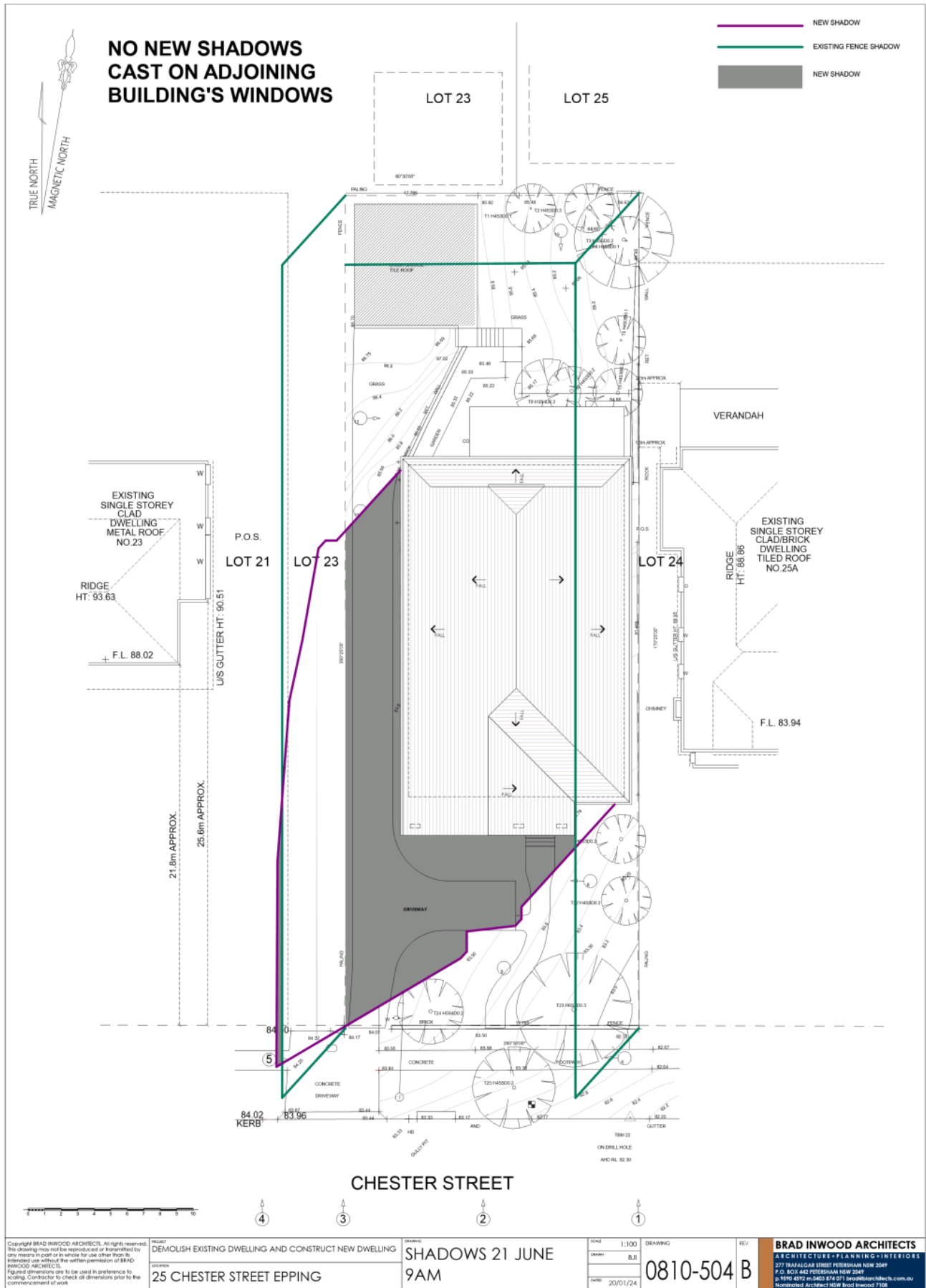
REV
B

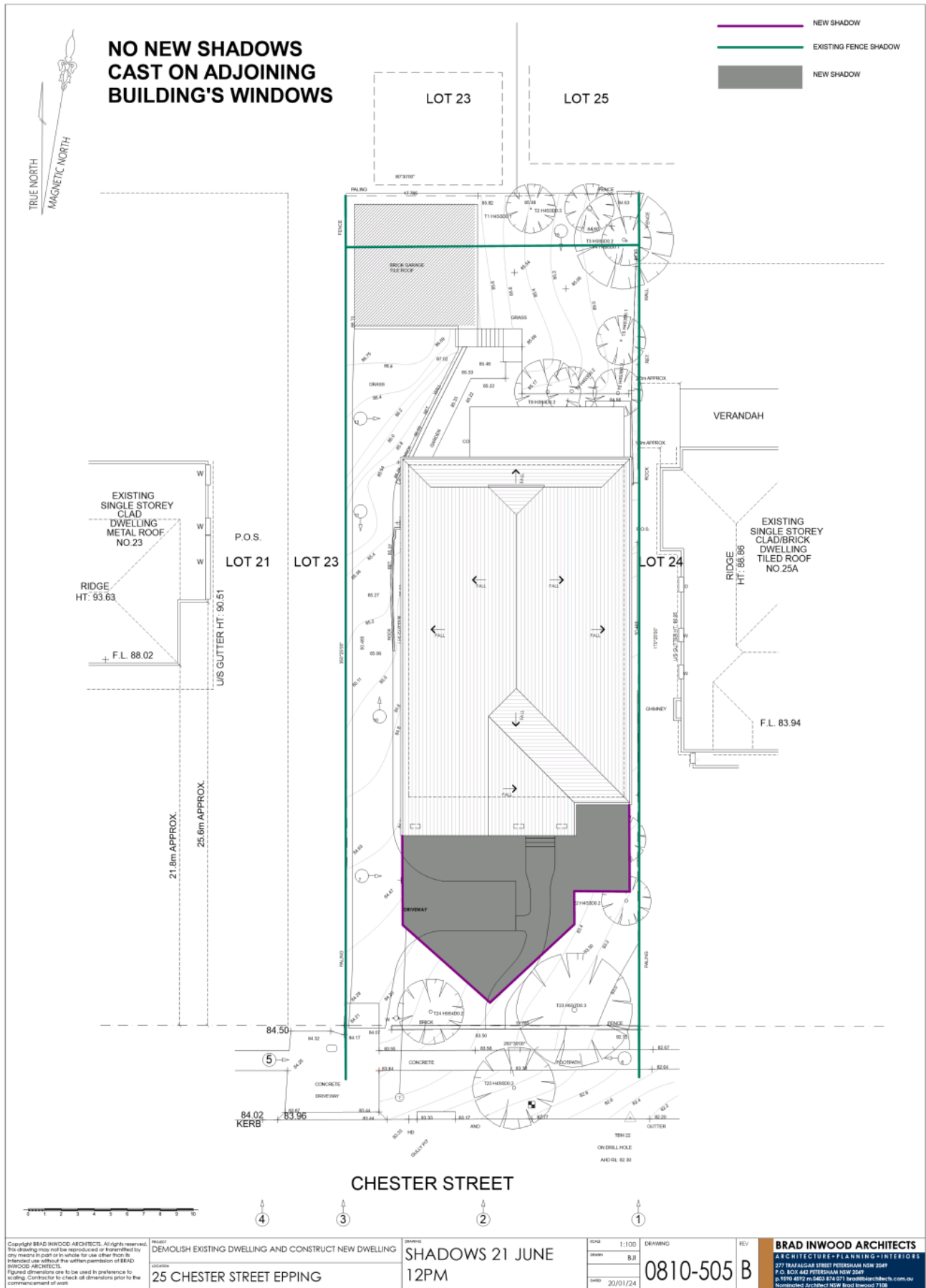
BRAD INWOOD ARCHITECTS
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P.O. BOX 442 PETERSHAM NSW 2049
ph 1510 4512 m 0403 874 031 brad@bradarchitects.com.au
Nominated Architect Brad Inwood NSW 7108

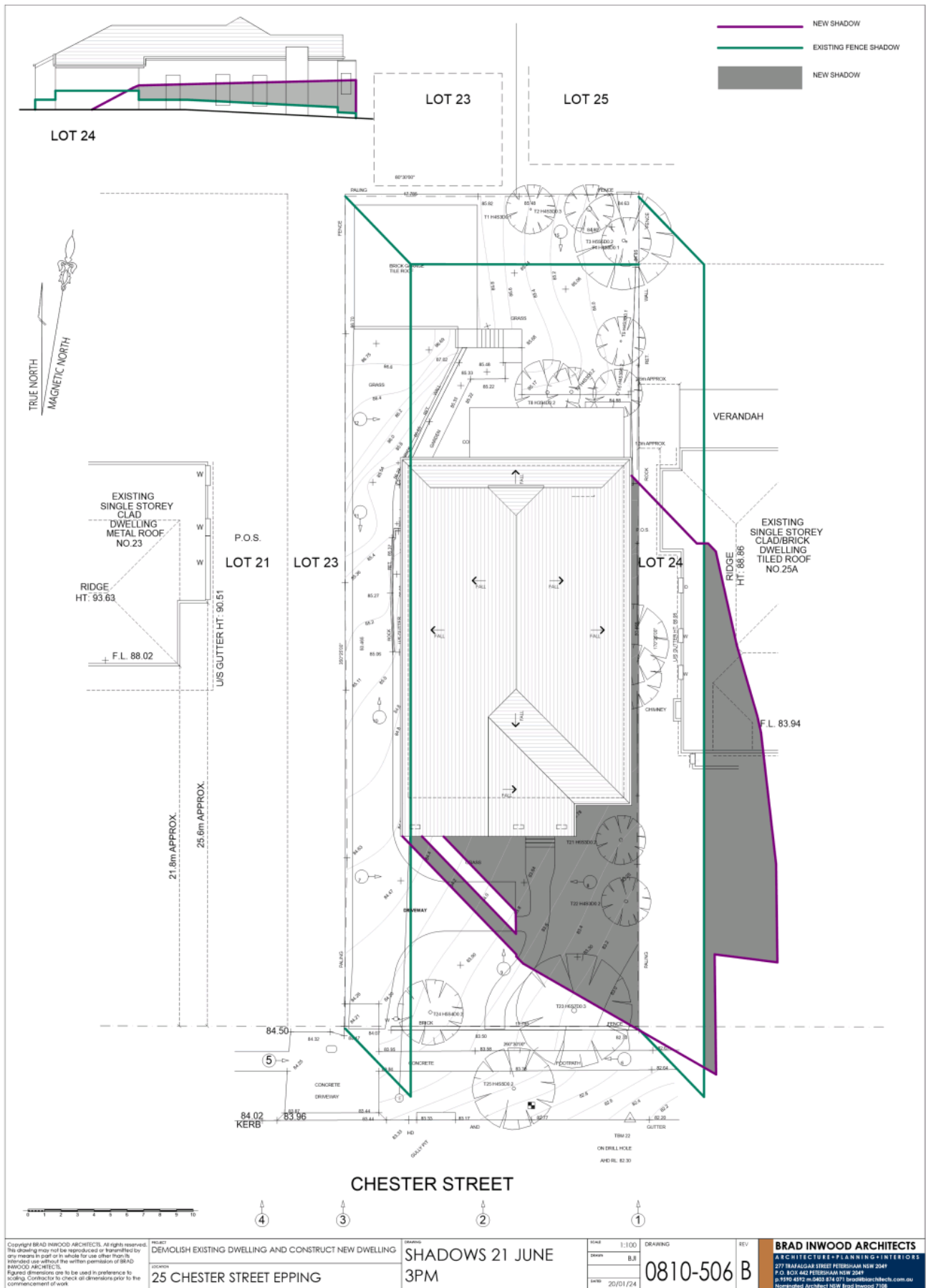


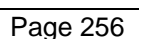


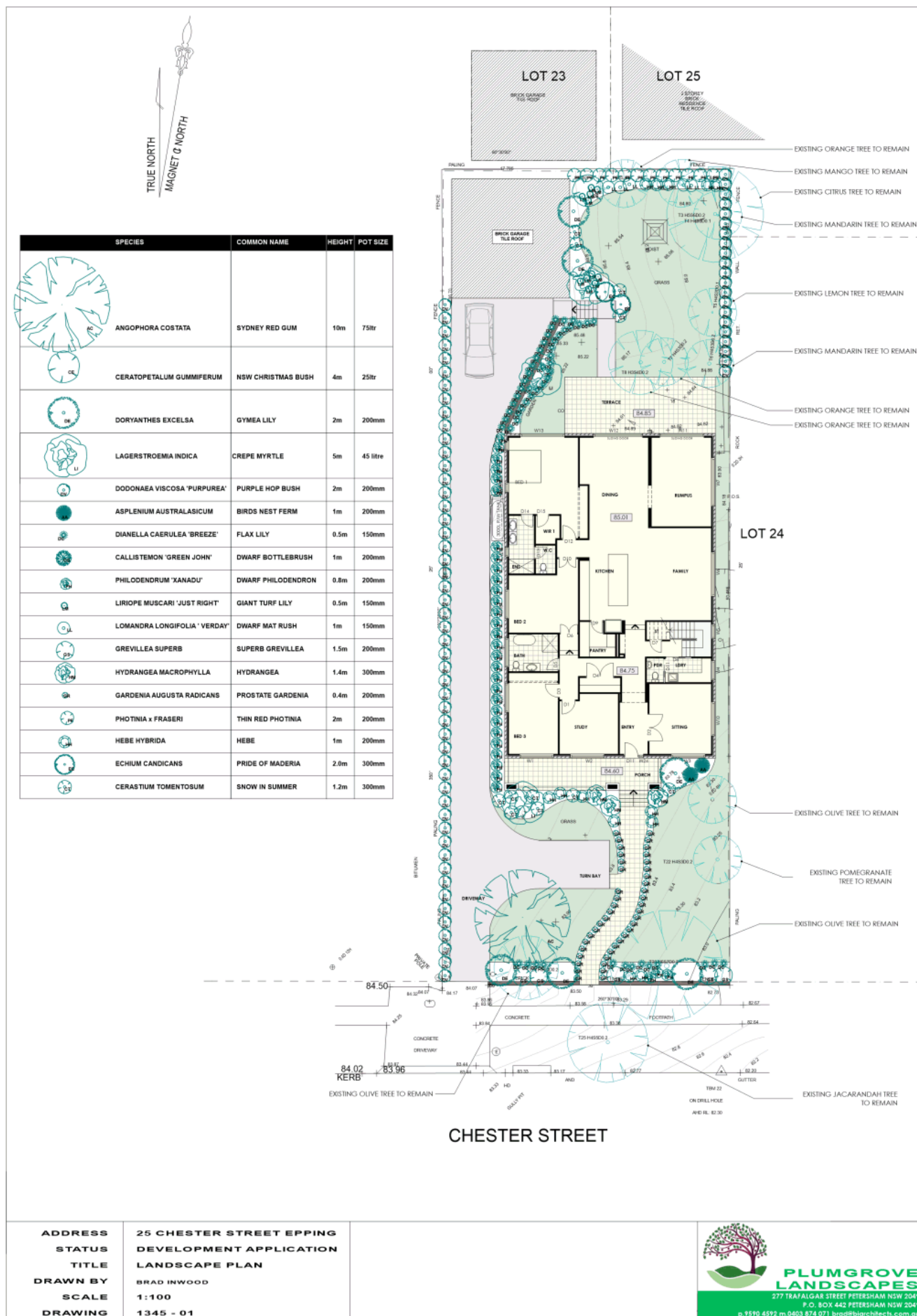














GYMEA LILY



NSW CHRISTMAS BUSH



FLAX LILY



PROSTATE GARDENIA



SYDNEY RED GUM



PURPLE HOP BUSH



PRIDE OF MADERIA



HYDRANGEA



CREPE MYRTLE



BIRDS NEST FERM



DWARF BOTTLEBRUSH

ADDRESS	25 CHESTER STREET EPPING
STATUS	DEVELOPMENT APPLICATION
TITLE	LANDSCAPE PLAN
DRAWN BY	BRAD INWOOD
SCALE	NTS
DRAWING	1345 - 02





HEBE



SUPERB GREVILLEA



DWARF MAT RUSH



SNOW IN SUMMER



THIN RED PHOTINIA



GIANT TURF LILY



DWARF PHILODENDRON

ADDRESS	25 CHESTER STREET EPPING
STATUS	DEVELOPMENT APPLICATION
TITLE	LANDSCAPE PLAN
DRAWN BY	BRAD INWOOD
SCALE	NTS
DRAWING	1345 - 03



IMPORTANT NOTATION FOR BUILDERS

- All dimensions are to be confirmed on-site by the builder/subcontractor, any incongruencies must be reported to the Designer in writing before the commencement of any work.
- No Survey has been made on the boundaries, all bearings, distances, and areas have been taken from the contour survey plan. A Survey must be carried out to confirm the exact boundary locations.
- No construction work shall commence until a site survey confirming the site boundaries has been completed. The contractor is to ensure that the approved boundary setbacks are confirmed and used, the boundary setbacks take precedence over all other dimensions. The Survey work must be performed by a registered Surveyor.
- In the event of encountering any discrepancies on these drawings, specification, or subsequent instructions issued, the Builder/Subcontractor shall contact the designer in writing before proceeding further with any work. The builder/subcontractor is responsible to ensure that all materials installed on-site are fit for purpose and comply with the NCC and relevant Australian standards. The builder is to get written confirmation of material selection by the client prior to ordering.
- All construction, control joints, and expansion joints in the wall, floors, other locations shall be in strict accordance with the Structural Engineering details. No joints or breaks other than specified are allowed without written permission from the Engineer.
- Measurements for the fabrication of secondary components such as windows, doors, internal frames, structural steel components, and the like, are not to be taken from these documents. Measurements must be taken on-site to suit the work as constructed.
- All structural components shall be in strict accordance with details and specifications as prepared by a structural engineer.
- All existing structures need to be examined for structural adequacy, and it is the Contractor's responsibility to ensure that a certificate of structural adequacy is available prior to the start of any work.

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	DEMOLISH EXISTING DWELLING AND CONSTRUCT NEW DWELLING	STATUTORY 01	DRAWN	BJI	0810-401	B	
	LOCATION		DATE	20/01/24			
	25 CHESTER STREET EPPING						

GENERAL NOTATION

- Approved means by the 'relevant local authority' or council

- The owner will directly pay the fees associated with the following: building approval from council, footpath and kerb deposits with the local council, insurance fee to building services corporation, long service leave service levy fee and approval fee by water and sewerage authority. all other fees are to be paid by the builder. the amount of any local authority deposits which are forfeited due to damage or other cause will be deducted from the payments due to the builder.

- The builder is to provide at his/her own expense adequate public risk insurance and arrange indemnification under the workers compensation act. works insurance to be stated in the contract conditions.

- All work to be carried out in a tradesmen like manner and in accordance with the standards codes and regulations of the standards association of Australia, building code of Australia and any statutory authority having jurisdiction over the work.

- All tenderers are to visit the site to satisfy themselves as to the nature and extent of the works, facilities available and difficulties entailed in the works as variations will not be allowed due to work arising owing to neglect of this clause.

- All work and materials to comply with the current Australian standards at the time of commencement were applicable.

- These drawings shall be read in conjunction with all structural and other consultants drawings and specifications and with any such written instructions as may be issued during the course of the contract.

- Set out dimensions shown on this drawing shall be verified by the builder on site before commencement of any work. dimensions should not be obtained by scaling the drawings. use only figured dimensions. all dimensions are in millimetres.

- The builder is to ensure all construction, levels and other items comply with the conditions of the building approval.

- The builder is to comply with all ordinances, local authority regulations and the requirements of all services supply authorities having jurisdiction over the works.

- All plumbing and drainage work to be installed and completed by a licenced tradesman and in accordance with the statutory body having authority over the works. connect all waste to Sydney water sewer line

- All new downpipes are to be connected to the existing storm water system.

- All power and stormwater outlet locations shall be determined onsite by the owner.

- Smoke detector alarm to be installed in accordance with AS3786 and the building code of Australia.

- Electrical work to be in accordance with SAA wiring rules and be done by a licenced tradesman

- Any detailing in addition to what is supplied shall be resolved between the owner and the builder to the owner's approval, except for any structural details or design which is supplied by the engineer.

- All timber sizes and concrete details to be confirmed by the builder prior to commencement of any work.

- All structural work is to be in accordance with the structural details prepared by a structural engineer(i.e.) piers, footings, concrete slabs, retaining walls, steelwork, formwork, underpinning, additional structural loads, timber framing, wind bracing and associated connections. builder to obtain prior to finalising tender.

- Any work indicated on the plans but not specified, and any item not shown on the plan which is obviously necessary as a part of construction and/or finish is to be considered as shown and specified, and is to be done as part of the contract. variations will not be permitted without the written consent of the owner.

- The builder shall provide sediment and siltation control measures as required by council and maintain them through the duration of the works.

- A legible copy of the plans bearing approval stamps must be maintained on the job at all times. Hours of construction will be restricted to the times as required by the building approval.

- The builder is to arrange for all inspections required by the authorities and lending institutions to their requirements.

- The builder is to obtain approval for interruptions to existing services and minimise the duration and number of interruptions. Any interruptions with existing services and equipment to be attended to by the appropriately skilled tradesmen.

- The builder shall restore, reinstale or replace any damage caused to existing structures or landscaping by construction work or workmen. provide protection to existing trees to remain as required by approval conditions.

- All brickwork is to be selected by owner and is to comply with AS1640

- All masonry to comply with AS3700

- All metalwork and flashing items necessary to satisfactory complete work shall be provided.

- All gutters, downpipes to be colorbond.

- All timber construction to be in accordance with the Australian standard 1684 "timber framing code"

- All glazing installed to comply with AS1288, 2047 and in accordance with manufacturers recommendation

- All wall and ceiling linings to be plasterboard or cement render as selected and villa board in wet areas, to comply with the relevant Australian standards or installed in accordance with manufacturers specification.

- All bathrooms and wet areas to be adequately waterproofed to manufacturers speciation and as3740 and part 3.8.1 of the building code of Australia housing provisions

- Stairs and balustrades to comply with part 3.9.1 & 3.9.2 of the building code of Australia housing provision.

- Termite protection measures to comply with as 3660 and be installed to manufacturers specification.

- Any detailing additional to that supplied, shall be resolved between the owner and the builder to the owners approval, except for any structural details or design which is to be supplied by the structural engineer

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	<div>LOCATION</div> <div>25 CHESTER STREET EPPING</div>		<div>DRAWN</div> <div>BJI</div>			
	<div>DATE</div> <div>20/01/24</div>					

SPECIFICATION

- "Approval" - obtained by either an 'Accredited Certifying Authority' or 'Local Council'.

- The Owner will directly pay all fees associated with the following: - Building approval from council or accredited certifier, any footpath and kerb deposits with the local council, insurance fees to Building Services Corporation, Long Service Leave levy fees and approval fees by water and sewerage authority. All other fees are to be paid by the builder. The amount of any local authority deposits which are forfeited due to damage or other causes, will be deducted from payments due to the builder.

-The Builder is to provide at his/her own expense adequate Public Risk Insurance and arrange indemnification under the Workers Compensation Act. Works insurance to be as stated in the contract conditions.

-All tenderers are to visit the site to satisfy themselves as to the nature and extent of the Works, facilities available and difficulties entailed in the works as Variations will not be allowed due to work arising owing to neglect of this clause.

- These drawings shall be read in conjunction with all structural and other consultant's drawings and specifications and with any such written instructions as may be issued during the course of the contract.

- Set out dimensions shown on this drawing shall be verified by the builder on site before commencement of any work. Dimensions shall not be obtained by scaling the drawings. Use only figured dimensions. All dimensions are in millimetres.

- The Builder is to ensure all construction, levels and other items comply with the conditions of the Building Approval.

- Any detailing in addition to what is supplied shall be resolved between the Owner and the Builder to the Owner's approval, except for any structural details or design which is to be supplied by the Engineer.

- All work to be carried out in a tradesman like manner and in accordance with the standards, codes and regulations of the Standards Association of Australia, National construction Code of Australia and any statutory authority having jurisdiction over the works.

- All structural work is to be in accordance with the structural details prepared by a suitably qualified structural engineer. Including but not limited to all piers, footings, concrete slabs, retaining walls, steelworks, formwork, underpinning, additional structural loads, timber framing, wind bracing and associated connections. Builder to obtain, prior to finalising the tender unless previously obtained by owners.

- All brickwork is to be selected by owner and is to comply with AS 1640. All masonry is to comply with AS 3700.

- Provide all metalwork and flashings necessary to satisfactorily complete the works.

- All timber construction to be in accordance with AS 1684 - "Timber Framing Code". Level & Grade where necessary under timber floors to provide a minimum clearance of 300mm under bearers or 400mm under joists. Adequate precautions shall be taken to ensure that the surface &/or seepage water does not collect or remain under floor area.

- Sustainable timbers and not rainforest or old growth timber will be used. Recycled timber or second hand timbers are to be sourced and used in preference to plantation timbers, if available and suitable.

- All glazing installed is to comply with AS 1288, 2047 and in accordance with manufacturers recommendations.

- All wall and ceiling linings to be plasterboard and villaboard or equal in wet areas. A breathable wall wrap is to be provided to all external walls. Timber cladding is to be battened out from timber frame to provide an 'air' gap to prevent condensation. Workmanship is to comply with the relevant Australian Standards or installed in accordance with manufacturer's specification. All bathrooms and wet areas to be waterproofed with a flexible membrane to manufacturer's specification and to AS 3740 and Part 3.8.1 of the Building Code of Australia Housing Provisions.

- All Architraves and skirtings to the profile as selected by owner, and painted or stain finish as selected.

- All plumbing and drainage work to be installed and completed by a licensed tradesman and in accordance with the statutory body having authority over the works. Connect all waste to Sydney Water sewer line.

- Connect all stormwater to existing system or street drainage system in accordance with AS 3500 and part 3.1.2 Drainage of the Building Code of Australia Housing Provisions.

- Smoke detector alarms to be installed in accordance with AS3786 and the Building Code of Australia/ NCC clause 3.7.2.2.

- If a member which provides structural support to the work is subject to attack by Termites protection measures are to comply with AS3660 and be installed to manufacturer's specification.

- Stairs and Balustrades to comply with part 3.9.1 & 3.9.2 of the Building Code of Australia Housing Provisions. Provide a handrail along the full length of the flight and a slip resistant finish to the edge of the nosings to comply with 3.9.1 and 3.9.2 of the NCC. No horizontal elements to facilitate climbing between 150mm and 760mm where floor to level below in more than 4m.

- Electrical works to be in accordance with SAA wiring rules and be done by a licenced tradesperson. Obtain electrical layout prior to proceeding. All electrical power (GPO's) and light outlets to be determined by owner.

- Painting: All paints or other coatings shall be of the best quality materials & of approved manufacture. All priming materials shall be of an approved brand acceptable to the manufacturer of the finishing coats to be used. External joinery intended to be painted shall be primed on all faces at the place of assembly. Where new work or alteration work adjoins existing painted surfaces allow for repainting existing surfaces to provide uniform appearance.

- ZERO-VOC or LOW-VOC paints and primers only are to be used.

- Any work indicated on the plans but not specified and any item not shown on the plans which is obviously necessary as part of proper construction and/or finish, is to be considered as shown and specified and is to be undertaken at the Builder's expense.

- Variations will not be permitted without prior written approval by the owners.

- The Builder shall provide sediment and siltation control measures as required by Council and maintain them throughout the duration of the works.

- A legible copy of the plans bearing approval stamps, must be maintained on the job site at all times. Hours of construction shall be restricted to the times as required by the building approval.

- The Builder is to arrange for all inspections required by the relevant authorities and/or lending institutions, to their requirements.

- The Builder is to obtain approval for interruptions to existing services and minimise the duration and number of interruptions. Any interruptions to existing services and equipment is to be undertaken by appropriately qualified tradespersons.

- The Builder shall restore, reinstate or replace any damage to existing structures or landscaping caused by the construction works or workmen.

- Provide protection to existing trees to remain, or as required by the Approval Conditions.

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NCC & AS COMPLIANCE SPECIFICATIONS

- Earthworks - part 3.1.1 of NCC
- Earth retaining structures - part 3.1.2 of NCC
- Drainage - part 3.1.3 of NCC
- Termite-risk management - part 3.1.4 of NCC
- Footings & slab - part 3.2 of NCC including as 2870:2011
- Masonry - part 3.3 of ncc including as 3700:2018
- Framing - part 3.4 of NCC
- Sub floor ventilation - part 3.4.1 of NCC
- Roof cladding and wall-cladding - part 3.5 of NCC
- Glazing - part 3.6 of NCC including as 1288
- Fire safety - part 3.7 of NCC
- Fire separation of external walls - part 3.7.2 of NCC
- Fire protection of separating walls and floors- part 3.7.3 of NCC
- Smoke alarms - part 3.7.5 of NCC
- Wet areas and external waterproofing - part 3.8.1 of NCC
- Room heights - part 3.8.2 of NCC
- Facilities - part 3.8.3 of NCC
- Light - part 3.8.4 of NCC
- Ventilation - part 3.8.5 of NCC
- Sound insulation - part 3.8.6 of NCC
- Stairway and ramp construction - part 3.9.1 of NCC
- Barriers and handrails - part 3.9.2 of NCC
- Swimming pools - part 3.10.1 of NCC
- Swimming pools - part 3.10.1 of NCC
- Construction in bushfire prone areas - part 3.10.5 of NCC
- Fencing & other provisions - regs & AS 1926.1 2012
- Demolition works - AS 2601-2001 the demolition of structures.
- Waterproofing of wet areas to comply with AS 3740-2010
- All plumbing & drainage work to comply with AS 3500:2018
- All plasterboard work to comply with AS 2588:2018
- All structural steel work to comply with AS 4100-1992 & AS 1554
- All concrete work to comply with AS 3600:2018
- All roof sheeting work to comply with AS 1562.1-2018
- All skylights to comply with AS 4285-2019
- All ceramic tiling to comply with AS 3958.1-2007 & 3958.2-1992
- All glazing assemblies to comply with AS 2047-2014 & 1288
- All timber retaining walls are to comply with AS 1720.1-2010,
- AS 1720.2-2006, AS 1720.4-2006, AS 1170.1-2002 & AS 1170.4-2007
- All retaining walls are to comply with 3700:2018 & AS 3600:2018
- All construction to comply with AS 3959:2018

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SAFETY NOTES

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

1. FALLS, SLIPS, TRIPS**a) WORKING AT HEIGHTS****DURING CONSTRUCTION**

Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE

For houses or other low-rise buildings where scaffolding is appropriate. Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation. For buildings where scaffold, ladders, trestles are not appropriate. Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

b) SLIPPERY OR UNEVEN SURFACES**FLOOR FINISHES Specified**

If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/ feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES By Owner

If designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197:1999 and AS/ NZ 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/ or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

2. FALLING OBJECTS**LOOSE MATERIALS OR SMALL OBJECTS**

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility. Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road. Parking of vehicles or loading/ unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas. For building where on- site loading/ unloading is restricted. Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/ unloading areas. For all buildings. Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES**GENERAL**

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using on appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used. Locations with underground power. Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing. Locations with overhead power lines: Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

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5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass. All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur. Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES

ASBESTOS

For alterations to a building constructed prior to 1990: If this existing building was constructed prior to:

1990 - it therefore may contain asbestos

1986 - it therefore is likely to contain asbestos

either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, culling, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts or the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES

EXCAVATION

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

For buildings with enclosed spaces where maintenance or other access may be required: Enclosed spaces within this building may present a risk to persons

entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

SMALL SPACES

For buildings with small spaces where maintenance or other access may be required: Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING RESIDENTIAL BUILDINGS

This building has been designed as a residential building. If it, at a later date, is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

NON-RESIDENTIAL BUILDINGS

For non-residential buildings where the end-use has not been identified: This building has been designed to requirements of the classification identified on the drawings. The specific use of the building is not known at the time of the design and a further assessment of the workplace health and safety issues should be undertaken at the time of fit-out for the end-user. For non-residential buildings where the end-use is known: This building has been designed for the specific use as identified on the drawings. Where a change of use occurs at a later date a further assessment of the workplace health and safety issues should be undertaken.

10. OTHER HIGH RISK ACTIVITY

All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012 and all licensing requirements. All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace. All work should be carried

out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.

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Project summary		
Project name	25 Chester Street Epping_02	
Street address	25 CHESTER STREET EPPING 2121	
Local Government Area	Parramatta City Council	
Plan type and plan number	Deposited Plan 262348	
Lot no.	22	
Section no.	-	
Project type	dwelling house (detached)	
No. of bedrooms	5	
Project score		
Water	✔ 47	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 73	Target 72
Materials	✔ -19	Target n/a

Project address	
Project name	25 Chester Street Epping_02
Street address	25 CHESTER STREET EPPING 2121
Local Government Area	Parramatta City Council
Plan type and plan number	Deposited Plan 262348
Lot no.	22
Section no.	-
Project type	
Project type	dwelling house (detached)
No. of bedrooms	5
Site details	
Site area (m²)	898
Roof area (m²)	235
Conditioned floor area (m²)	286.1
Unconditioned floor area (m²)	18.5
Total area of garden and lawn (m²)	360
Roof area of the existing dwelling (m²)	0

Assessor details and thermal loads		
Assessor number	101308	
Certificate number	YWJAB9JJO6-05	
Climate zone	56	
Area adjusted cooling load (MJ/ m².year)	12	
Area adjusted heating load (MJ/ m².year)	17	
Project score		
Water	✔ 47	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 73	Target 72
Materials	✔ -19	Target n/a

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PROJECT
DEMOLISH EXISTING DWELLING AND CONSTRUCT NEW DWELLING
LOCATION
25 CHESTER STREET EPPING

DRAWING
BASIX 01

SCALE
NTS
DRAWN
B.J.I.
DATE
20/01/24

DRAWING
0810-407

REV
B

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Nominated Architect Brad Inwood NSW 7108

Water Commitments									
Landscape									
The applicant must plant indigenous or low water use species of vegetation throughout 36 square metres of the site.									
Fixtures									
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.									
The applicant must install a toilet flushing system with a minimum rating of 6 star in each toilet in the development.									
The applicant must install taps with a minimum rating of 6 star in the kitchen in the development.									
The applicant must install basin taps with a minimum rating of 6 star in each bathroom in the development.									
Alternative water									
Rainwater tank									
The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.									
The applicant must configure the rainwater tank to collect rain runoff from at least 362 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).									
The applicant must connect the rainwater tank to:									
<ul style="list-style-type: none"> all toilets in the development at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.) 									
<small>Copyright BRAD INWOOD ARCHITECTS. All rights reserved. This drawing may not be reproduced or transmitted by any means in part or in whole for use other than in intended use without the written permission of BRAD INWOOD ARCHITECTS. Figured dimensions are to be used in preference to scaling. Contractor to check all dimensions prior to the commencement of work.</small>	<small>PROJECT</small> DEMOLISH EXISTING DWELLING AND CONSTRUCT NEW DWELLING <small>LOCATION</small> 25 CHESTER STREET EPPING	<small>DESIGN</small> BASIX 02	<table border="1"> <tr> <td><small>SCALE</small></td> <td>NTS</td> </tr> <tr> <td><small>DESIGNER</small></td> <td>BJI</td> </tr> <tr> <td><small>DATE</small></td> <td>20/01/24</td> </tr> </table>	<small>SCALE</small>	NTS	<small>DESIGNER</small>	BJI	<small>DATE</small>	20/01/24
<small>SCALE</small>	NTS								
<small>DESIGNER</small>	BJI								
<small>DATE</small>	20/01/24								
		DRAWING 0810-408	REV B						
BRAD INWOOD ARCHITECTS <small>ARCHITECTURE • PLANNING • INTERIORS</small> 277 TRAFALGAR STREET PETERSHAM NSW 2049 P.O. BOX 442, PETERSHAM NSW 2049 p. 02 9510 4592 m. 0403 574 071 b.i@bradintech.com.au Nominated Architect Brad Inwood NSW 7108									

Thermal Performance and Materials commitments

Construction

The applicant must construct the floors, walls, roofs, ceilings and glazing of the dwelling in accordance with the specifications listed in the tables below.

The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.

Construction	Area - m ²	Insulation
floor - concrete slab on ground, 30% cement substitute.	239	none
floor - above habitable rooms or mezzanine, treated softwood; frame: timber - untreated softwood..	70	none
external wall: brick veneer; frame: timber - hardwood predominant incl. glue laminated beams.	185	none+ foil/sarking
external wall: framed (fibre cement sheet or boards); frame: timber - untreated softwood.	86	none+ foil/sarking
internal wall: plasterboard; frame: timber - H2 treated softwood.	219.5	none
ceiling and roof - flat ceiling / pitched roof, framed - terracotta tiles , timber - H2 treated softwood.	235	ceiling: none; roof: foil/sarking.

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PROJECT
DEMOLISH EXISTING DWELLING AND CONSTRUCT NEW DWELLING
LOCATION
25 CHESTER STREET EPPING

DRAWING
BASIX 03

SCALE
NTS
DRAWN
B.J.I.
DATE
20/01/24

DRAWING
0810-409

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Nominated Architect Brad Inwood NSW 7106

Thermal Performance and Materials commitments

Glazing

The applicant must install windows, glazed doors and skylights as described in the table below, in accordance with the specifications listed in the table.

Frames	Maximum area - m2
aluminium	54.7
timber	0
uPVC	0
steel	0
composite	0

Glazing	Maximum area - m2
single	0
double	54.7
triple	0

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	<small>LOCATION</small> 25 CHESTER STREET EPPING		<small>DATE</small> 20/01/24			

Energy Commitments

Hot water

The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 6 stars.

Cooling system

The living areas must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.

The bedrooms must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.

Heating system

The living areas must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.

The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.

Ventilation

The applicant must install the following exhaust systems in the development:

At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off

Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off

Laundry: individual fan, ducted to façade or roof; Operation control: manual switch on/off

Artificial lighting

The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

Natural lighting

The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.

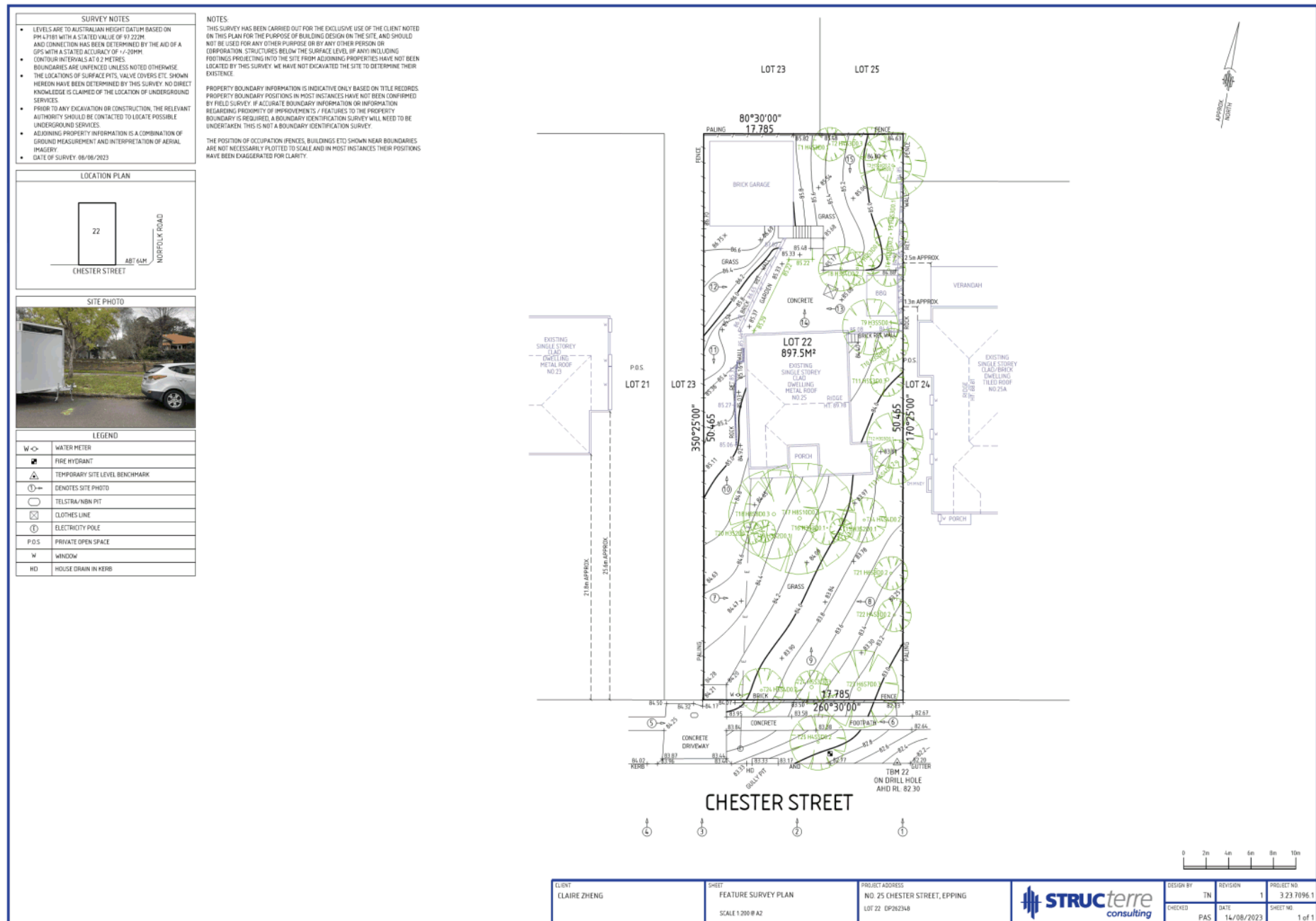
The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.

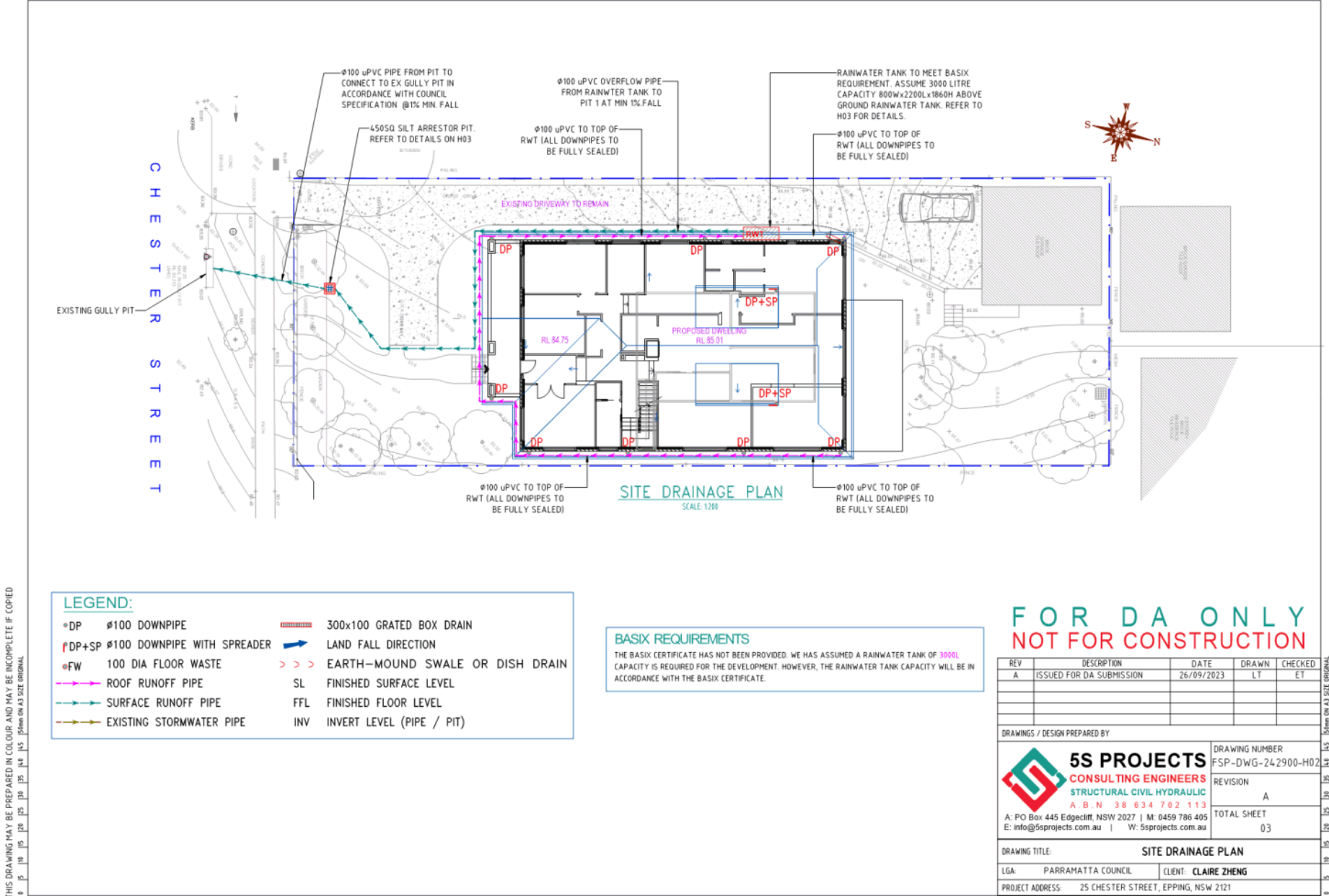
Other

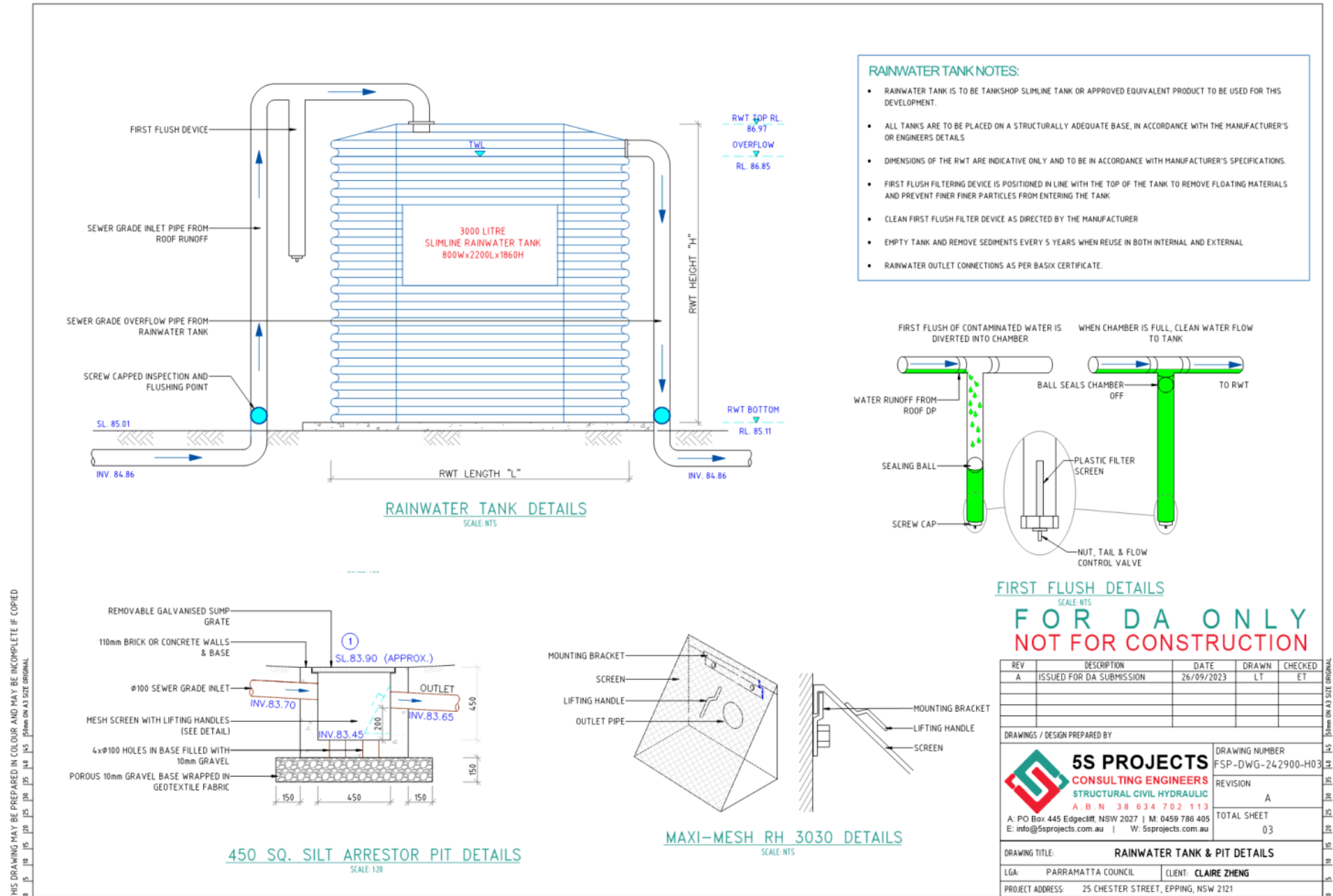
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.

The applicant must install a fixed outdoor clothes drying line as part of the development.

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	LOCATION	25 CHESTER STREET EPPING			DATE	20/01/24	0810-411	B	







Heritage Impact Statement



**Demolition of Existing Dwelling
and Construction of New Single Storey Dwelling**

to

25 Chester Ave, Epping

08 October 2023

Prepared for on behalf of the Owners



1.0 INTRODUCTION

- 1.1 Preamble
- 1.2 Limitations
- 1.3 Methodology
- 1.4 Heritage Listing
- 1.5 Inspection
- 1.6 Documentary Evidence
- 1.7 Site Location

2.0 HISTORICAL DEVELOPMENT OF THE SITE

- 2.1 Brief Outline of the History of the Area

3.0 SITE ASSESSMENT

- 3.1 The Surrounding Area
- 3.2 The Site
- 3.3 The Dwelling
- 3.4 The Streetscape and Context
- 3.5 The Adjoining Dwellings
- 3.6 Planting
- 3.7 East Epping Heritage Conservation Area

4.0 ASSESSMENT OF SIGNIFICANCE

- 4.1 Heritage Listing
- 4.2 The Proposal
- 4.3 NSW Heritage Office Criteria – 25 Chester Street, Epping

5.0 HERITAGE IMPACT STATEMENT

- 5.1 The Works and Reason for Its Implementation
- 5.2 Impact of Work

6.0 CONCLUSION



1.0 INTRODUCTION

1.1 Preamble

This heritage impact statement has been prepared by Brad Inwood of Brad Inwood Architecture + Heritage on behalf of the Owners of 25 Chester St, Epping which is located in the Parramatta Council area.

In summary, the following works are to be undertaken to the site:

- Demolish the existing dwelling to the site.
- Construct new dwelling. The dwelling is to be single storey with first floor attic rooms.
- The dwelling is to be constructed of face brick veneer walling, with a tiled roof on a concrete slab.
- Due to the fall of the land, some minor cutting and filling for the dwelling is proposed.
- The existing garage to the rear of the allotment is to remain.
- Some trees are proposed to be removed from the site.

This Heritage Impact Statement was written by Brad Inwood of Brad Inwood Architects B(arch)USW hons, B(URP) UNE.

1.2 Limitations

No historical Archaeological work has been carried out on the site.

A land titles search and a detailed history were not provided.

1.3 Methodology

This statement was prepared with reference to the NSW Heritage Office's NSW Heritage Manual, updated, Statements of Heritage Impact (2002) and with reference to the documents listed in Section 1.6.

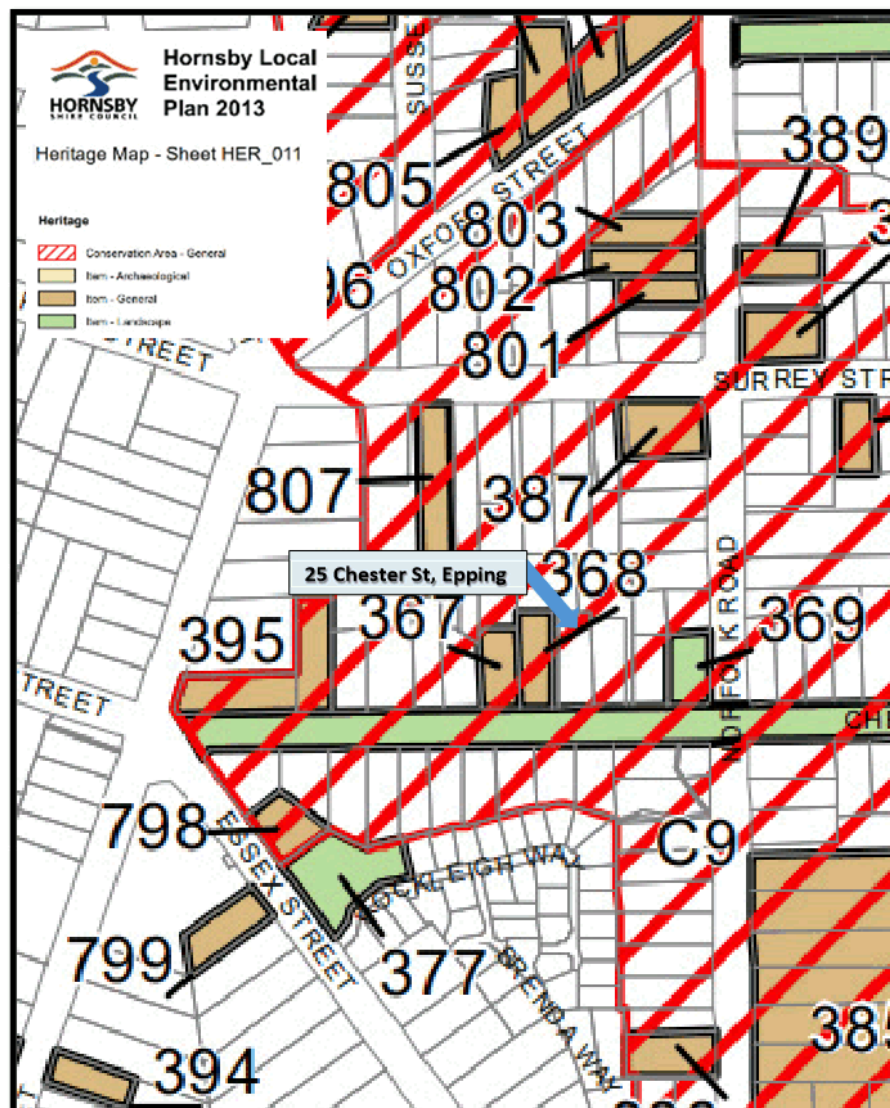
1.4 Heritage Listing

The site and dwelling at 25 Chester Street, Epping:

- Is located within the East Epping Heritage Conservation Area, as defined in the Hornsby Local Environmental Plan 2013 and also the Hornsby Development Control Plan (now administered by Parramatta Council).



- Is not heritage listed in the Hornsby Local Environmental Plan 2013 (now administered by Parramatta Council).
- Is near to heritage listed item I367 by Schedule 5, Part 1 of the Hornsby LEP 2013 (now administered by Parramatta Council) and is referred to as house and garden at 21 Chester Ave, Epping.
- Is adjacent to heritage listed item I368 by Schedule 5, Part 1 of the Hornsby LEP 2013, (now administered by Parramatta Council) and is referred to as house and garden at 23 Chester Ave, Epping.
- Is adjacent to heritage listed item I366 by Schedule 5, Part 1 of the Hornsby LEP 2013, (now administered by Parramatta Council) and is referred to as street trees along Chester Street.
- Is not located within the curtilage of any other heritage listed in the Hornsby Local Environmental Plan 2013 (now administered by Parramatta Council).
- Is not listed on the NSW State Heritage Register Under the NSW Heritage Act, 1977.



Conservation Areas and Heritage Items
Hornsby LEP 2013



As per Clause 5.10 of the Hornsby LEP 2013:

5.10 Heritage conservation

(1) **Objectives** The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Hornsby,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) 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) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) 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,
- (c) 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,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and



- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development—
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

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).

(5) Heritage assessment

The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- 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.

(6) Heritage conservation management plans

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.

1.5 Inspection

Brad Inwood of Brad Inwood Architects inspected the site on 14th of March 2022.

All photographic records in this report, unless noted otherwise were taken at the time of this inspection.



1.6 Documentary Evidence

The following references were consulted for the preparation of this statement:

Architectural Drawings

Prepared by Brad Inwood Architects.

Planning Documents

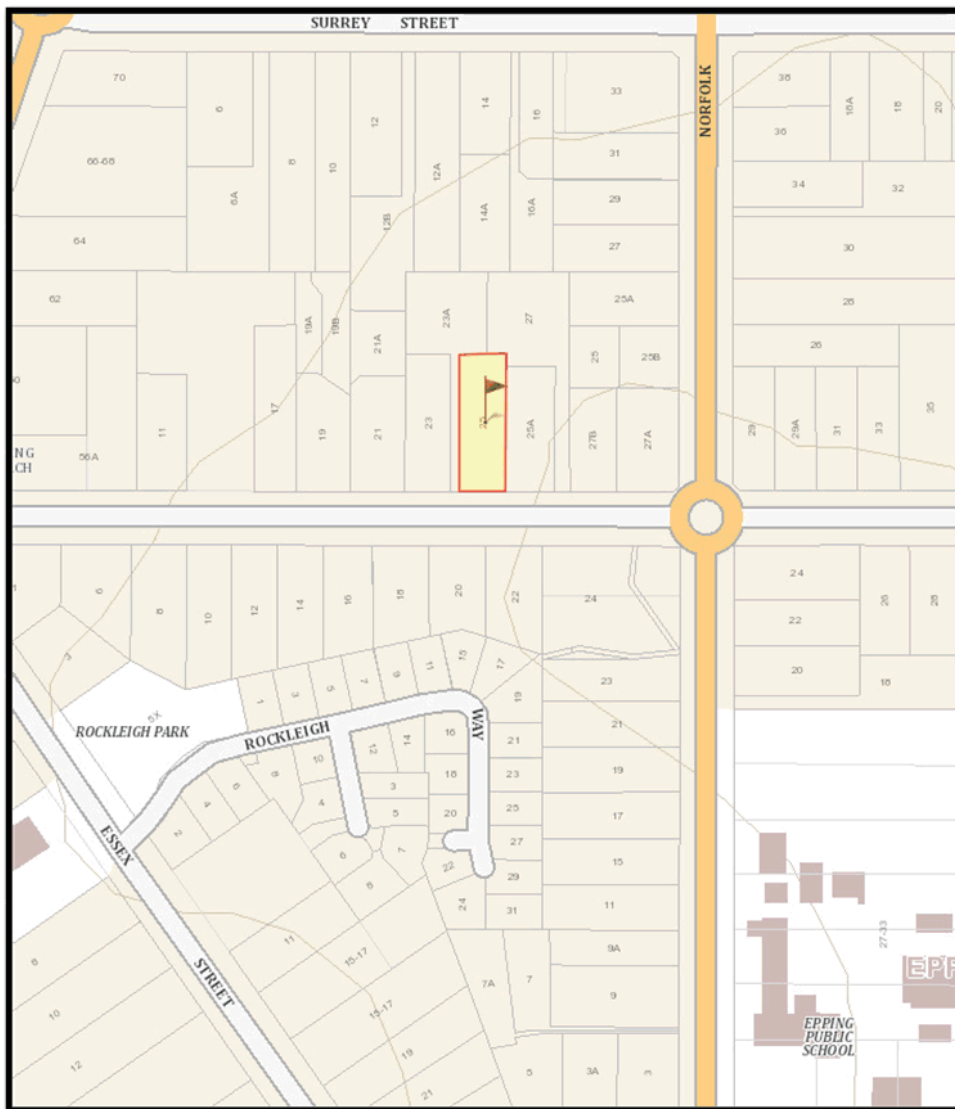
Hornsby Local Environmental Plan, 2013 (as amended).

Hornsby Development Control Plan, 2013 (as amended).

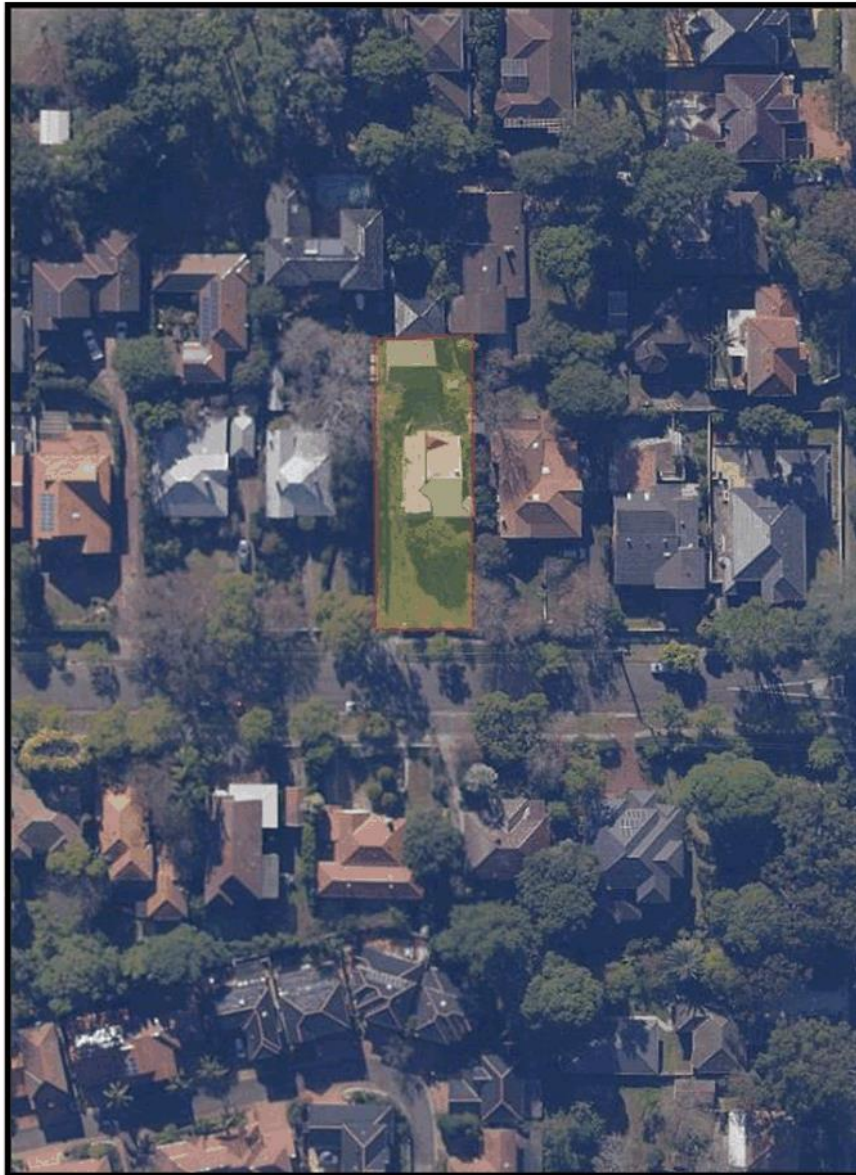
Heritage Guideline Documents

NSW Heritage Office - Heritage Manual - Statements of Heritage Impact.

1.7 Site Location



Site - Google Maps



Aerial View of Site – Six Maps

2.0 HISTORICAL DEVELOPMENT OF THE SITE

2.1 Brief Outline of the History of the Area

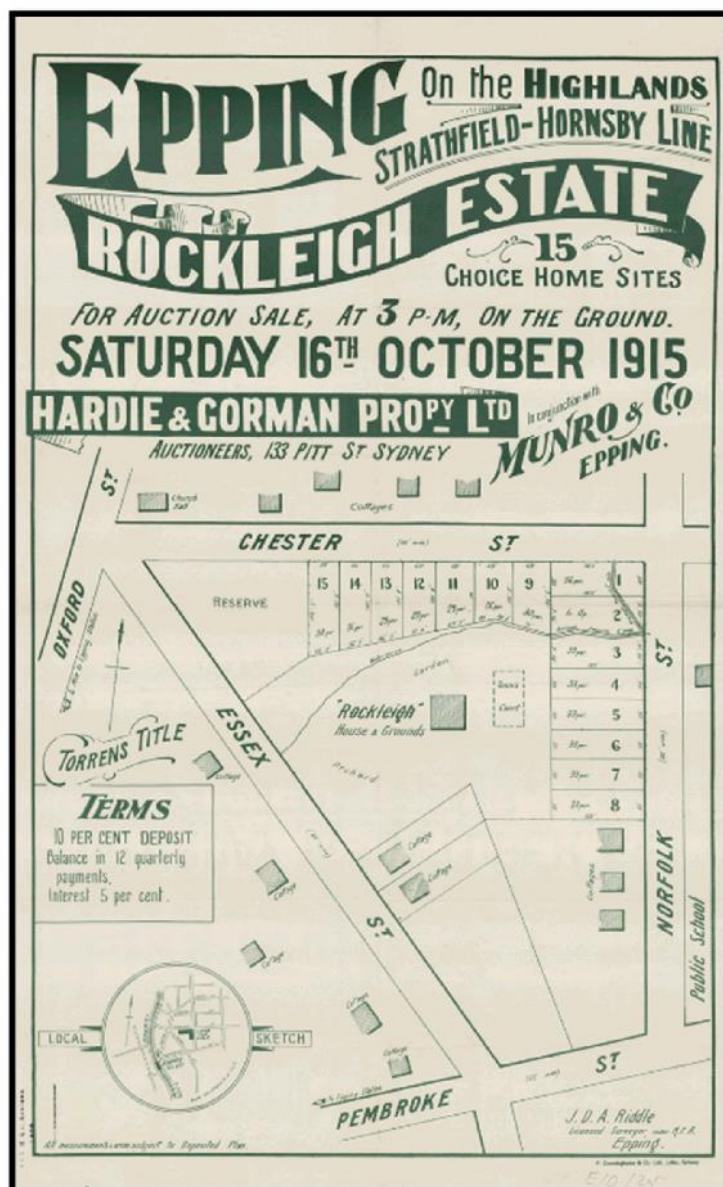
The Wallumettagal Aboriginal tribe lived in the area between the Lane Cove River and Parramatta River. In 1792, Governor Arthur Phillip began the granting of parcels of lands to marines, and the area was referred to on Phillip's maps as the Field of Mars, Mars being the Roman god of war. It contained the area of what is now Epping, along with the surrounding suburbs of Ryde and Marsfield.

Epping railway station was opened on 17 September 1886, originally named "Field of Mars", and quickly renamed to "Carlingford" on 5 April 1887. The Post Office was opened on 16 October 1889, originally named "East Carlingford".

In 1899 the suburb name of Epping was adopted following the suggestion by a local landowner William Midson (1849–1924), after a town near Epping Forest in Essex, where his father was born. At this time, the names of the post office and the railway station were both changed to Epping. The land from the Field of Mars was broken up into farms and orchards, and after World War II it started to convert to residential use. Areas which had previously been reserved as part of the green belt scheme became available in 1948.



*High Street, Epping. c1920's
Courtesy. Hornsby Council*



Land release in area of 25 Chester St. c1915
 Courtesy. State library of NSW



Epping railway station. C.19??
Courtesy. National Library of Australia



Photo of area, circa 1943
Six maps



Close up of house, circa 1943
Six maps



3.0 SITE ASSESSMENT

3.1 The surrounding area

The site is located to the northern side of Chester Street, Epping.

The site is located in a low density residential, R2 zoning and is surrounded by other residential dwellings.

Epping Shopping Precinct is located approximately 400m to the west of the site.

Epping railway station is also located approximately 400m to the west of the site.

The street pattern in the near vicinity relates to the original farmland subdivisions, which occurred from the 1900's onwards, and with the advent of the railway line the development of suburban housing taking the main form of residential development in Sydney.

3.2 The Site

No 25 Chester Street is a rectangular shaped block and consistent with all the other allotments in the street which are also regularly shaped.

The site is technically known as Lot 22, DP 262348.

The site has a fall from the rear to the front of the allotment of 2.5m. There is also cross fall of 1.2m from the western to the eastern side of the allotment.

Existing car access to the site is from the front/western end of the site.

3.3 The Dwelling

The current house to the site was most likely constructed in the late 1920's or early 1930's.

Due to the adjoining dwellings not having a similar design, the house most likely purchased and developed by an individual landowner.

The site currently contains a single storey dwelling of very modest design and proportions.

The house has been substantially altered and modernised over the years, with reduced original historical attributes evident. The alterations most likely occurred in the 1960's.

The house is constructed of a timber frame with weatherboard timber cladding to the front facade and replacement asbestos lining to the rear and side elevations.

The footings are brick and stone, with the roof being metal sheeting and the windows being constructed of timber.



The eaves are exposed rafters. A gable roof fronts the street, with the remaining roof being generally hipped.

Alterations to the house include enclosing part of the front verandah, including a small storeroom and a rear addition containing a bedroom and laundry. An extension to the verandah roof in front of the gable roof form has also been undertaken.

Internally, the house has undergone substantial changes, such as replacement of some of the wall and ceiling linings, architraves, skirting boards and other detailing.

The internal configuration is generally typical for the age of the bungalow.

To the front of the house is part of the original terrace, which then flows to an entry hall, allowing access to the two bedrooms, a bathroom and a lounge room. The lounge room has been made larger with the part inclusion of the front terrace. There is also a storeroom access from the lounge room.

Continuing through the house, you then enter the dining room and kitchen.

The addition of the third bedroom is accessible off the dining room. There is a small hallway off the dining room that allow access to the rear door and the laundry, which also contains a small bathroom.

Some excavation has been undertaken to the rear of the house to allow for the rear addition and a level area for outdoor activities.

There is also a 2x car garage with roof store above to the rear of the allotment.

To the front of the side of the allotment is a low height brick fence. There are timber fences to the rear and side elevations.



Current layout of the dwelling



Front of the dwelling



Front of the dwelling



Front of the dwelling



Front of the dwelling with the enclosed verandah



Front of the dwelling with extended verandah



Front of the dwelling



Western side of the dwelling



Rear of the dwelling



Rear of the dwelling



Eastern side of the dwelling



Stone piers to the eastern side of the dwelling



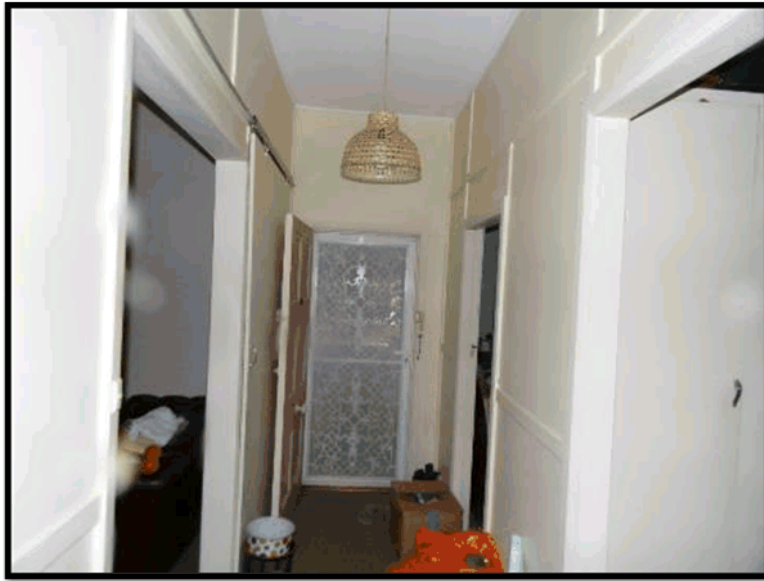
Storeroom addition to the eastern side of the dwelling



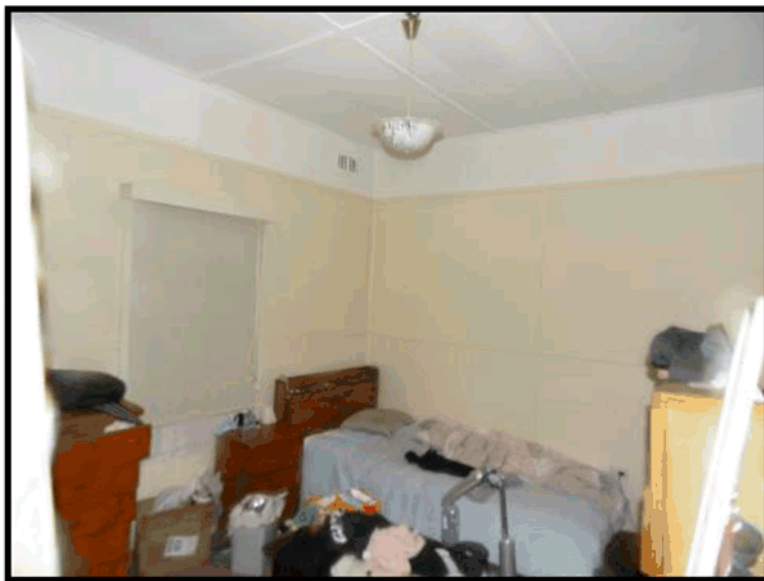
Front verandah



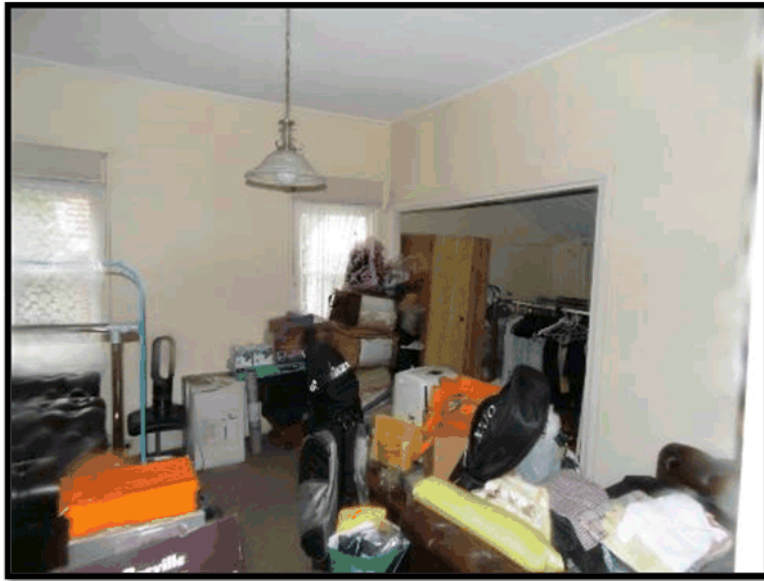
Front door



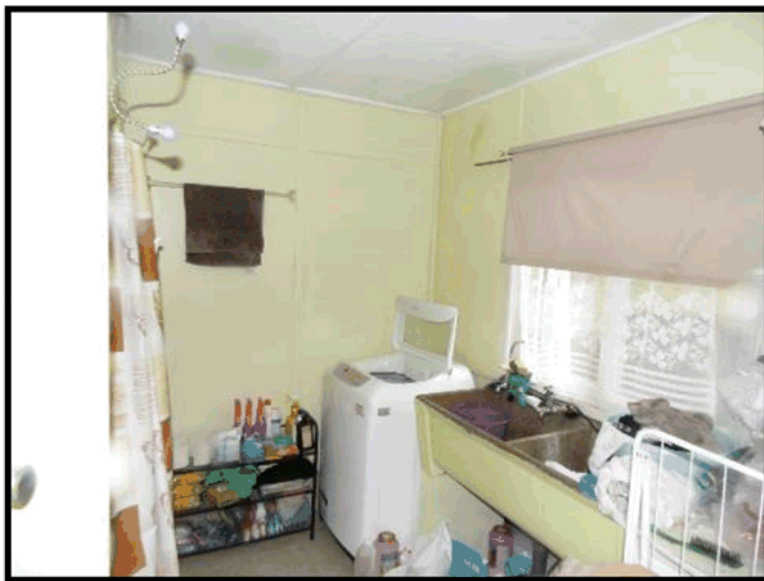
Hallway



Front bedroom



Living room



Laundry



Bathroom



Original weatherboard cladding



Rear garage



Rear garage

3.4 The Streetscape and Context

The streetscape has varied dwelling styles and housing types from the original subdivision of the street around 1900, to more modern/recently constructed dwellings.

Housing styles predominately commence around the 1900's, with later styled Federation dwellings and Californian Bungalows. There is also a high predominance of inter war homes, especially to the southern side of Chester Street, which was released for residential development at a later date than the northern side of Chester Street.

A high degree of existing dwellings in the near vicinity have undertaken substantial renovations over their existence, including several first-floor additions.

The street also contains numerous new modern styled/recently constructed dwellings. All newly constructed dwellings in the near vicinity are generally limited to redevelopments of existing allotments (knock down-rebuild) or the establishment of battle axe allotments to the rear of existing sites. Most redevelopment within the area has been constructed in the last 30 years.

All homes in the near vicinity to 25 Chester Street are either single or double storey.



Chester St looking east



Chester St looking west

3.5 The Adjoining Dwellings

21 Chester Street, Epping

No 21 Chester Street, Epping is to the west of the allotment.

The house is heritage listed as item I367 by Schedule 5, Part 1 of the Hornsby LEP 2013, and is referred to as house and garden at 23 Chester Ave, Epping.

The house is a single storey free standing dwelling, most likely built around the 1920's. The building is timber framed with timber wall lining, a metal roof and timber trim, including a timber framed verandah to the front of the dwelling.

The garden contains a mix of native and exotic plant species.

To the front of the allotment is a timber picket fence.



21 Chester Street, Epping



Picket fence to 23 Chester Street, Epping

**23 Chester Street, Epping**

No 23 Chester Street, Epping is to the west of the allotment.

The house is heritage listed as item I368 by Schedule 5, Part 1 of the Hornsby LEP 2013, and is referred to as house and garden at 23 Chester Ave, Epping.

The house is a single storey free standing dwelling, most likely built around the 1910's. The building is timber framed with timber wall lining, a metal roof and timber trim, including a timber framed verandah to the front of the dwelling.

The garden contains a mix and native and exotic plant species.

To the front of the allotment is a timber picket fence.



23 Chester Street, Epping



Picket fence to 23 Chester Street, Epping



27 Chester Street, Epping

No 27 Chester Street, Epping is to the east of the allotment.

The house is a single storey free standing Bungalow, most likely constructed in the late 1900's or early 1910's.

The building has face brick walling, with a terracotta tiled roof, and timber trim. There is a terrace to the front of the dwelling.



27 Chester Street, Epping



3.6 Planting and Gardens

Planting to 25 Chester Street, Epping

25 Chester St, Epping has a variety of planting to the site, although there are no trees or planting of any specific importance or historical significance.

Planting to the site varies with is a mix of native/indigenous trees and exotic plant species.



Front garden to 25 Chester Street



Front garden to 25 Chester Street

**Street Planting along Chester Street**

To the road reserve in front of the site is a row of street planting, continuing the full length of Chester Street.

The trees are heritage listed item I366 by Schedule 5, Part 1 of the Hornsby LEP 2013, and is referred to as street trees along Chester Street.

The trees are a mix of species, although there is a high dominance of jacaranda trees to the other side of the road.



Chester St footpath looking east with street planting



Chester St footpath looking west with street planting



3.7 East Epping Heritage Conservation Area Statement, as per Hornsby DCP

History

- a. The East Epping Heritage Conservation Area comprises part of the Field of Mars Common which was released for subdivision in 1886.
- b. Opening of the railway line in 1886 and new road networks preceded a period of rapid development. Railway workers and wider population were attracted to the area and local farmers prospered having more access to markets.
- c. The name "Epping" was officially adopted for the area in 1899, derived from the many trees in the area after "Epping Forest" in England. The streets were named after English counties or towns as the area was described like a "country village".
- d. Completion of Epping Road in 1940 and improvement of road networks led to an Inter-war period of subdivision and development. Further development continued into the 1950s Post-war period which saw a significant change to the character of the area.

Description

- a. The East Epping Heritage Conservation Area represents an area of housing that has remained largely intact. It retains many elements of the various housing styles and the early subdivision patterns from the 1886 to the period just after the Second World War.
 - b. The housing styles characteristically include single detached houses from the Federation, Inter-war and Post-war periods with some earlier Victorian housing and late 20th century development located between.
 - c. A number of heritages listed items are located within the area, many of which occupy prominent corner sites and make a positive visual contribution to the streetscapes. Some items are distinctive and unique features in the streetscape or are relatively rare examples in the local area.
 - d. The area is characterised by wide, dual carriageways, wide grassed verges and pedestrian footpaths.
 - e. A number of mature native and introduced, ornamental trees and plantings generally line the streets. Together with individual garden settings and plantings, the landscape elements enhance the built context.
 - f. A number of houses retain original and complimentary fences which contribute to the suburban garden setting.
 - g. The early natural character and topography of the area is indicated by extant rock forms, undulating streets, sloping sites and the number of native trees and plantings.
 - h. The streets and subdivision generally comprise a regular grid type pattern, with the exception of Oxford Street, and Norfolk Road forming the main spine of the conservation area.
 - i. The character of the area is unified by the similarity in allotment sizes, scale of building and openings, setbacks from the street, fencing, detailing and landscape elements.
- Statement of Significance
- j. The East Epping Heritage Conservation Area is of high local historic and aesthetic significance as a good representative example of late 19th century subdivision. It



retains a good and largely intact example of Federation, Inter-War and Post-war period residential development that represents the major period of growth and development of the Epping area.

- k. The area significantly retains most of its original 1886 subdivision and streetscape pattern with mostly single detached houses.
- l. The built context is enhanced by the local topography and native plantings, wide street proportions, street trees and garden settings.
- m. The Epping Public School site on Norfolk Road established in 1900 and the Inter-war period Uniting Church at the intersection of Chester, Oxford and Essex Streets are of historic and social significance to the locality.

Element	Additional Prescriptive Measures
Demolition	Buildings from the Victorian, Federation, Inter-war and Post-war periods should be retained.
Streetscape character	<p>Development should be single storey.</p> <p>New openings on the facades of heritage items and contributory buildings should be avoided.</p> <p>Windows should be vertically proportioned or broken up into vertically proportioned components.</p> <p>Dormer windows should be located to the rear of buildings.</p> <p>Articulation should be used to break up building mass through the use of elements such as bay windows, entry gables and front verandahs.</p> <p>Existing roof forms on heritage items and contributory buildings should be retained.</p> <p>Hipped and gabled roofs should be used.</p> <p>New development should be consistent with the existing scale of buildings, openings and setbacks from the street.</p> <p>Extensive cut and fill or retaining walls that visually disrupt the natural landform or streetscape character should be avoided.</p> <p>Development should retain large enough gardens in front and rear yards to include medium to large trees.</p>



Materials and finishes	<p>Original building fabric, details and materials that are components of significant and contributory buildings or landscape elements should be retained.</p> <p>Clean faced brick (red/brown colours) or weatherboards should be used for walls.</p> <p>Rendered or painted brickwork, or timber joinery can be used for small areas or feature elements.</p> <p>Existing face brick should not be painted or applied with a rendered finish.</p> <p>Traditional materials, such as slate or terracotta tiles should be used for new roofs.</p> <p>Replacement roofs should complement the period and style of the building.</p> <p>Replacement windows should match existing or complement the period and style of the building.</p>
Fences and gates	<p>Original fences and gates should be retained.</p> <p>New fences and gates should complement the period and style of the building as indicated in Figure 9.2(c).</p> <p>New front fences should be of a traditional low height, from 500mm to 900mm.</p> <p>Traditional timber fencing should be used for side fences. Side fences should be lower in height within the front garden to match the height of the front fence.</p> <p>Metal sheet or colorbond fencing should not be used.</p>
Utilities	<p>Aerials, antenna, air conditioning units, hot water systems, communication devices rainwater tanks, roof vents, skylights, solar</p>



	panels and the like should not be visible from the streetscape or a public place.
Garages and carports	Garages and carports should be located behind the main building line and be separately articulated from the dwelling. Traditional materials such as timber or face brick should be used.
Driveways	Garages and carports should be located behind the main building line and be separately articulated from the dwelling. Traditional materials such as timber or face brick should be used.
Subdivision	Altering the existing subdivision pattern through subdivision, amalgamation or boundary adjustments should be avoided.



4.0 ASSESSMENT OF SIGNIFICANCE

4.1 Heritage Listing

The site and dwelling at 25 Chester Street, Epping:

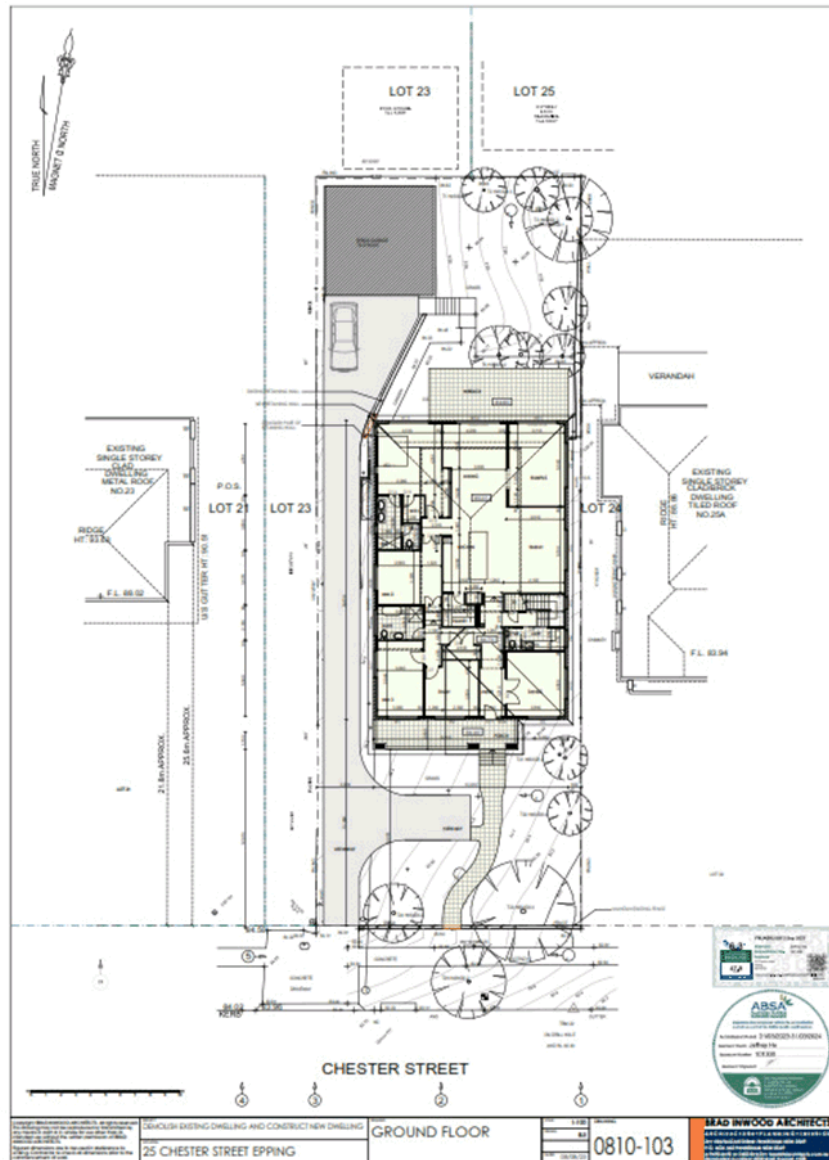
- Is located within the East Epping Heritage Conservation Area, as defined in the Hornsby Local Environmental Plan 2013 and also the Hornsby Development Control Plan (now administered by Parramatta Council).
- Is not heritage listed in the Hornsby Local Environmental Plan 2013 (now administered by Parramatta Council).
- Is near to heritage listed item I367 by Schedule 5, Part 1 of the Hornsby LEP 2013 (now administered by Parramatta Council) and is referred to as house and garden at 21 Chester Ave, Epping.
- Is adjacent to heritage listed item I368 by Schedule 5, Part 1 of the Hornsby LEP 2013, (now administered by Parramatta Council) and is referred to as house and garden at 23 Chester Ave, Epping.
- Is adjacent to heritage listed item I366 by Schedule 5, Part 1 of the Hornsby LEP 2013, (now administered by Parramatta Council) and is referred to as street trees along Chester Street.
- Is not located within the curtilage of any other heritage listed in the Hornsby Local Environmental Plan 2013. (now administered by Parramatta Council)
- Is not listed on the NSW State Heritage Register Under the NSW Heritage Act, 1977.

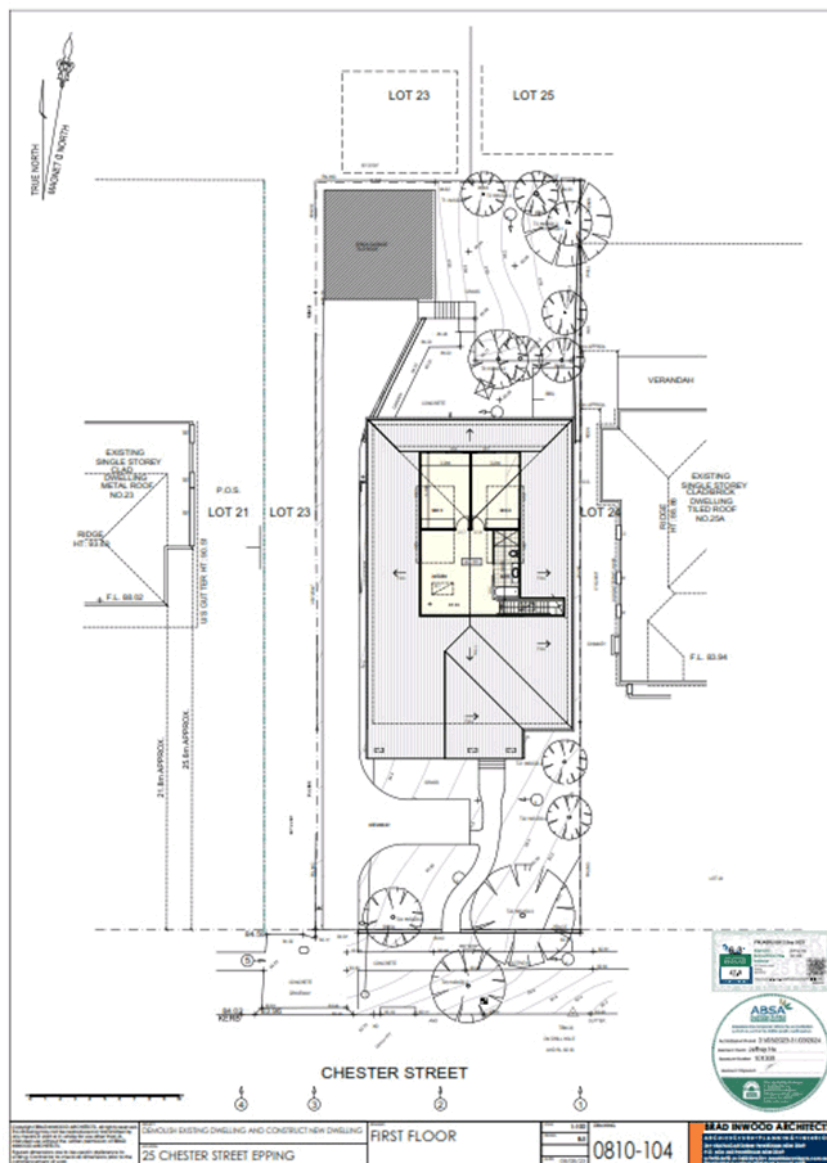
4.2 The Proposal

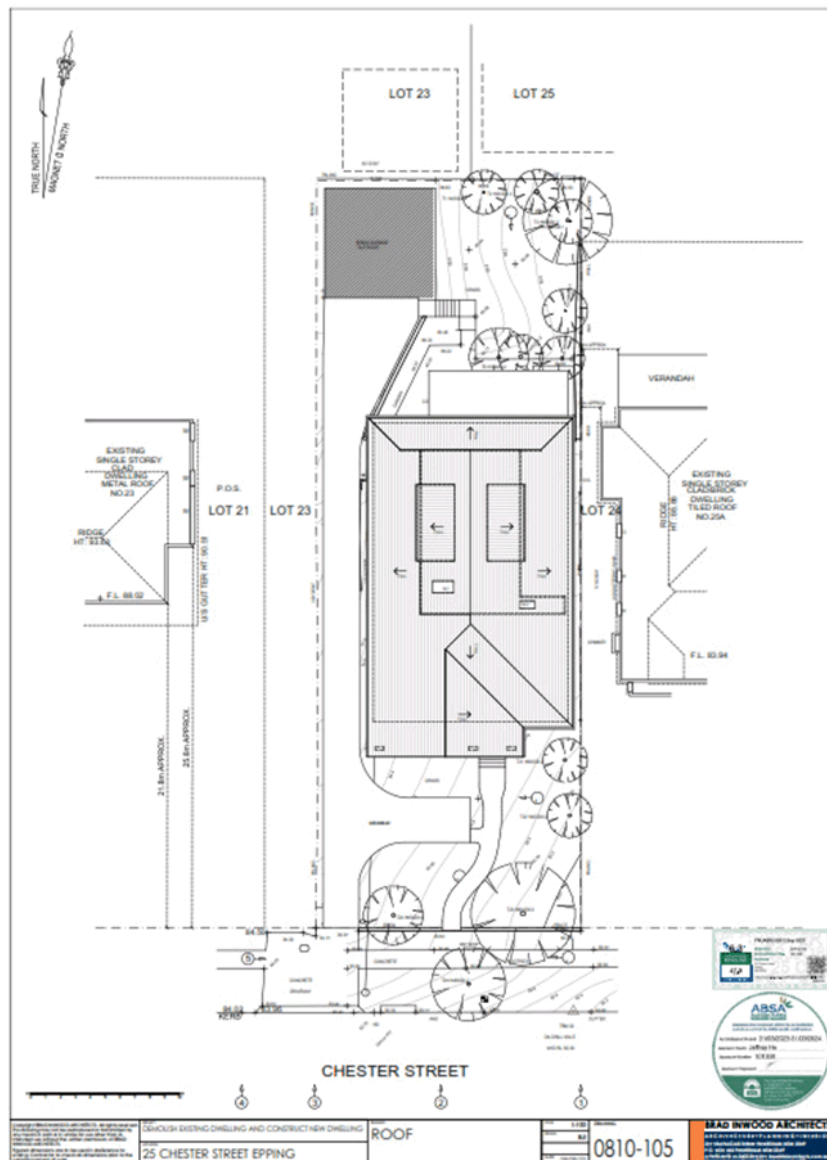
In summary, the following works are to be undertaken to the site:

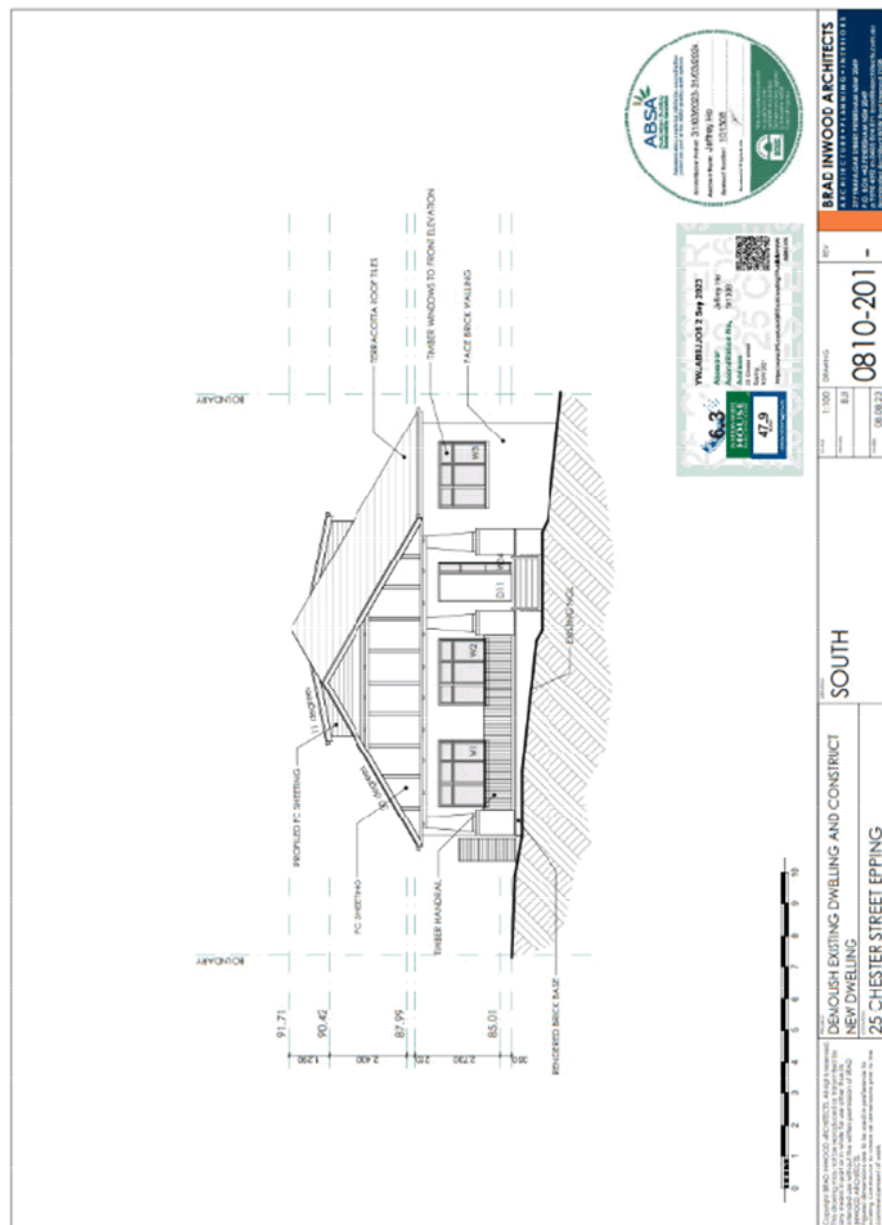
- Demolish the existing dwelling to the site.
- Construct new dwelling. The dwelling is to be single storey with first floor attic rooms.
- The dwelling is to be constructed of face brick veneer walling, with a tiled roof on a concrete slab.
- Due to the fall of the land, some minor cutting and filling for the dwelling is proposed.
- The existing garage to the rear of the allotment is to remain.
- Some trees are proposed to be removed from the site.

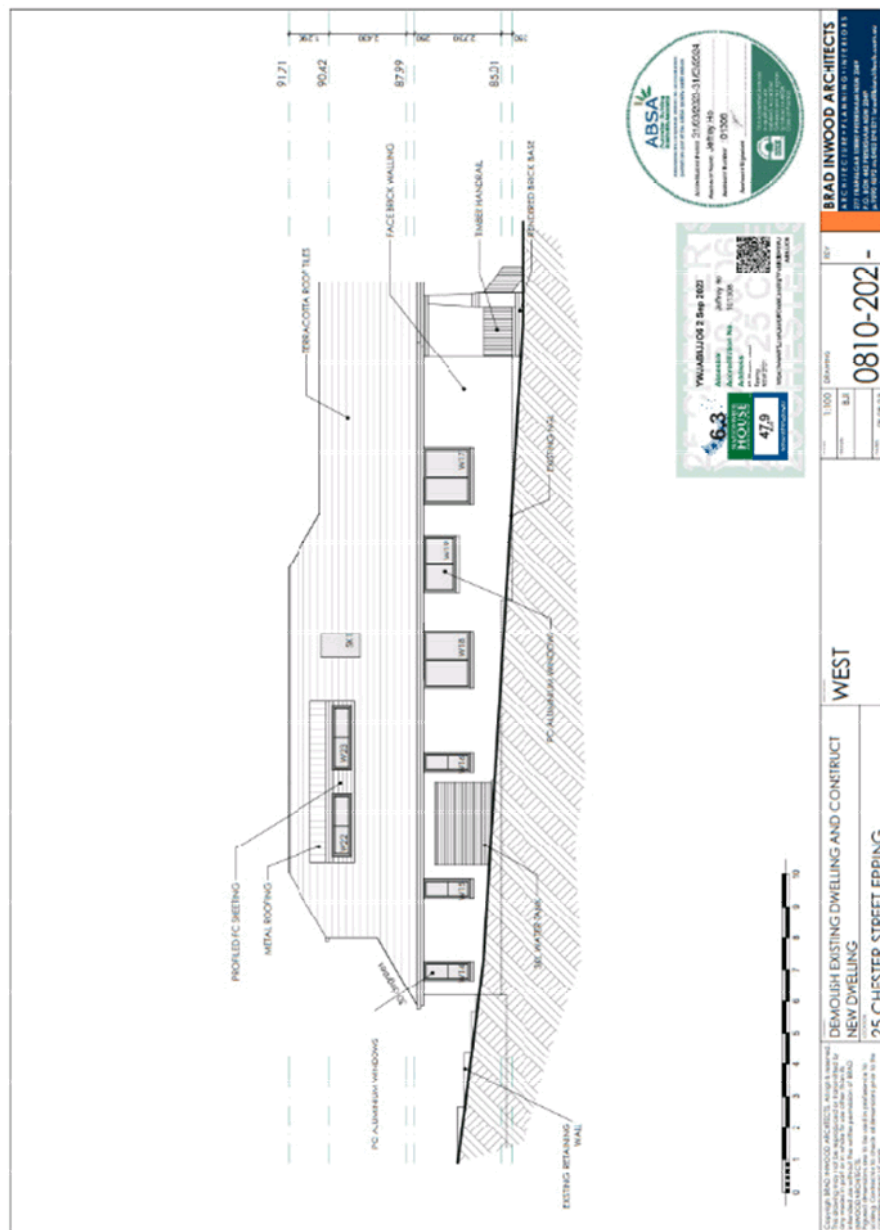
- Some trees are proposed to be removed from the site.

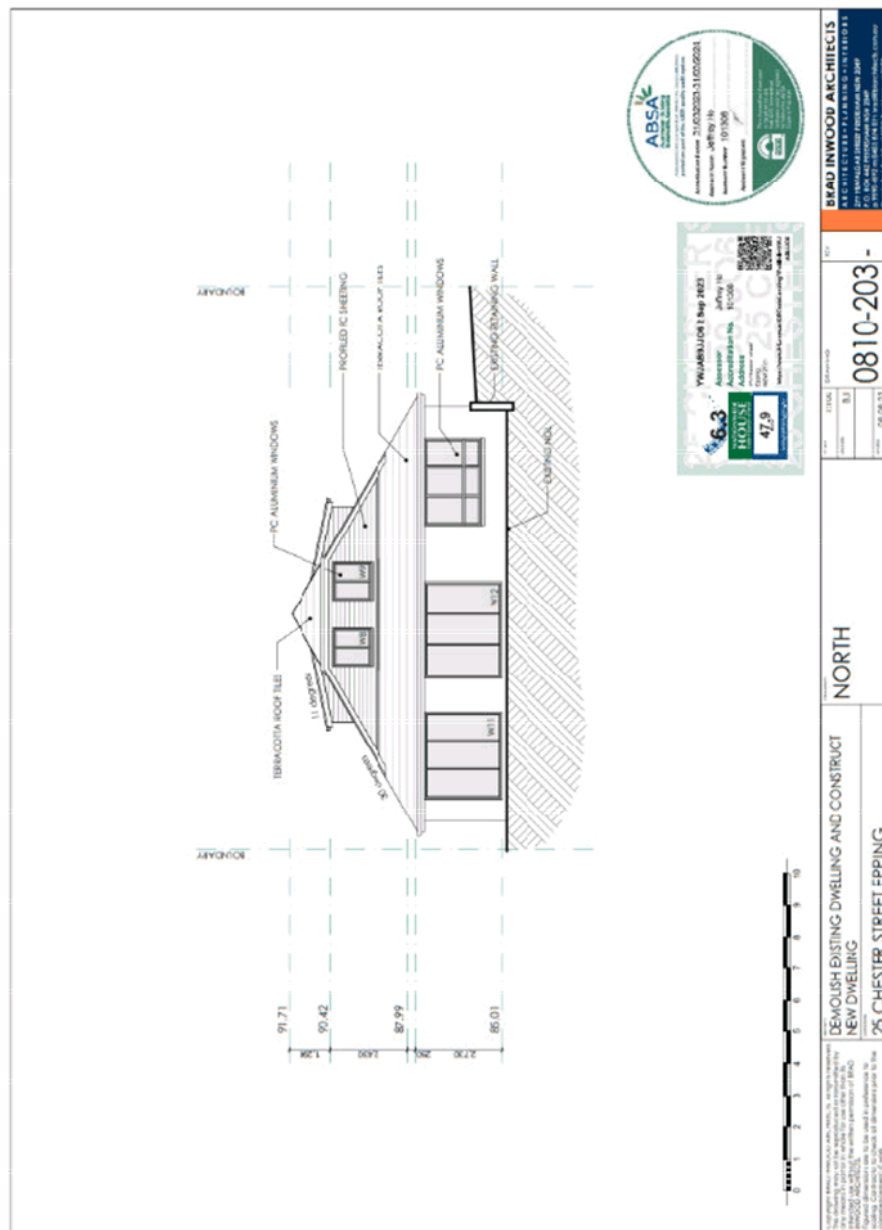


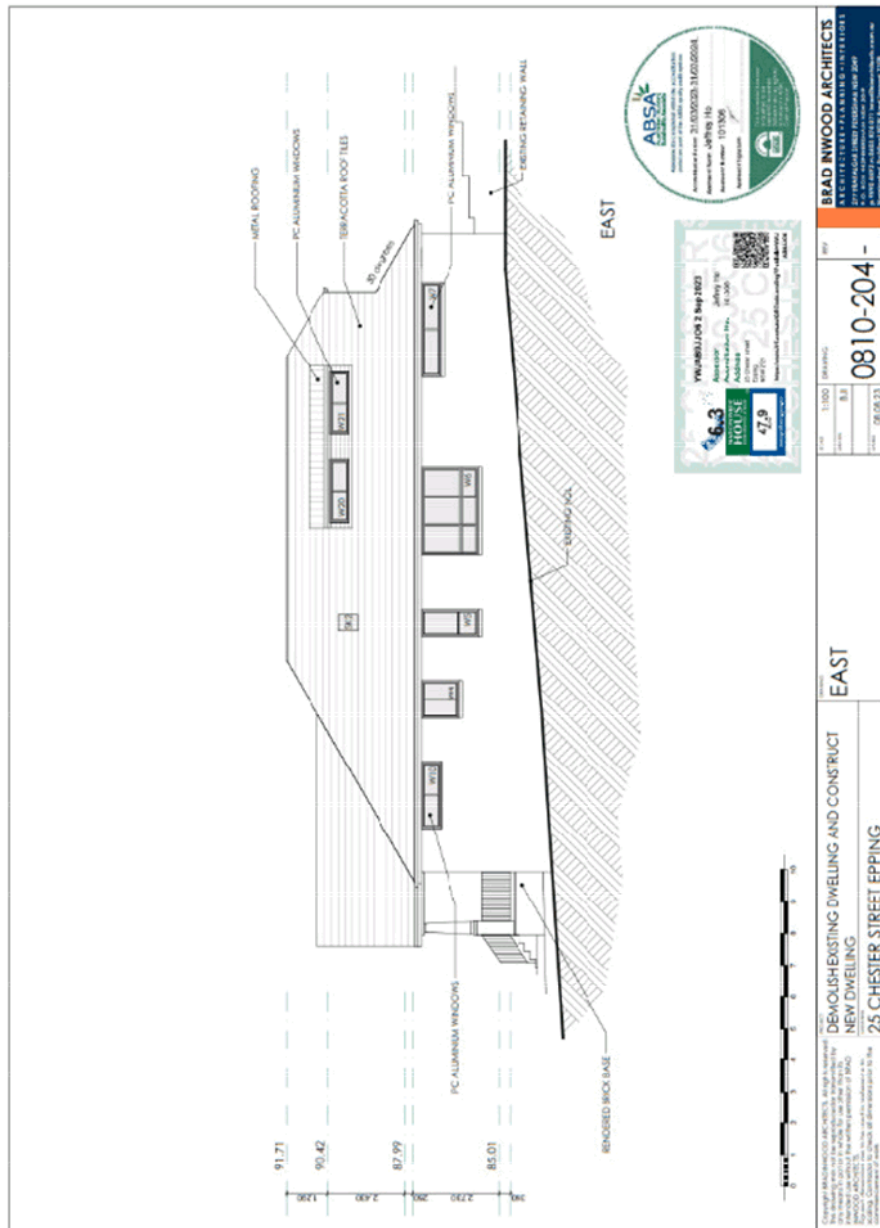


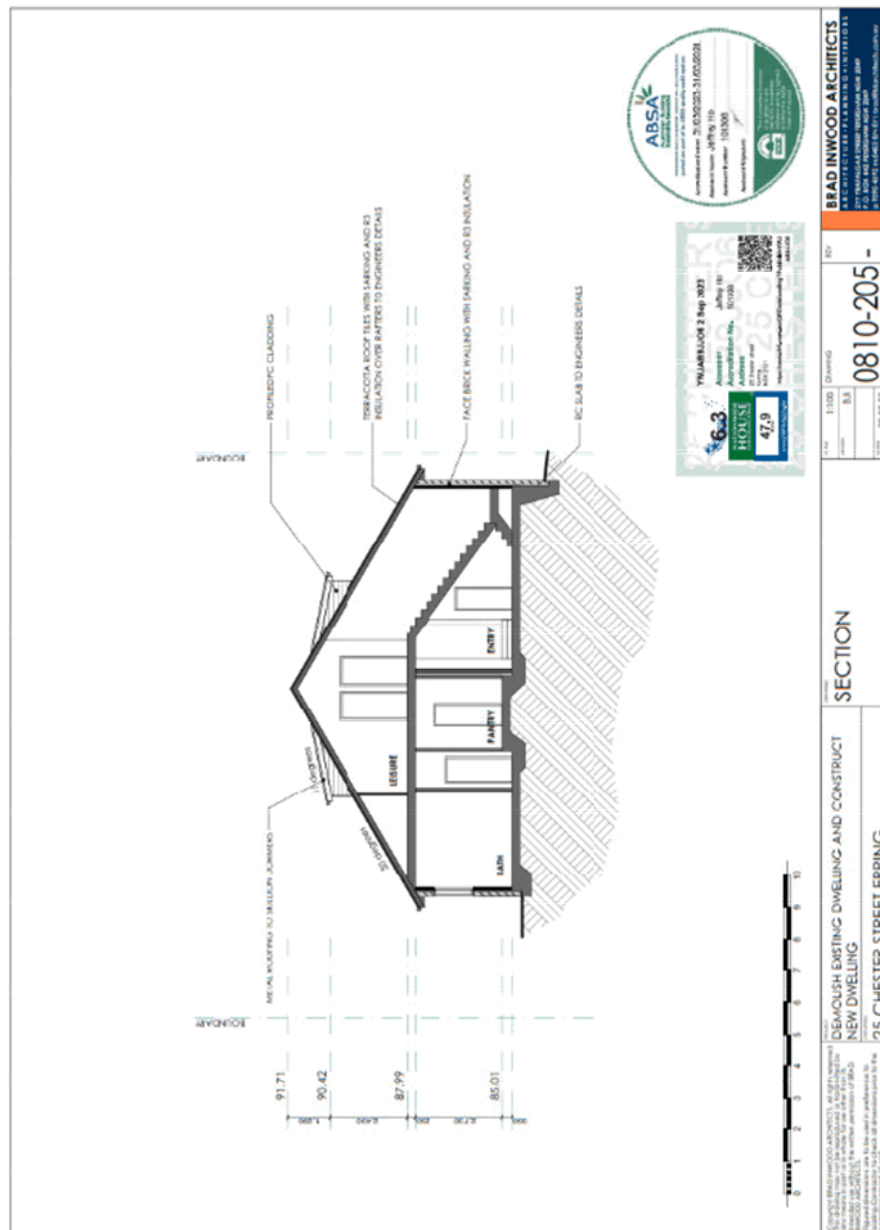














4.2 NSW Heritage Office Criteria – 25 Chester Street, Epping

25 Chester St, Epping is assessed for significance according to the criteria of the New South Wales Heritage Office.

Few of the aspects of significance discussed below are exclusive: a characteristic may, for example, have both historical and aesthetic significance.

4.2.1 Criterion (a) - an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The house is a reasonably poor example of an early bungalow dwelling in the Epping area and its surroundings. The house is generally in a neglected condition with very limited representation of the cultural and natural history of the area.

There are a multitude of other houses within the local area and context that represent an equivalent or better cultural and historical history of the area.

Many houses within the near vicinity are built and developed with identical or similar cultural aspects.

Therefore, the house does not have significant criterion with respect to the cultural and natural history of area.

4.2.2 Criterion (b) - an item has strong or special association with the life works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The house has no strong or special association with the life work of a person or group of persons of importance in NSW cultural or natural history.

Therefore, the house does not have significant criterion with respect to the life work of a persons or group of persons.

4.2.3 Criterion (c) - an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The house represents a very simple, modest aesthetic characteristic in regard to bungalow dwelling architecture at the time of its construction.

It also does not exert any degree of creative or technical achievement. Extensive renovations have removed most of the original detailing and creative elements of the historical integrity to the house.

The building is relatively poor example of an inter-war century housing, and the building techniques at the time of its construction.



The house also shows a typical technique of renovating and altering existing free-standing dwellings. There are no specific or important characteristics that demonstrate a high degree of architectural achievement to the original dwelling to the later alterations and additions.

Therefore, the house does not have significant criterion with respect to a special aesthetic characteristic.

4.2.4 Criterion (d) - an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

Research has noted that the house is not significant under the criterion.

No social, cultural or spiritual group in NSW is associated with the house.

4.2.5 Criterion (e) - an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

The house does not yield or contribute to a further understanding of the cultural and history of NSW.

The house is a poor example of inter-war suburban dwelling, with several alterations resulting in substantial loss of the historical integrity of the dwelling.

Therefore, the house does not have significant criterion with respect to a further understanding of the NSW cultural and natural history.

4.2.6 Criterion (f) - an item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (of the cultural or natural history of the local area).

The house is not significant under the criterion or it being uncommon, rare or endangered.

Therefore, the house does not have significant criterion with respect to a further understanding of the NSW cultural and natural history.

4.2.7 Criterion (g) - an item is important in demonstrating the principal characteristics of a class of NSW's:

- cultural or natural places; or
- cultural or natural environments; or
- cultural or natural places; or
- cultural or natural environments.

The house does not demonstrate the principle characteristics of a class of NSW's cultural or natural places or environment.

Therefore, the house does not have significant criterion with respect to a being a class of NSW's cultural or natural environmental



5.0 HERITAGE IMPACT STATEMENT

5.1 The Works and Reason for its Implementation

The reason for the works is to provide a new dwelling to the allotment. The current dwelling has some structural deficiencies that inhibit development potential to the dwelling.

The house is not suitable for modern living requirements.

5.2 Impact of the Works

The impact of the works is considered with an understanding of the guidelines provided by the Hornsby LEP 2013 (now administer by Parramatta Council).

The proposed demolition of the existing dwelling will not affect on the Heritage Conservation Area for which the house is located in for the following reasons:

- As previously mentioned, the existing house is in an extremely poor condition and is not suitable for modern living requirements.

The cost to renovate the existing house is cost prohibitive and a more favourable solution to the site would be to demolish the existing structures to the site and construct an appropriately designed new dwelling that is constructed with consideration of the conservation nature and historical character of the streetscape.

- The house is located in the East Epping Heritage Conservation Area, which has been established to maintain the historical character of the streetscape.

The existing house is a very poor contributory item to the streetscape. The house itself is not noted as being of any specific significance within the conservation area.

Provided the removal of the house, and the construction of a new dwelling does not result in any loss of the historical conservation value of the streetscape, the existing works can be considered to be demolished and replaced with an appropriately designed new dwelling.

- The existing house at 25 Chester St, Epping has no materials or special built forms that contribute to the value of the heritage conservation area that the house is set in.

The removal of the building will thus not result in the loss of any specific materials or building forms that have any substantial historical significance to the Heritage Conservation Area.



- The house at 25 Chester St, Epping has no architectural, significance or rare detailing that contribute to the value of the heritage conservation area that the house is set in. The house generally is a poor example of construction and living at the time of its construction.

The removal of the building will thus not result in the loss of any architecturally significant or rare items.

- Some building materials in the house, such as windows, doors, light fittings and timber trims could be salvaged from the demolition of the dwelling, although the condition of these items is generally poor. These could be recycled and sold to other residential developments of a similar age or detail.
- Some trees have proposed to be removed for the construction of the new dwelling. Those trees that are proposed to be removed, although part of the Heritage Conservation Area do not provide any particular heritage significance or importance to the allotment. Those trees that have been removed can also be replaced with new.
- The front dwarf masonry brick fence is a later addition to the allotment and does not add any significant value to the historical significance of the allotment or the Heritage Conservation Area that it is founded in. The installation of a new pedestrian opening in the front fence will not result in the loss of any historical significance to the allotment.
- In summary, the current Owners of the allotment would suffer substantial financial loss if the existing house had to be kept or renovated. To update the house suitable for modern living standards would require substantial monetary cost. This money could be better utilised in demolishing the existing house and constructing a new house.

The proposed new two storey dwelling will not affect the Heritage Conservation Area for which the site is located in for the following reasons:

- There is clear evidence that many homes in the near vicinity have been rebuilt or substantial renovated and modernised over the years. Numerous homes in the near vicinity are also recently constructed new homes. These homes generally have been designed with a consideration of the historical character of the area.

Examples of recently constructed homes in the near vicinity are 27B Chester Street, which is a two-storey brick walled dwelling, most likely constructed in the 1980's. 27A Chester Street is also another recently constructed two storey brick walled dwelling, most likely constructed between 2010 and 2015.

19 Chester Street, to the west of the site is a recently constructed two storey brick walled dwelling with a tiled roof, most likely constructed between 2010 and 2015.



Further to the west of the site is 15 Chester Street is a multi-home development that was most likely was around 2000.

Thus, there is an acknowledgement and acceptance within the conservation zone that alterations and additions, and new homes (if designed appropriately), can be construction within the streetscape.

- None of the heritage listed street trees along Chester Street are to be removed or affected from the proposed new dwelling. The existing landscaping along Chester Street will not be affected from the proposed works.
- The proposed new dwelling is well resolved and appropriate for the site and the character of the existing dwelling to the allotment.
- There is no change to the subdivision pattern of the streetscape from the proposed works.
- The form of the new dwelling has been designed to harmonise with the heritage conservation value of the nearby vicinity, especially the surrounding dwellings.

A gabled and hipped roof form has been proposed to the works, reminiscent of typical Bungalow designs within the near vicinity.

An open verandah with oversized brick columns has also been proposed to the front elevation, which is a typical attribute to Californian Bungalows.

Windows and openings to the front elevation are vertically expressed, relating back to the traditional window opening style.

Thus, the style of the proposed works is appropriate for the surrounding context and the heritage conservation value of the site.

- The proposed works are only single storey in height, which relates to the historical character of the streetscape (where most existing dwellings are single storey).
- The proposed new dwelling has been setback 14m from the front façade (excluding the front terrace) and is consistent with a high proportion of dwellings in the near vicinity which also have generous front setbacks. The proposed works are thus in keeping with the historic character of the near vicinity.



- The proposed materials to the new works are to harmonise with the established streetscape character and the adjoining properties. Face brick walling, with roof tiles are proposed to be used on the new dwelling.

These materials are all commonly used on other buildings in the near vicinity or in the heritage conservation zone, and thus harmonise with the established streetscape character.

- The proposed colour scheme of proposed works has been selected to harmonise with the surrounding Heritage Conservation Area context in near vicinity.

A materials and colours drawing has been prepared showing the selection of appropriate paint and material colours.

- The works do not impede any natural water courses or other historical drainage flow paths over the site.
- No view corridors to and from the site are lost effected from the proposed works.
- Due to the side setbacks and the single storey nature of the proposed dwelling, there is negligible overshadowing generated from the proposed works.
- There are negligible topography changes to the site. The existing contours of the landscaping areas to the site remain with the proposed works. Some cutting and filling will be undertaken to the footprint of the dwelling only to allow for the dwelling construction.
- The public can fully appreciate the heritage conservation value of the site, and adjoining heritage listed dwellings along Chester Street after the construction of the proposed works.

Heritage Impacts to 21 and 23 Chester Street, Epping

- There is a substantial separation of the existing heritage listed dwellings at 21 and 23 Chester Street from 25 Chester Street, Epping. A driveway serving the rear battle-axe allotment separates the two dwellings. Substantial planting also provides a strong separation between the buildings, resulting in limited visual connection between the heritage listed dwellings and the proposed works to 25 Chester Street.

Therefore, the proposed new dwelling will not result in any impacts to any heritage listed dwellings at 21 and 23 Chester Street.

- There is no direct physical connection between the proposed works to 25 Chester Street and the existing heritage listed dwellings at 21 and 23 Chester Street, Epping. The proposed works cannot be interpreted together.



- The proposed works to 25 Chester Street, Epping would have no impact on the ability to understand the heritage listed significance of 21 and 23 Chester Street, Epping.



6.0 CONCLUSION

This Heritage Impact Statement has provided an assessment of the heritage significance of demolishing the existing dwelling and construction a new single storey dwelling with attic rooms within the roof space to 25 Chester Street, Epping.

The proposed demolition of the existing dwelling, and construction of a new dwelling, will result in negligible significant impact to East Epping Heritage Conservation area which the house is founded in.

The proposed new dwelling is an appropriate style and form and constructed of appropriate materials and colours that would harmonise with the adjoining dwellings. The works would also be a positive contribution to the heritage conservation area of the site and the surrounding context.

The proposed works are similar to many other recently constructed works undertaken to other buildings in the near vicinity. The scale and form of the proposed works are also suitable for the building and the adjoining buildings, resulting in negligible impact to the historical character of the streetscape.

The proposed works would have no impact on the ability to understand the heritage significance of the East Epping Estate Heritage Conservation Area that the house is founded in, or the heritage listed nearby items.

The proposed works therefore fulfil the aims and objectives as laid out by the Hornsby LEP 2013 and the Hornsby DCP 2013, (administered by Parramatta Council), while respecting the heritage significance of East Epping Estate Heritage Conservation Area and existing streetscape. As such, in our professional opinion, the proposed works presented are suitable development and we recommend that they be supported in their current form.

Yours sincerely

A handwritten signature in black ink, appearing to read "Brad Inwood".

Brad Inwood
B.Arch (UNSW)hons. B.URP(UNE)
Nominated Architect AIA 7108

PLANNING PROPOSALS

16 APRIL 2024

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PLANNING PROPOSAL

ITEM NUMBER	6.1
SUBJECT	Post Exhibition Report - Planning Proposal for land at 8 Lincluden Place, Oatlands
REFERENCE	RZ/3/2021 -
APPLICANT/S	Think Planners
OWNERS	Zaki Property Pty Ltd as Trustee For Zaki Property Trust
REPORT OF	Project Officer

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil

PURPOSE

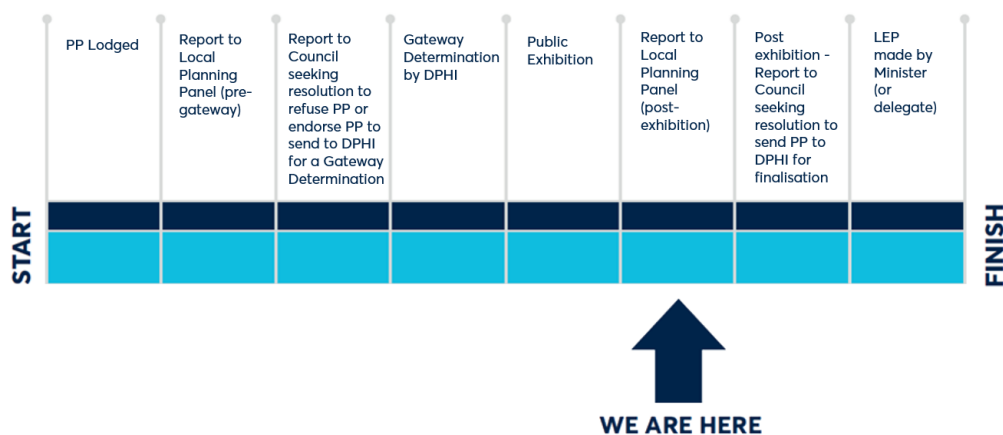
The purpose of this report is to seek Local Planning Panel advice to Council on a recommendation to support finalisation of a Planning Proposal for land at 8 Lincluden Place, Oatlands.

RECOMMENDATION

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

- (a) That Council receives and notes the submissions made during the exhibition period.
- (b) That Council approve the finalisation of the Planning Proposal, provided at **Attachment 1** for land at 8 Lincluden Place, Oatlands.
- (c) That Council enters into the Planning Agreement at **Attachment 2** and delegates authority to the Chief Executive Officer to sign it on behalf of Council.
- (d) That Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan finalisation process relating to the Planning Proposal and Planning Agreement.

PLANNING PROPOSAL TIMELINE



SITE DESCRIPTION

1. The Planning Proposal applies to the land at 8 Lincluden Place, Oatlands (the site). The site is bound by Gollan Avenue to the north-east, Pennant Hills Road to the north-west and neighbouring properties at 6 and 9 Lincluden Place and 2 Gollan Avenue (refer to **Figure 1**). Current vehicular access to the site is via Gollan Avenue and Lincluden Place to the south. The site has an area of approximately 4,249sqm.
2. The site contains several existing buildings previously used as a Royal Institute for the Deaf and Blind school (Garfield Barwick School – private). The site is not currently in use as a school and has been vacant since its sale in 2019.
3. The adjacent site to the west (Alan Walker College) is attached to the United Theological College. The remaining sites on Lincluden Place, and the neighbouring sites on Gollan Avenue comprise low density dwellings.



Figure 1 – Site at 8 Lincluden Place, Oatlands, subject to the Planning Proposal

4. Under the *Parramatta Local Environment Plan (PLEP) 2023*, the site is subject to the following controls:
 - Zoned part SP2 Infrastructure (Educational Establishment) and part SP2 Infrastructure (Classified Road);
 - Minimum lot size of 700sqm;
 - Maximum building height of 9 metres;
 - No maximum Floor Space Ratio (FSR);
 - Located within the Burnside Homes Heritage Conservation Area.
5. The site does not contain a local or State heritage item.

PLANNING PROPOSAL

6. On 5 November 2021, Council received a Planning Proposal for the site.
7. The Planning Proposal previously sought to amend the *Parramatta (former The Hills) LEP 2012*, since superseded by the *Parramatta LEP 2023* (PLEP 2023), to rezone the site from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. Further detail outlining the proposed changes to planning controls can be found at **Table 1** below.
8. The Planning Proposal application includes an indicative potential subdivision layout for the site that could be lodged under a future development application for subdivision to create two new residential allotments facing Gollan Avenue, in addition to reusing the existing building as a future Educational Establishment (refer to **Figure 2**). It is noted that an Educational Establishment (school) use is also permitted with consent in the R2 Low Density Residential zone and therefore the existing building could still be used for that purpose subject to relevant approvals.
9. The applicant has indicated to Council officers that they are considering various options to develop the site under the proposed zoning but have not yet decided what option to pursue. The indicative subdivision layout has been provided by the applicant to demonstrate a possible future scenario that could be pursued following rezoning of the land.

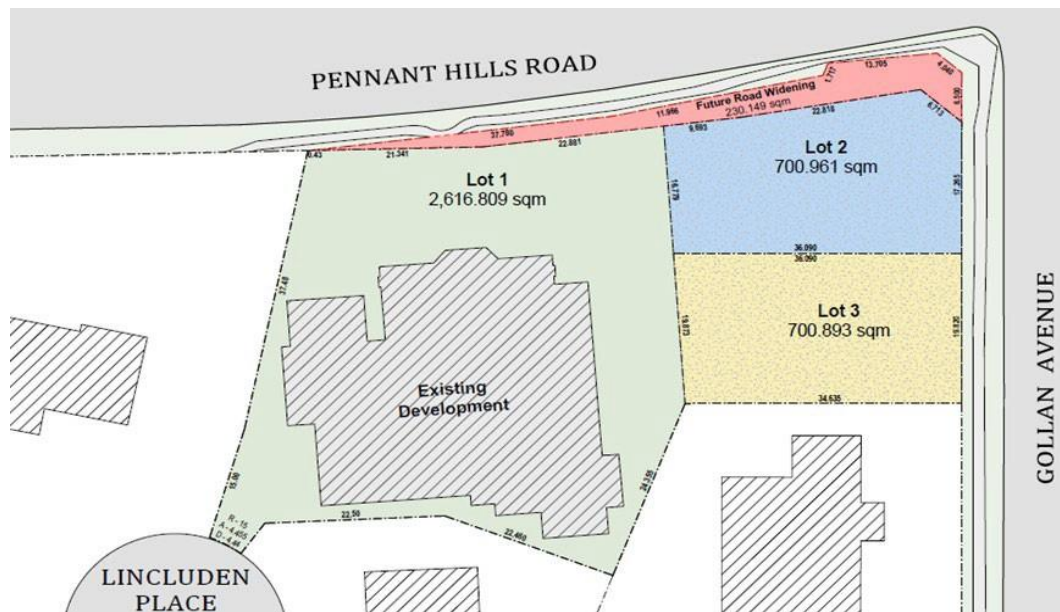


Figure 2 – Indicative subdivision plan for the site at 8 Lincluden Place, Oatlands

10. On 29 September 2022, the Proponent provided a Letter of Offer outlining willingness to enter into a Planning Agreement associated with the Planning Proposal.
11. The Planning Proposal was considered and unanimously supported by the LPP at the meeting of 18 October 2022. The LPP advice was that Council approve the Planning Proposal for the purposes of seeking a Gateway determination from the (then) Department of Planning and Environment (DPE).
12. At its meeting on 28 November 2022, Council endorsed the Planning Proposal for submission to the DPE to seek a Gateway determination to place the Planning Proposal on public exhibition. Council also resolved to request the former DPE grant the CEO plan-making delegations.
13. On 31 January 2023, the DPE issued a Gateway Determination for the Planning Proposal which authorised Council as the local plan-making authority and allowed the public exhibition of the Planning Proposal to proceed.
14. The Gateway Determination required that prior to public exhibition the Planning Proposal be updated to include discussion and review of the alignment with proposed controls for the new Parramatta LEP 2023 (PLEP 2023) that was being finalised at the time.
15. The PLEP 2023 came into effect on 2 March 2023. Therefore, in addition to the proposed rezoning of the site to R2 Low Density Residential, the Planning Proposal was updated to align with the PLEP 2023 in accordance with the Gateway determination to:
 - apply a maximum Floor Space Ratio (FSR) control of 0.5:1 consistent with surrounding R2 Low Density Residential land; and
 - include the site on the PLEP Dual Occupancy Prohibition Map

to be consistent with the surrounding R2 Low Density Residential land by prohibiting the subdivision of dual occupancies on the Planning Proposal site.

	Existing	Proposed
Land Use Zoning	Part SP2 Infrastructure (Educational Establishment) and part SP2 Infrastructure (Classified Road)	Part R2 Low Density Residential and part SP2 Infrastructure (Classified Road)
Height of Buildings	9m (2-3 storeys)	No change
Floor Space Ratio	No FSR	0.5:1 consistent with surrounding R2 Low Density Residential land.
Dual Occupancy Subdivision Prohibition	None	Include the site in the Dual Occupancy Prohibition Map (subdivisions) consistent with surrounding R2 Low Density Residential land. It is noted that whilst Dual Occupancies can be developed, this control prohibits the subdivision of such dwellings.
Minimum Lot Size for subdivision	700sqm	No change. The site could potentially accommodate up to 5 residential allotments plus access road with up to 2 low density dwellings per allotment, noting that subdivision of dual occupancy dwellings is prohibited.
Number of Dwellings to be accommodated based upon applicant's indicative scheme	None (prohibited within existing zoning)	Potentially 4 x low density residential dwellings based upon the applicant's indicative scheme (2 x dual occupancies or 2 x dwelling houses with granny flats), noting that subdivision of dual occupancy dwellings is prohibited.

Table 1 – Current and proposed planning controls for the site at 8 Lincluden Place, Oatlands

16. The northern portion of the site is currently zoned SP2 Infrastructure (Classified Road) and is identified on the Land Reservation Acquisition (LRA) Map. This Planning Proposal seeks to retain the land zoned SP2 Infrastructure (Classified Road) and does not propose changes to the LRA Map. As per *Parramatta Local Environmental Plan 2023*, land zoned SP2 Infrastructure and marked Classified Road identifies Transport for NSW as the relevant authority to acquire the land.

17. A Gateway extension has been issued for the Planning Proposal by the Department of Planning, Housing and Infrastructure (DPHI) requiring the LEP to be completed by 1 August 2024.

DRAFT PLANNING AGREEMENT

18. The draft Planning Agreement has been structured to allow a base development scenario (which is based upon the applicant's indicative subdivision layout – refer to Site Description section above), and a maximum potential dwelling yield scenario (five residential allotments plus access road accommodating up to a maximum of two low density dwellings per allotment), to allow for flexibility depending on the development scenario pursued. It is noted that whilst Dual Occupancies can be developed, the subdivision of them would be prohibited.
19. The draft Planning Agreement provides for the following public benefits in accordance with the base development scenario. This public benefit will still be provided should a lesser number of dwellings be accommodated than the base development scenario (e.g. one residential allotment comprising a single dwelling):
 - a) Construction of a shared footpath along Pennant Hills Road, specifically between Gollan Avenue and Glencoe Avenue; or
 - b) A monetary contribution paid by the applicant to deliver this upgrade.
20. The total value of the monetary contribution payable under the base development scenario (or less) is estimated at \$300,000. The Planning Agreement addresses the infrastructure demand generated by the Planning Proposal and benefits the community by improving public amenity within the vicinity of the proposed development.
21. The draft Planning Agreement has been structured so that any development scenario that is over and above the base scenario that introduces additional dwellings (up to the potential maximum of five residential allotments plus access road accommodating up to a maximum of two low density dwellings per allotment) will require a monetary contribution of \$37,500 per additional dwelling, in addition to the \$300,000 monetary contribution or construction of the shared pathway. The monetary contribution would be utilised for the embellishment of public amenity within the vicinity of the proposed development.
22. The draft Planning Agreement has been structured so that if a Development Consent is granted for more than 10 dwellings, or if a future development application is lodged with respect to the land for a different form of development, the applicant is required to submit a new Letter of Offer to enter into a new Planning Agreement with Council.
23. The portion of land currently zoned SP2 Infrastructure (Classified Road) is to be retained. Should the portion of land identified in the Land Reservation Acquisition map be proposed to be acquired, this will be subject to a separate process and is not address within the draft Planning Agreement.

24. The Planning Agreement will not exempt the Applicant from payment of applicable Section 7.11 development contributions in accordance with the Outside CBD Contributions Plan and will be levied at the development application stage.

EXHIBITION OF THE PLANNING PROPOSAL

25. The Planning Proposal and draft Planning Agreement were publicly exhibited from Monday 11 December 2023 to Friday 9 February 2024. Stakeholders and community members were notified through the following engagement mechanisms:
- a. Letters to neighbouring landowners and occupiers;
 - b. A notice in Parra News published on Tuesday 23 January 2024;
 - c. Relevant material shared on City of Parramatta's corporate website and community engagement platform, Participate Parramatta; and
 - d. Hard copy materials distributed at PHIVE, Dundas Library, and Carlingford Library.
26. A total of 10 submissions were received, six (6) from individual community members. Four (4) submissions were received from the following State Agencies and service providers:
- a. Transport for NSW (TfNSW);
 - b. School Infrastructure NSW (SINSW);
 - c. Sydney Water; and
 - d. Endeavour Energy.
27. Of the six community submissions, four raised objections and two supported the proposal to an extent. The following concerns were raised:
- a. Unknown built form outcome;
 - b. Traffic impacts;
 - c. Parking congestion;
 - d. Safety concerns; and
 - e. Negative impacts on residents during construction.
28. The built form outcome will need to be consistent with what is achievable on the surrounding R2 Low Density Residential land and to be compliant with related local planning controls. Council's Traffic Engineers do not raise concerns regarding the traffic impacts of the Planning Proposal, noting that the surrounding road network has capacity to accommodate additional low-density dwellings on the land. The concerns raised in the community submissions can be addressed at the Development Application stage and therefore do not require changes to the Planning Proposal.
29. No State Agency or Service Provider submissions raised objections or significant concerns. Comments from State Agencies and Service Providers included:
- a. Recommendations against the planting of deep-rooted trees near electricity infrastructure;

- b. That future access from Pennant Hills Road will not be permitted, and for all new access to the site be from Lincluden Place only;
 - c. That adjustments may be required regarding water and wastewater servicing; and
 - d. That consideration be given to potential future impacts in relation to traffic management and active transport for future usage of the site.
- 30. The comments received from State agencies does not require changes to the Planning Proposal and can be addressed at the Development Application stage.
- 31. A detailed summary of the submissions received and Council officer responses to the issues raised are provided at **Attachment 3**.
- 32. Council previously resolved to allow the CEO to exercise plan-making delegations for this Planning Proposal, as authorised by Council on 26 November 2012. Plan-making delegation means that the CEO is responsible for the finalisation of the Local Environment Plan amendment, rather than the DPHI. It should be noted that councils are unable to exercise plan-making delegations in the case that there is an unresolved objection from a public authority. In this instance, no State Agency or Service Provider submissions raised objections to the Planning Proposal.

FINANCIAL IMPLICATIONS FOR COUNCIL

- 33. The finalisation of the Planning Proposal would be undertaken 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 above will be entered into between Council and the applicant.

CONCLUSION AND NEXT STEPS

- 34. It is recommended that the Local Planning Panel support the Council officer recommendation for Council to approve the finalisation of the Planning Proposal, provided at Attachment 1 for land at 8 Lincluden Place, Oatlands.
- 35. Following Local Planning Panel consideration of the recommendations of this report, the matter will be reported to an upcoming Council meeting.







Grace Haydon
Project Officer

Michael Rogers
Land Use Planning Manager

David Birds
Group Manager, Major Projects and Precincts

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

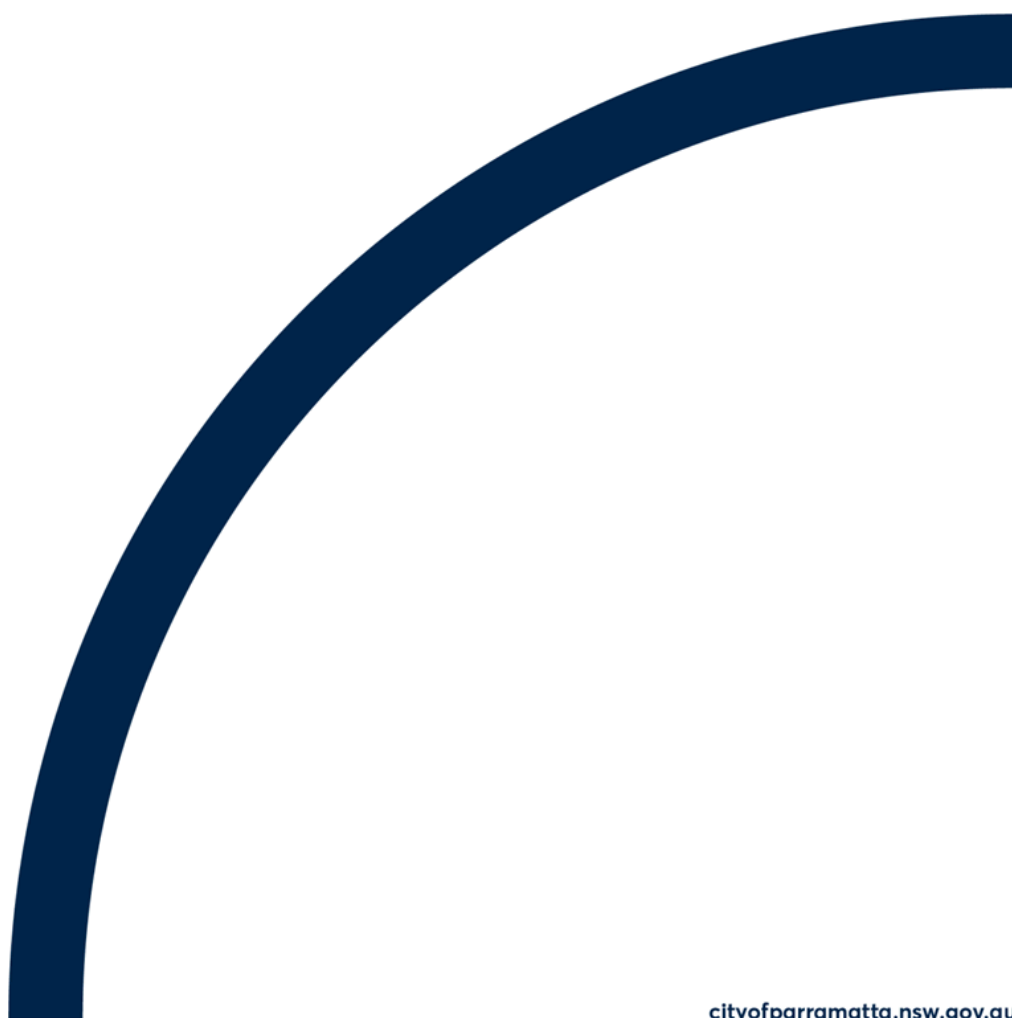
- | | | | | |
|---|---|---|--------------------------|----------|
| 1 |  |  | Planning Proposal | 42 Pages |
| 2 |  |  | Planning Agreement | 40 Pages |
| 3 |  |  | Submission Summary Table | 12 Pages |

REFERENCE MATERIAL



PLANNING PROPOSAL

8 LINCLUDEN PLACE, OATLANDS



cityofparramatta.nsw.gov.au

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Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Think Planners	Submitted to Council for assessment – August 2021

Council versions:

No.	Author	Version
1.	City of Parramatta Council	Report to Local Planning Panel and Council on the assessment of Planning Proposal – October 2022 Submission to Department of Planning and Environment seeking Gateway Determination – December 2022
2.	City of Parramatta Council	Amendments updating Planning Proposal following Gateway Determination – December 2023

INTRODUCTION

This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2023*. It 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, 'A Guide to Preparing Local Environment Plans' (December 2021).

Background and context

The Site

On 5 November 2021, Council received a Planning Proposal from Think Planners Pty Ltd on behalf of Zaki Property Pty Ltd ATF Zaki Property Trust relating to the land at 8 Lincluden Place, Oatlands. The site is legally defined as Lot 3 DP 775621 and has a site area of approximately 4,249sqm. The site is currently zoned part SP2 Infrastructure (Educational Establishment) and part SP2 Infrastructure (Classified Road).

The site is located at the northern end of a cul-de-sac with boundaries on Lincluden Place, Gollan Avenue and Pennant Hills Road. The site is shown in **Figure 1**, below.



Figure 1 – Site at 8 Lincluden Place, Oatlands, subject to the Planning Proposal

The site served as an educational facility, the Garfield Barwick School, until its sale in 2019 by the previous owners, the Royal Institute for Deaf and Blind Children, and currently includes an education building, carparking and outdoor play spaces. The existing building on site provides approximately 1320spm of multipurpose floor space, including kitchens, multipurpose rooms, classrooms, offices, and storage. The facility is not currently in use.

The land to the east and southeast is zoned R2 Low Density Residential comprising low density housing. The adjoining property to the west is zoned SP2 Infrastructure (Educational Establishment) and is occupied by the Alan Walker College. Further SP2 Infrastructure (Educational Establishment) zones are located on the northern side of Pennant Hills Road, with Burnside Public School and the grounds of the Kings School directly opposite the site. Tara Anglican School for Girls, and Redeemer Baptist School are also within proximity to the site (refer **Figure 2**).

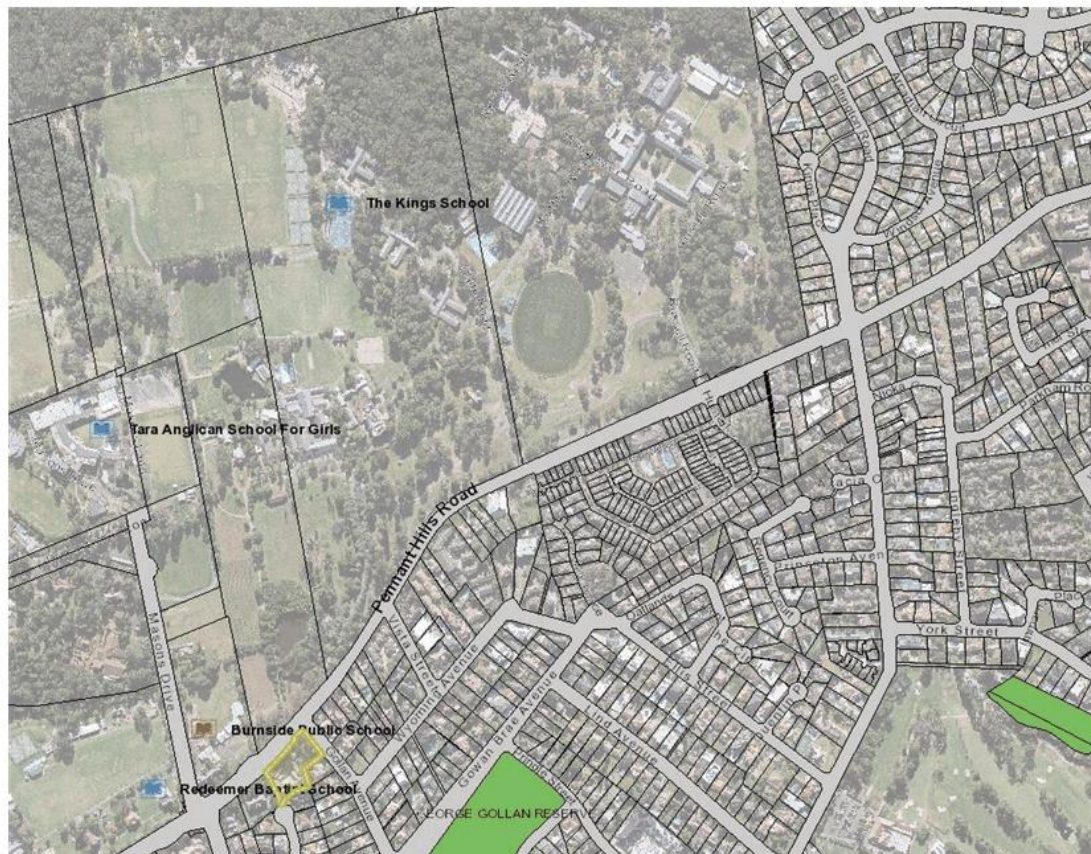


Figure 2 – Educational Establishments within the vicinity of the site at 8 Lincluden Place, Oatlands.



Figure 3 – Street view of the site 8 Lincluden Place, Oatlands from Lincluden Place.



Figure 4 – Street view of the site 8 Lincluden Place, Oatlands from Gollan Avenue.



Figure 5 – Street view of the site 8 Lincluden Place, Oatlands from Pennant Hills Road.

Background

Under *Parramatta Local Environmental Plan 2023* the site:

- is zoned part SP2 Infrastructure (Educational Establishment) and part SP2 Infrastructure (Classified Road);
- has a minimum lot size of 700sqm;
- has a maximum building height of 9 metres;
- has no maximum Floor Space Ratio (FSR);
- is located within the Burnside Homes Heritage Conservation Area.

The site is located within the Burnside Homes Heritage Conservation Area, however the building currently on site is not identified as a heritage item.

An extract of each the above maps is provided in Part 4 – Mapping; specifically, Section 4.1 Existing controls.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to amend the *Parramatta Local Environmental Plan 2023* to enable the rezoning of the subject site to R2 Low Density Residential to accommodate future low density residential housing.

The intended outcome of the Planning Proposal is to increase the availability of housing, by rezoning the site consistent with the underlying zoning of surrounding properties.

The Planning Proposal seeks to achieve these intended outcomes through an amendment to the *Parramatta Local Environmental Plan 2023*, to rezone the land zoned SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. In accordance with surrounding properties zoned R2 Low Density Residential, the Planning Proposal will amend *Parramatta Local Environmental Plan 2023* to apply a Floor Space Ratio of 0.5:1 and identify the site as 'S' (subdivisions) on the Dual Occupancy Prohibition map. The Planning Proposed is accompanied by technical studies to support the proposed changes (refer to Appendix 1 and 2).

PART 2 – EXPLANATION OF PROVISIONS

This Planning Proposal seeks to amend *Parramatta Local Environmental Plan 2023* in relation to the zoning, floor space ratio and dual occupancy prohibition controls.

In order to achieve the desired objectives, the following amendments to the *Parramatta Local Environmental Plan 2023* are required:

Amend the zone in the **Land Zoning Map** from part SP2 Infrastructure (Educational Establishment) and part SP2 Infrastructure (Classified Road) to part R2 Low Density Residential and part SP2 Infrastructure (Classified Road). Refer to **Figure 18** in Part 4 of this Planning Proposal.

Amend the maximum floor space ratio in the **Floor Space Ratio Map** from no floor space ratio control to 0.5:1. Refer to **Figure 19** in Part 4 of this Planning Proposal.

Amend the **Dual Occupancy Prohibition Map** to identify the site as 'S' (subdivisions) on the Dual Occupancy Prohibition map. Refer to **Figure 20** in Part 4 of this Planning Proposal.

Notes:

The above planning provisions were updated in accordance with the Gateway determination issued by the Department of Planning and Environment. Condition 1 of the Gateway determination required the Planning Proposal to be updated prior to public exhibition to align with the *Parramatta Local Environmental Plan 2023* that came into effect on 2 March 2023. Subsequently, the Planning Proposal applies controls consistent with the surrounding properties zoned R2 Low Density Residential.

2.1 Other relevant matters

2.1.1 Voluntary Planning Agreement

It is noted that the proponent provided a Letter of Offer on 29 September 2022, outlining willingness to enter into a Planning Agreement associated with the Planning Proposal. The Letter of Offer provides for pedestrian upgrades to address increased infrastructure demand generated by the proposed development. It is intended that the Planning Agreement is structured to allow a base development scenario up to an envisaged maximum development scenario, and triggers for revision of the Planning Agreement should development vary from this.

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This part describes the reasons for the proposed outcomes and development standards in the Planning Proposal.

3.1 Section A - Need for the Planning Proposal

This section establishes the need for a Planning Proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the Planning Proposal, and whether amending the LEP is the best mechanism to achieve the intended outcome of the Planning Proposal.

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

Local Strategic Planning Statement (LSPS)

Council's adopted Local Strategic Planning Statement (LSPS) provides strategic direction on how the City of Parramatta is planning for the future growth of the city and draws together the needs and aspirations of the community. It identifies priorities for jobs, home and infrastructure. The LSPS contains actions and priorities to help Council achieve the vision of the State Government's Greater Sydney Region Plan and Central City District Plan and highlights its important role as the Central River City.

The LSPS additionally identifies the need to preserve and enhance the low-scale character of suburban Parramatta outside of the Greater Parramatta and Olympic Park (GPOP) area and Epping Strategic Centre through 'Planning Priority 5' which relates to maintaining lower density residential zones in areas outside of identified growth precincts across the city. As Oatlands is not in, or adjacent to, an identified growth precinct, this Planning Proposal is strategically aligned with Planning Priority 5 in the LSPS. This consistency is highlighted in **Table 3**.

Table 3 – Consistency of Planning Proposal with City of Parramatta Local Strategic Planning Statement

Priority/Direction/Action	Response
Planning Priority 5 Policy Direction P17 Maintain lower density residential zones, with a maximum height of 2 storeys, throughout suburban Parramatta.	Consistent. This Planning Proposal is in an area outside of a growth precinct and proposes an R2 Low Density Rezoning that is consistent with surrounding zoning.

Local Housing Strategy (LHS)

The Planning Proposal is consistent with the City of Parramatta Local Housing Strategy (LHS), which provides direction at the local level about when and where future housing growth will occur, and how it aligns with the broader NSW-government strategic planning framework. The LHS identifies that the city will require a small increase of housing stock in areas outside of the identified growth precincts.

3.1.2 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 and most appropriate means of achieving the desired future redevelopment on the site. Accordingly, an amendment to the *Parramatta Local Environmental Plan 2023* to re-zone the site as R2 Low Density Residential, and apply relevant floor space ratio and dual occupancy subdivision prohibition controls, is an appropriate mechanism to achieve consistency with the surrounding land uses for this site.

3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

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

A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* ("the GSRP") a 20 year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions that each contain Potential Indicators and, generally, a suite of objective/s supported by a Strategy or Strategies. Those objectives and or strategies relevant to this Planning Proposal are discussed below.

Infrastructure and Collaboration

An assessment of the Planning Proposal's consistency with the GSRP's relevant Infrastructure and Collaboration objectives is provided in **Table 4a**, below.

Table 4a – Consistency of Planning Proposal with relevant GSRP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Relevant Objective	Comment
A city supported by infrastructure	O1: Infrastructure supports the three cities O2: Infrastructure aligns with forecast growth – growth infrastructure compact O3: Infrastructure adapts to meet future need O4: Infrastructure use is optimised	This Planning Proposal is supported by a Planning Agreement providing for pedestrian upgrades to address increased infrastructure demand generated by the proposed development. The Planning Agreement is structured to allow a base development scenario up to a maximum development scenario, and triggers for revision of the Planning Agreement should development vary from this.

Liveability

An assessment of the Planning Proposal's consistency with the GSRP's relevant Liveability objectives is provided in **Table 4b**, below.

Table 4b – Consistency of Planning Proposal with relevant GSRP Actions – Liveability

Liveability Direction	Relevant Objective	Comment
A city for people	O6: Services and infrastructure meet communities' changing needs	This Planning Proposal seeks to remove the current SP2 Infrastructure (Educational Establishment) in favour of R2 Low Density Residential zoning. It is noted that the site had previously accommodated a private school and has not been used as an educational establishment since 2019. This zoning change will not have an impact on current educational service in the Oatlands catchment area.
	O7: Communities are healthy, resilient and socially connected	
	O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	
	O9: Greater Sydney celebrates the arts and supports creative industries and innovation	
Housing the city	O10: Greater housing supply	This Planning Proposal will contribute to greater housing supply. The intended outcome of the Planning Proposal is to increase the availability of housing, by rezoning the site consistent with the underlying zoning of surrounding properties.
	O11: Housing is more diverse and affordable	The rezoning will contribute to the diversity and affordability of low-density housing.
A city of great places	O13: Environmental heritage is identified, conserved and enhanced	The site itself does not contain a heritage item; however, is within the Burnside Homes Heritage Conservation Area. As such, any future Development Applications will be assessed against current heritage controls and will be accompanied by a Statement of Heritage Impact to ensure development is respectful of the Burnside Homes Conservation Area (refer to Appendix 1).

Productivity

An assessment of the Planning Proposal's consistency with the GSRP's relevant Productivity objectives is provided in **Table 4c**, below.

Table 4c – Consistency of Planning Proposal with relevant GSRP Actions – Productivity

Productivity Direction	Relevant Objective	Comment
A well-connected city	O14: The plan integrates land use and transport creates walkable and 30-minute cities	This Planning Proposal is not located in an identified growth precinct and does not contribute to the establishment of a 30-minute city.
	O15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive	N/A This Planning Proposal is not located in the Eastern, GOP or Western Economic Corridors.
Jobs and skills for the city	O19: Greater Parramatta is stronger and better connected	N/A This Planning Proposal is related to residential land only. It is noted that the northern portion of this site is currently zoned SP2 Infrastructure (Classified Road), and is identified on the Land
	O21: Internationally competitive health, education, research and innovation precincts	
	O22: Investment and business activity	

	in centres O23: Industrial and urban services land is planned, retained and managed O24: Economic sectors are targeted for success	Reservation Acquisition Map. This Planning Proposal seeks to retain the land zoned SP2 Infrastructure (Classified Road).
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Sustainability

An assessment of the Planning Proposal's consistency with the GSRP's relevant Sustainability objectives is provided in **Table 4d**, below.

Table 4d – Consistency of Planning Proposal with relevant GSRP Actions – Sustainability

Sustainability Direction	Relevant Objective	Comment
A city in its landscape	O25: The coast and waterways are protected and healthier O27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced O28: Scenic and cultural landscapes are protected O29: Environmental, social and economic values in rural areas are protected and enhanced O30: Urban tree canopy cover is increased O31: Public open space is accessible, protected and enhanced O32: The Green grid links Parks, open spaces, bushland and walking and cycling paths	N/A This Planning Proposal is located in an existing urban area and does not impact biodiversity or bushland.
An efficient city	O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change O34: Energy and water flows are captured, used and re-used O35: More waste is re-used and recycled to support the development of a circular economy	N/A This Planning Proposal does not respond to energy, waste or water efficiencies. Detailed assessment of these issues may be considered at the DA stage.
A resilient city	O36: People and places adapt to climate change and future shocks and stresses O37: Exposure to natural and urban hazards is reduced O38: Heatwaves and extreme heat are managed	The site is not located in a flood prone area.

Implementation

An assessment of the Planning Proposal's consistency with the GSRP's relevant Implementation objectives is provided in **Table 4e**, below.

Table 4e – Consistency of Planning Proposal with relevant GSRP Actions – Implementation

Implementation Direction	Relevant Objective	Comment
Implementation	O39: A collaborative approach to city planning	The Planning Proposal is consistent with the State Government's Planning Proposal process in accordance with the 'A Guide to Preparing Planning Proposals'. The Planning Proposal considers other strategic planning documents including the Central City District Plan and local strategies. This will be further discussed below.

Central City District Plan

In March 2018, the NSW Government released *Central City District Plan* which outlines a 20 year plan for the Central City District which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas.

Taking its lead from the GSRP, the *Central City District Plan* ("CCDP") is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities that are each supported by corresponding Actions. Those Planning Priorities and Actions relevant to this Planning Proposal are discussed below.

Infrastructure and Collaboration

An assessment of the Planning Proposal's consistency with the CCDP's relevant Infrastructure and Collaboration Priorities and Actions is provided in **Table 5a**, below.

Table 5a – Consistency of Planning Proposal with relevant CCDP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Planning Priority/Action	Comment
A city supported by infrastructure O1: Infrastructure supports the three cities O2: Infrastructure aligns with forecast growth – growth infrastructure compact O3: Infrastructure adapts to meet future need O4: Infrastructure use is optimised	PP C1: Planning for a city supported by infrastructure <ul style="list-style-type: none"> A1: Prioritise infrastructure investments to support the vision of <i>A metropolis</i> A2: Sequence growth across the three cities to promote north-south and east-west connections A3: Align forecast growth with infrastructure A4: Sequence infrastructure provision using a place based approach A5: Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans A6: Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes to reduce the demand for new infrastructure, supporting the development of adaptive and flexible regulations to allow decentralised utilities 	<p>This Planning Proposal is supported by a Planning Agreement providing for pedestrian upgrades to address increased infrastructure demand that will be generated by future development because of the Planning Proposal. The Planning Agreement is structured to allow a base development scenario up to a maximum development scenario, and triggers for revision of the Planning Agreement should development vary from this.</p> <p>It is noted that the northern portion of the site is currently zoned SP2 Infrastructure (Classified Road) and is identified on the Land Reservation Acquisition Map. This Planning Proposal seeks to retain the land zoned SP2 Infrastructure (Classified Road).</p>
O5: Benefits of growth realized by collaboration of governments, community and business	PP C2: Working through collaboration <ul style="list-style-type: none"> A7: Identify prioritise and delivery collaboration areas 	<p>N/A</p> <p>This Planning Proposal relates to a single site outside of the growth precincts.</p>

Liveability

An assessment of the Planning Proposal's consistency with the CCDP's relevant Liveability Priorities and Actions is provided in **Table 5b**, below.

Table 5b – Consistency of Planning Proposal with relevant CCDP Actions – Liveability

Liveability Direction	Planning Priority/Action	Comment
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A city for people O6: Services and infrastructure meet communities' changing needs	PP C3: Provide services and social infrastructure to meet people's changing needs <ul style="list-style-type: none"> • A8: Deliver social infrastructure that reflects the need of the community now and in the future • A9: Optimise the use of available public land for social infrastructure 	This Planning Proposal seeks to remove the current SP2 Infrastructure (Educational Establishment) in favour of R2 Low Density Residential zoning. It is noted that the previous school was private, and the site has not been used as an educational establishment since 2019. This zoning change will not have an impact on current educational service in the Oatlands catchment area.
O7: Communities are healthy, resilient and socially connected O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods O9: Greater Sydney celebrates the arts and supports creative industries and innovation	PP C4: Working through collaboration <ul style="list-style-type: none"> • A10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d). • A11: Incorporate cultural and linguistic diversity in strategic planning and engagement. • A12: Consider the local infrastructure implications of areas that accommodate large migrant and refugee populations. • A13: Strengthen the economic self-determination of Aboriginal communities by engagement and consultation with Local Aboriginal Land Council's. • A14: Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden including (a-c). • A15: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places 	N/A This Planning Proposal is related to residential land only.
Housing the city O10: Greater housing supply O11: Housing is more diverse and affordable	PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport <ul style="list-style-type: none"> • A16: Prepare local or district housing strategies that address housing targets [abridged version] • A17: Prepare Affordable Rental housing Target Schemes 	This Planning Proposal will contribute to greater housing supply. The intended outcome of the Planning Proposal is to increase the availability of housing, by rezoning the site consistent with the underlying zoning of surrounding properties.
A city of great places O12: Great places that bring people together O13: Environmental heritage is identified, conserved and enhanced	PP C6: Creating and renewing great places and local centres, and respecting the District's heritage <ul style="list-style-type: none"> • A18: Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by (a-e) • A19: Identify, conserve and enhance environmental heritage by (a-c) • A20: Use place-based planning to support the role of centres as a focus for connected neighbourhoods • A21: In Collaboration Areas, Planned Precincts and planning for centres (a-d) 	The site itself does not contain a heritage item; however, it is within the Burnside Homes Heritage Conservation Area. As such, any future Development Applications will be assessed against heritage controls and will be accompanied by a Statement of Heritage Impact to ensure development is respectful of the Burnside Homes Conservation Area (refer to Appendix 1).

	<ul style="list-style-type: none"> • A22: Use flexible and innovative approaches to revitalise high streets in decline. 	
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Productivity

An assessment of the Planning Proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in **Table 5c**, below.

Table 5c – Consistency of Planning Proposal with relevant CCDP Actions – Productivity

Productivity Direction	Planning Priority/Action	Comment
A well-connected city O19: Greater Parramatta is stronger and better connected	PP C7: Growing a stronger and more competitive Greater Parramatta <ul style="list-style-type: none"> • A23: Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged] • A24: Revitalise Hawkesbury Road so that it becomes the civic, transport, commercial and community heart of Westmead • A25: Support the emergency services transport, including helicopter access • A26: Prioritise infrastructure investment [abridged] • A27: Manage car parking and identify smart traffic management strategies • A28: Investigate opportunities for renewal of Westmead East as a mixed use precinct 	N/A This Planning Proposal is not located in the Eastern, GOP or Western Economic Corridors, and does not impact infrastructure. Detailed assessment of these issues may be considered at the DA stage
Jobs and skills for the city O15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive	PP C8: Delivering a more connected and competitive GOP Economic Corridor <ul style="list-style-type: none"> • A29: Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GOP Economic Corridor • A30: Prioritise transport investments that enhance access to the GOP between centres within GOP • A31: Co-locate health, education, social and community facilities in strategic centres along the GOP Economic Corridor. 	N/A This Planning Proposal is not located in the Eastern, GOP or Western Economic Corridors, and does not contribute to the establishment of a 30 minute city.
O14: The plan integrates land use and transport creates walkable and 30 minute cities	PP C9: Delivering integrated land use and transport planning and a 30-minute city <ul style="list-style-type: none"> • A32: Integrate land use and transport plans to deliver a 30-minute city • A33: Investigate, plan and protect future transport and infrastructure corridors • A34: Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network • A35: Optimise the efficiency and effectiveness of the freight handling and logistics network by (a-d) • A36: Protect transport corridors as appropriate, including the Western Sydney Freight Line, North South train link from Schofields to WS Airport as well as Outer Sydney Orbital and Bells Line of Road-Castlereagh connections 	This Planning Proposal is not located in an identified growth precinct and does not contribute to the establishment of a 30 minute city.
O23: Industrial and urban services land is planned, retained and managed	PP C10: Growing investment, business opportunities and jobs in strategic centres <ul style="list-style-type: none"> • A37: Provide access to jobs, goods and services in centres [abridged] • A38: Create new centres in accordance with the principles for Greater Sydney's centres 	N/A This Planning Proposal is not located in the Eastern, GOP or Western

	<ul style="list-style-type: none"> • A39: Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional floorspace 	Economic Corridors.
O23: Industrial and urban services land is planned, retained and managed	<p>PP C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land</p> <ul style="list-style-type: none"> • A49: Review and manage industrial and urban service land, in line with the principles for managing industrial and urban services land, in the identified local government area • A51: Facilitate the contemporary adaption of industrial and warehouse buildings through increased floor to ceiling heights • A52: Manage the interfaces of industrial areas, trade gateways and intermodal facilities by land use activities (a-e) and transport operations (f-g) [abridged] 	N/A This Planning Proposal is related to residential land only.
O24: Economic sectors are targeted for success	<p>PP C12: Supporting growth of targeted industry sectors</p> <ul style="list-style-type: none"> • A53: Facilitate health and education precincts by (a-d) [abridged] • A54: Provide a regulatory environment that enables economic opportunities created by changing technologies • A55: Consider the barriers to the growth of internationally competitive trade sectors, including engaging with industry and assessing regulatory barriers • A56: Protect and support agricultural production and mineral resources by preventing inappropriate dispersed urban activities • A57: Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experience and ensure connections to transport at key tourist attractions • A58: Consider opportunities to enhance the tourist and visitor economy in the district, including a coordinated approach to tourism activities, events and accommodation • A59: When preparing plans for tourism and visitation consider (a-g) [abridged] 	N/A This Planning Proposal is related to residential land only.

Sustainability

An assessment of the Planning Proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in **Table 5d**, below.

Table 5d – Consistency of Planning Proposal with relevant CCDP Actions – Sustainability

Sustainability Direction	Planning Priority/Action	Comment
A city in its landscape O25: The coast and waterways are protected and healthier	<p>PP C13: Protecting and improving the health and enjoyment of the District's Waterways</p> <ul style="list-style-type: none"> • A60: Protect environmentally sensitive areas of waterways • A61: Enhance sustainability and liveability by improving and managing access to waterways and foreshores for recreation, tourism, cultural events and water based transport 	N/A This Planning Proposal is located in an existing urban area and does not face onto sensitive waterways. Stormwater management on the site will be assessed at DA stage.

	<ul style="list-style-type: none"> • A62: Improve the health of catchments and waterways through a risk based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes • A63: Work towards reinstating more natural conditions in highly modified urban waterways 	
O26: The coast and waterways are protected and healthier	<p>PP C14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element</p> <ul style="list-style-type: none"> • A64: Implement South Creek Corridor Project and use the design principles for South Creek to deliver a cool and green Western Parkland City 	<p>N/A</p> <p>This Planning Proposal is not located in the South Creek Corridor Project area.</p>
<p>O27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p>O28: Scenic and cultural landscapes are protected</p>	<p>PP C15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes</p> <ul style="list-style-type: none"> • A65: Protect and enhance biodiversity by (a-c) [abridged] • A66: Identify and protect scenic and cultural landscapes • A67: Enhance and protect views of scenic and cultural landscapes from the public realm 	<p>This site has been largely developed and so does not contain areas of biodiversity that would warrant protection.</p> <p>A preliminary assessment (audit) of existing trees on the site has identified six (6) trees rated as 'high significance'* for retention, and zero (0) trees recommended for removal in response to this Planning Proposal and the indicative subdivision scheme.</p> <p>Additionally, the preliminary assessment demonstrates that there is adequate room to construct new residential dwellings, and space between existing trees on the site to accommodate the development of future driveways should the indicative subdivision application be progressed. As such, any future Development Applications will be assessed against the in-force DCP.</p> <p>*Significance of a Tree, Assessment Rating System (STARS) – Institute of Australian Consulting Arboriculturists 2010)</p>
<p>O30: Urban tree canopy cover is increased</p> <p>O32: The Green grid links Parks, open spaces, bushland and walking and cycling paths</p>	<p>PP C16: PP C16: Increasing urban tree canopy cover and delivering Green grid connections</p> <ul style="list-style-type: none"> • A68: Expand urban tree canopy in the public realm • A69: progressively refine the detailed design and delivery of (a-c) [abridged] • A70: Create Greater Sydney green Grid connections to the Western Sydney Parklands 	<p>A preliminary assessment (audit) of existing trees on the site has identified six (6) trees rated as 'high significance'* for retention, and zero (0) trees recommended for removal in response to this Planning Proposal and the indicative subdivision scheme.</p> <p>Additionally, the preliminary assessment demonstrates that there is adequate room to construct new residential dwellings, and space between existing trees on the site to accommodate the development of future driveways should the indicative subdivision application be progressed. As such, any future Development Applications will be assessed against the in-force DCP.</p> <p>*Significance of a Tree, Assessment Rating System (STARS) – Institute of Australian Consulting Arboriculturists 2010)</p>

<p>O31: Public open space is accessible, protected and enhanced</p>	<p>PP C17: Delivering high quality open space</p> <ul style="list-style-type: none"> • A71: Maximise the use of existing open space and protect, enhance and expand public open space by (a-g) [abridged] 	<p>N/A</p> <p>This Planning Proposal is located in an existing urban area and does not impact public open space.</p>
<p>An efficient city</p> <p>O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</p> <p>O34: Energy and water flows are captured, used and re-used</p> <p>O35: More waste is re-used and recycled to support the development of a circular economy</p>	<p>PP C19: Reducing carbon emissions and managing energy, water and waste efficiently</p> <ul style="list-style-type: none"> • A75: Support initiatives that contribute to the aspirational objectives of achieving net-zero emissions by 2050 • A76: Support precinct-based initiatives to increase renewable energy generation and energy and water efficiency • A77: Protect existing and identify new locations for waste recycling and management • A78: Support innovative solutions to reduce the volume of waste and reduce waste transport requirements • A79: Encourage the preparation of low carbon, high efficiency strategies to reduce emissions, optimise the use of water, reduce waste and optimising car parking provisions where an increase in total floor in 100,000sqm 	<p>N/A</p> <p>This Planning Proposal does not respond to energy, waste or water efficiencies. Detailed assessment of these issues may be considered at the DA stage.</p>
<p>O36: People and places adapt to climate change and future shocks and stresses</p> <p>O37: Exposure to natural and urban hazards is reduced</p> <p>O38: Heatwaves and extreme heat are managed</p>	<p>PP C20: Adapting to the impacts of urban and natural hazards and climate change</p> <ul style="list-style-type: none"> • A81: Support initiatives that respond to the impacts of climate change • A82: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing areas most exposed to hazards • A83: Mitigate the urban heat island effect and reduce the vulnerability to extreme heat • A84: Respond to the direction for managing flood risk in Hawkesbury-Nepean Valley • A85: Consider strategies and measures to manage flash flooding and safe evacuation when planning for growth in Parramatta CBD 	<p>The site is not located in a flood prone area.</p>

3.2.2 Will the Planning Proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The following local strategic planning documents are relevant to the Planning Proposal.

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the city and the region.

The Planning Proposal is considered to meet the strategies and key objectives identified in the plan including:

- **Fair:** The site is located within close proximity of four (4) educational institutions (refer to **Figure 2**).
- **Accessible:** The site is located within close access to two Transport for NSW (TfNSW) bus services running between Parramatta Station and Pennant Hills Station, and Parramatta Station and Macquarie Park via Epping Station. Additionally, the site is adjacent to existing Parramatta Ways walking strategy pathways, and to two proposed cycling route connections.
- **Welcoming:** The Planning Proposal is in keeping with the surrounding built form, and proposes development in keeping with the existing character of the suburb. The site is not identified as containing a heritage item, however it is located in the Burnside Homes Conservation Area. Any future development applications at the site would require a Statement of Heritage Impact to ensure development is respectful of the Burnside Homes Conservation Area.

Parramatta Local Strategic Planning Statement

Refer to Section 3.1.1 of this Planning Proposal.

Parramatta Local Housing Strategy

Refer to Section 3.1.1 of this Planning Proposal.

3.2.3 Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

There are no State or regional studies or strategies which relate to the site for this Planning Proposal.

3.2.4 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to **Table 6** below).

Table 6 – Consistency of Planning Proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = ✗ N/A = Not applicable	Comment
SEPP No 1 Development Standards	N/A	This SEPP is not relevant to the proposed amendment.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	This SEPP is not relevant to the proposed amendment.
SEPP 60 – Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2023 given the site is within a Heritage Conservation Area.
SEPP No 65 Design Quality of Residential Flat Development	✓	This SEPP is not relevant to the proposed amendment.
SEPP (BASIX) 2004	N/A	Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a Development Application for the site facilitated by this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓	This SEPP is not relevant to the proposed amendment. May apply to future development of the site.
SEPP (Housing) 2021	✓	Detailed compliance with SEPP (Housing) 2021 will be demonstrated at the time of making an application for the site facilitated by this Planning Proposal, noting that this SEPP permits Boarding Houses without consent on this site.
SEPP (Resilience and Hazards) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Industry and Employment) 2021	✓	This SEPP is not relevant to the proposed amendment. May apply to future development of the site.
SEPP (Transport and Infrastructure) 2021	✓	This SEPP is not relevant to the proposed amendment. May apply to future development of the site.
SEPP (Biodiversity and Conservation) 2021	N/A	The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at Development Assessment (DA) stage.
SEPP (Planning Systems) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Precincts – Central River City) 2021	N/A	This SEPP is not relevant to the proposed amendment.

3.2.5 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing Planning Proposals for new LEPs. The directions are listed under nine focus areas:

1. Planning Systems and Planning Systems – Place Based
2. Design and Place (This Focus Area was blank when the Directions were made)

3. Biodiversity and Conservation
4. Resilience and Hazards
5. Transport and Infrastructure
6. Housing
7. Industry and Employment
8. Resources and Energy
9. Primary production

The following directions are considered relevant to the subject Planning Proposal.

Table 7 – Consistency of Planning Proposal with relevant Section 9.1 Directions

Relevant Direction	Comment	Compliance
1. Planning Systems and Planning Systems – Place Based		
Direction 1.1 – Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The Planning Proposal is consistent with the vision, land use strategy, goals, directions and actions contained in the GSRP, as described above in Tables 4b and 4d .	Yes
Direction 1.3 – Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 1.4 – Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal does not introduce any site specific provisions	Yes
2. Design and Place		
This Focus Area was blank at the time the Directions were made.		
3. Biodiversity and Conservation		
Direction 3.1 – Conservation Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal is consistent with this direction, in that it does not apply to environmentally sensitive areas or alter provisions for land in a conservation zone.	Yes
Direction 3.2 – Heritage Conservation The objective of this direction is to protect and conserve environmentally sensitive areas.	The site is located within the Burnside Homes Conservation Area; it does not contain any Heritage items. Future development on the site will be assessed against current heritage controls and accompanied by a Statement of Heritage Impact at DA stage to ensure protection and conservation required within the Burnside Homes Conservation Area (refer to Appendix 1).	Yes
Direction 3.5 – Recreation Vehicle Areas The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	The Planning Proposal is consistent with this direction, in that it: is not proposing to enable land to be developed for the purpose of a recreation vehicle area.	Yes
4. Resilience and Hazards		

<p>Direction 4.1 – Flooding</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) Ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. 	<p>The site is not flood prone and is above the 1:100 year (1% Annual Exceedance Probability) flood level.</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. This will also include any design detail required to ensure compliance with Council's water management controls within the <i>Parramatta Development Control Plan 2023</i>.</p>	Yes
<p>Direction 4.3 Planning for Bushfire Protection</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) Encourage sound management of bush fire prone areas. 	<p>The site is not identified as bush fire prone land under Section 10.3 of the Environmental Planning and Assessment Act.</p>	Yes
<p>Direction 4.4 – Remediation of Contaminated Land</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by Planning Proposal authorities.</p>	<p>The site is not within an investigation area within the meaning of the Contaminated Land Management Act 1997 and has not been subject to development as described in Table 1 of the contaminated land planning guidelines.</p>	Yes
<p>Direction 4.1 - Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>The site is not identified on the Acid Sulfate Soils Map in <i>Parramatta LEP 2023</i>.</p>	Yes
5. Transport and Infrastructure		
<p>Direction 5.1 – Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that development reduces dependence on cars, increases the choice of available transport and improves access to housing, jobs and services by walking, cycling and public transport.</p>	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> • Will provide new dwellings in proximity to existing public transport links • Is located along existing Parramatta Ways walking strategy pedestrian routes and identified future cycle network routes. • Makes more efficient use of space and infrastructure by allowing new residential development on an underutilised site. 	Yes
<p>Direction 5.2 – Reserving Land for Public Purposes</p> <p>The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations where the land is no longer required for acquisition.</p>	<p>The Planning Proposal does not include the identification of, or removal of, land required for acquisition.</p>	Yes
6. Housing		
<p>Direction 6.1 – Residential Zones</p> <p>The objectives of this direction are to encourage a variety and choice of housing types, make efficient</p>	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> • Facilitates additional housing by allowing new residential development on an underutilised site, in keeping 	Yes

use of existing infrastructure and services and minimise the impact of residential development.	with the land uses of the surrounding area. <ul style="list-style-type: none"> Provides residential development in an existing urban area that is currently fully serviced by existing infrastructure. 	
7. Industry and Employment		
Direction 7.1 – Business and Industrial Zones The objectives of this direction are to: <ul style="list-style-type: none"> (a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones; and (c) Support the viability of identified centres. 	The Planning Proposal is consistent with this direction, in that it does not apply to business or industrial zones or alter provisions for land in a business or industrial zone.	Yes

3.3 Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

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

The site has previously been used as a private educational facility and has been largely developed, therefore it is unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

3.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

Heritage

The subject site is located in the Burnside Homes Conservation Area as identified in the *Parramatta DCP 2023* (refer to **Figure 6**). The site itself does not contain a heritage item and is not adjacent to any listed heritage items.

As discussed above, the proposed rezoning from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential is not considered to have a significant impact to the heritage significance of the area and will be consistent with adjoining zoning and land uses.

Any future DA would need to include a Statement of Heritage Impact to ensure that any development is completed in a manner that is sympathetic to, and does not detract from, the identified significance of the Burnside Homes Conservation Area.

Any applications should be referred to the NSW Environment, Energy and Science and Heritage NSW prior to any works commencing for assessment of potential relics on the site and their conservation.



Figure 6 – Heritage item map, Parramatta LEP 2023 for the site at 8 Lincluden Place, Oatlands

Urban Design and Built Form

This Planning Proposal proposes to rezone the site from part SP2 Infrastructure (Educational Establishment) and part SP2 Infrastructure (Classified Road) to part R2 Low Density Residential and part SP2 Infrastructure (Classified Road). In accordance with surrounding properties zoned R2 Low Density Residential, the Planning Proposal will amend *Parramatta Local Environmental Plan 2023* to apply a Floor Space Ratio of 0.5:1 and identify the site as 'S' (subdivision) on the Dual Occupancy Prohibition map.

The maximum development potential of this site provides two development scenarios:

- (1) Lot subdivision to 5 x residential lots at 700m² each, with dual occupancy dwellings (total 10 new dwellings)
- (2) Lot subdivision to 5 x residential lots at 700m² each, with a Boarding House of up to 12 rooms (permitted without consent under the SEPP (Housing) 2021)

This Planning Proposal is supported by a Planning Agreement providing for pedestrian upgrades to address increased infrastructure demand generated by the proposed development. The Planning Agreement is structured to allow a base development scenario, and triggers for revision of the Planning Agreement should development vary from the proposed base development scenario, effectively building a level of flexibility into the Planning Agreement to accommodate different development scenarios.

Transport and Accessibility

The proposed R2 Low Density Residential zones can accommodate low density forms of residential accommodation and can also accommodate an educational facility as per current zoning. As stated in the submitted traffic report, no significant additional traffic load will be generated as a result of the proposed rezoning (refer to **Appendix 2**). Additional traffic studies may be required at the DA assessment stage.

Future DAs would be assessed against the in-force DCP at the time of application and may require an additional traffic study to be undertaken.

The site is served by the two Transport for NSW (TfNSW) bus services running between Parramatta Station and Pennant Hills Station, and Parramatta Station and Macquarie Park via Epping Station.

The site has active transport connections and is adjacent to existing pathways in the Parramatta Ways walking network (refer to **Figure 7**). Additionally, there are two proposed cycle ways along both Pennant Hills Road and Gollan Avenue (refer to **Figure 8**). Further investigations to identify local infrastructure requirements, particularly to with regard to upgraded active transport network connections to support the increased development, would be required.



Figure 7 – Existing Parramatta Ways walking network routes and footpath locations.



Figure 8 – Proposed future cycle network connections along Pennant Hills Road and Gollan Avenue.

3.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The site and existing buildings have not been used as an educational establishment since the current owners purchased the site in 2019. Council officers consider that the loss of SP2 Infrastructure (Educational Establishment) zoned land will have no impacts on access to education facilities as these are permitted uses in an R2 Low Density Residential zone regardless (refer to **Figure 2**).

Further, the potential loss of the existing play spaces is considered a minor impact to the local community as is located within close proximity to existing, Council managed, open space and recreation areas (refer to **Figure 9**). Furthermore, the site is privately owned and was not open to the public to use the associated facilities. Any future application to re-establish an educational facility on the site would be required to meet the Education and Care Services National Regulations under the SEPP (Transport and Infrastructure).

The Applicant may seek to continue to use the existing buildings as an education facility. It is noted that the educational facility could re-commence operations in accordance with the existing development consent BA/84233 issued 5 July 1988 by the then Baulkham Hills Shire Council. If, however, the Applicant pursues the indicative subdivision, the existing development consent would need to be surrendered before any development consent is issued for subdivision. Any future DA seeking to establish a new education facility in these buildings will be required to demonstrate the ability to meet the Education and Care Services National Regulations as described in Part 3.3 of the SEPP (Transport and Infrastructure) 2021.



Figure 9 – Existing, Council managed, open space and recreation areas within the vicinity of the site at 8 Lincluden Place, Oatlands.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the Planning Proposal?

Further investigations will be required with regards to the potential impact on the existing active transport network as a result of this Planning Proposal.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the State and Commonwealth public authorities will be undertaken once the Gateway determination has been issued.

PART 4 – MAPPING

This section contains the mapping for this Planning Proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals. **Existing controls**

This section illustrates the current *Parramatta Local Environmental Plan 2023* controls which apply to the site. **Figure 10** illustrates the existing part SP2 Infrastructure (Educational Establishment) and part SP2 Infrastructure (Classified Road) zone for the site at 8 Lincluden Place, Oatlands.

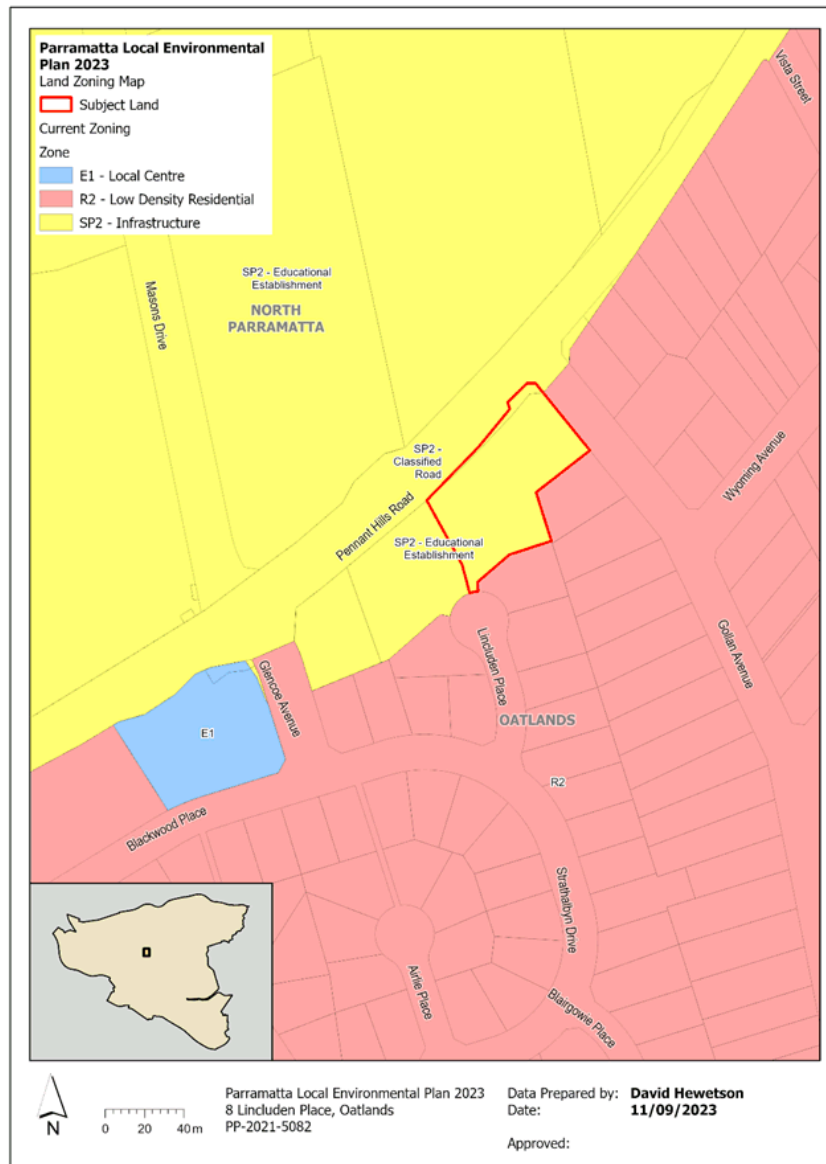


Figure 10 – Existing zoning extracted from *Parramatta Local Environmental Plan 2023* Land Zoning Map

Figure 11 illustrates the existing Height of Buildings controls for the site at 8 Lincluden Place, Oatlands.

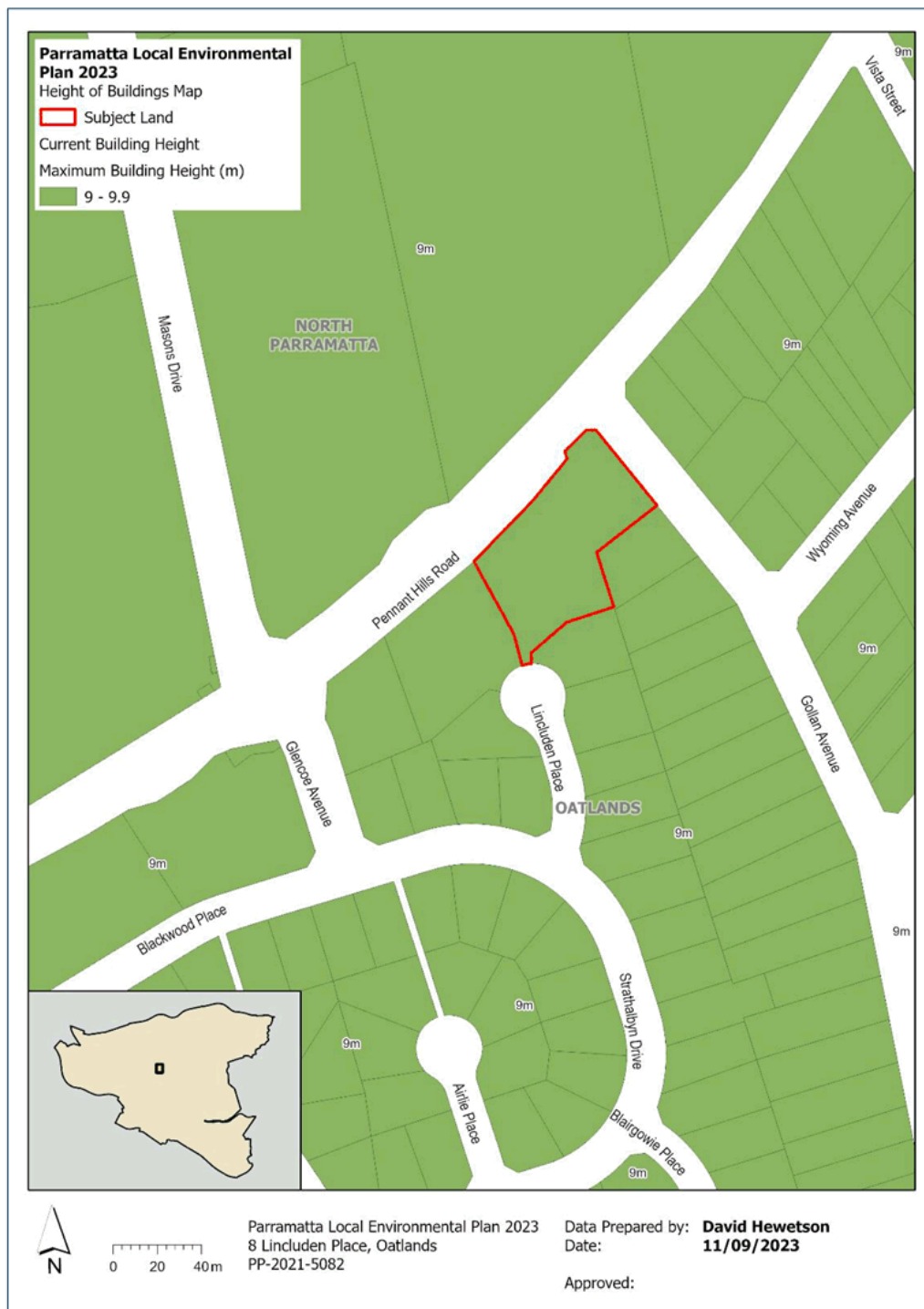


Figure 11 – Existing Height of Buildings extracted from *Parramatta Local Environmental Plan 2023 Height of Buildings Map*

Figure 13 illustrates the existing Heritage Conservation Area – the Burnside Homes Conservation Area, for the site at 8 Lincluden Place, Oatlands.

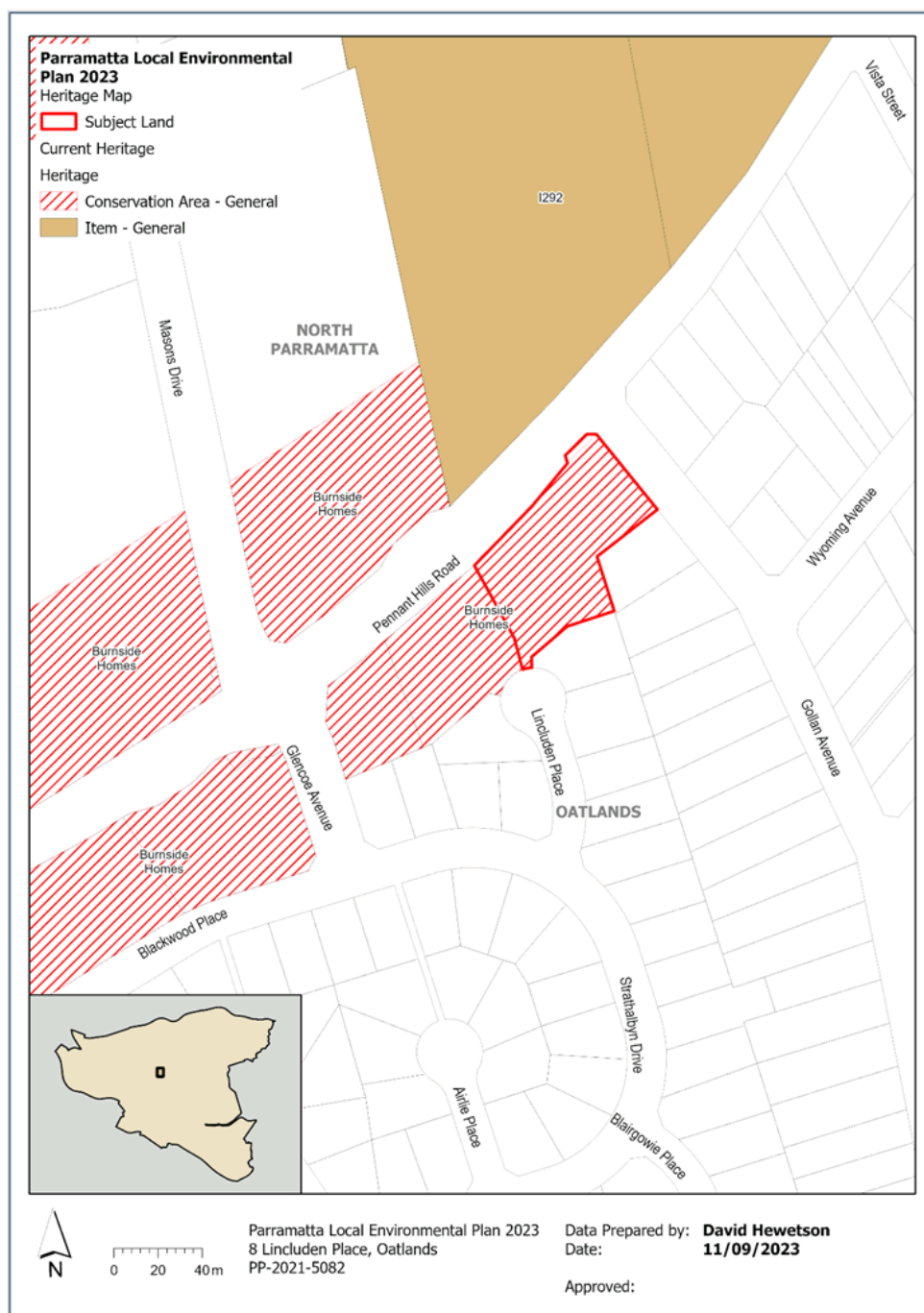


Figure 13 – Existing Heritage Conservation Area extracted from *Parramatta Local Environmental Plan 2023* Heritage Map

Figure 14 illustrates the minimum lot size for the site at 8 Lincluden Place, Oatlands.

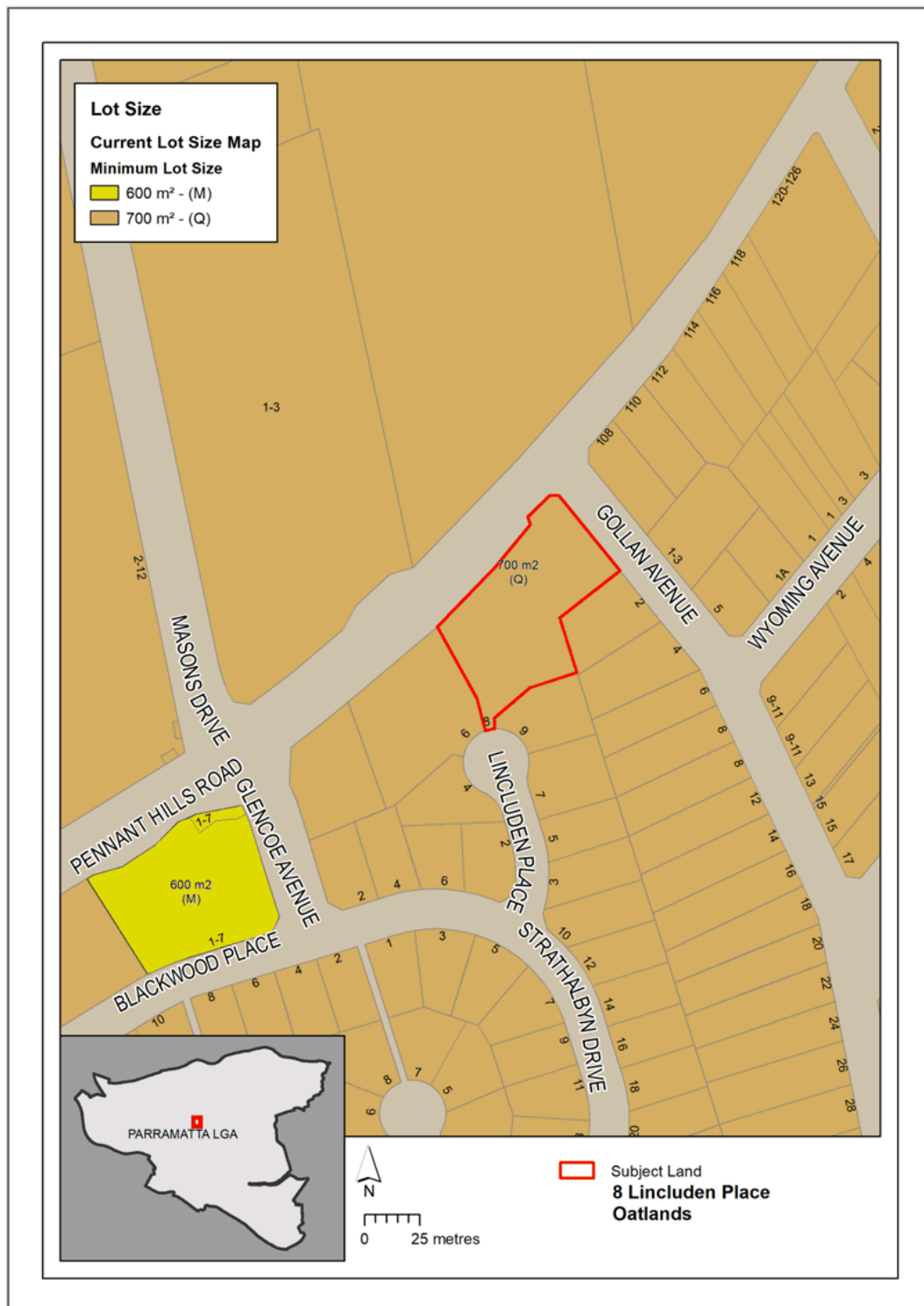


Figure 14 – Existing minimum lot sizes extracted from *Parramatta Local Environmental Plan 2023* Lot Size Map

Figure 15 illustrates the flooding extent in the vicinity of the site at 8 Lincluden Place, Oatlands.

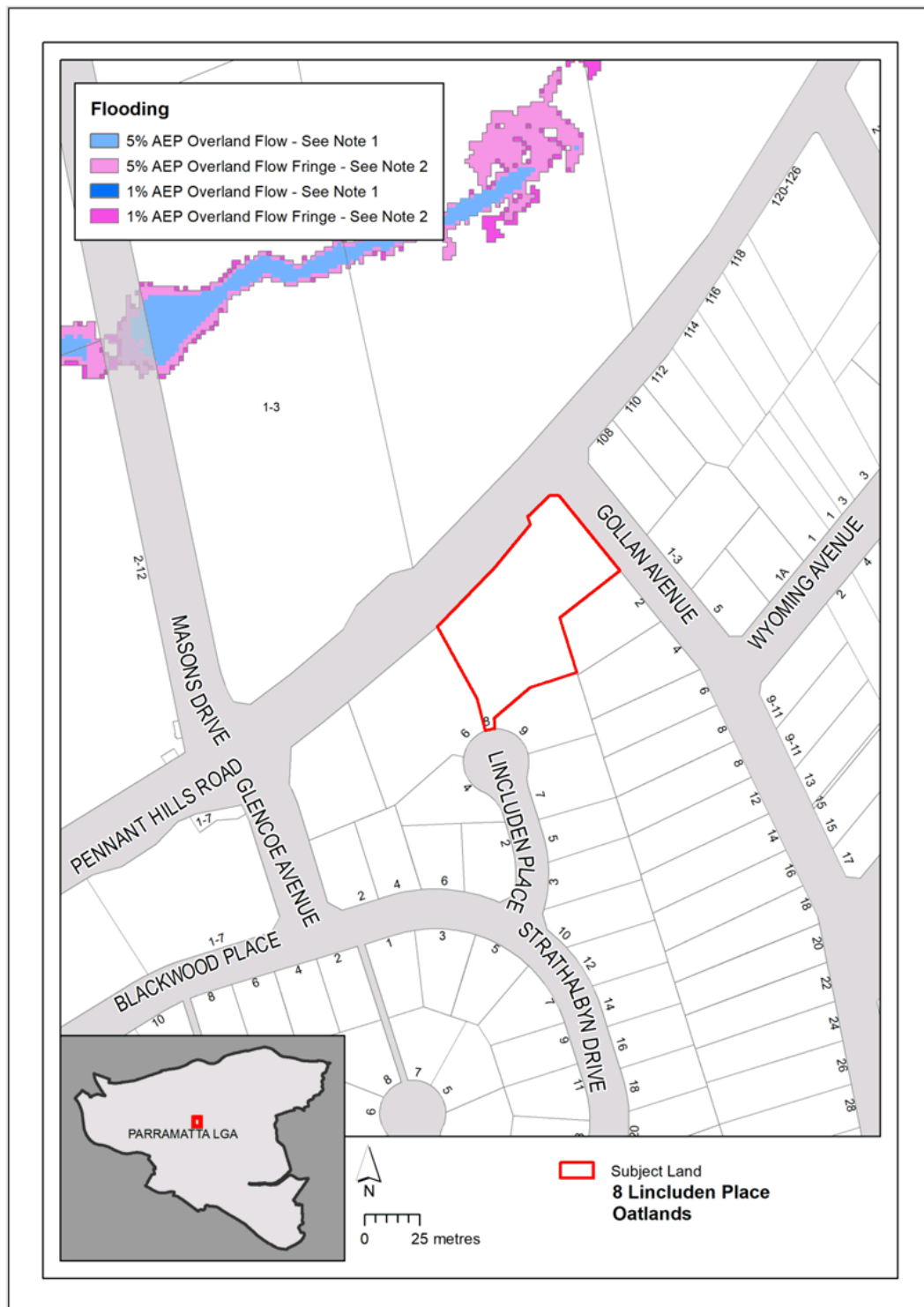


Figure 15 – Existing flooding extent extracted from *Parramatta Local Environmental Plan 2023* Flooding Map

Figure 16 illustrates the existing Land Reservation and Acquisition zones for the Classified Road, Pennant Hills Road.

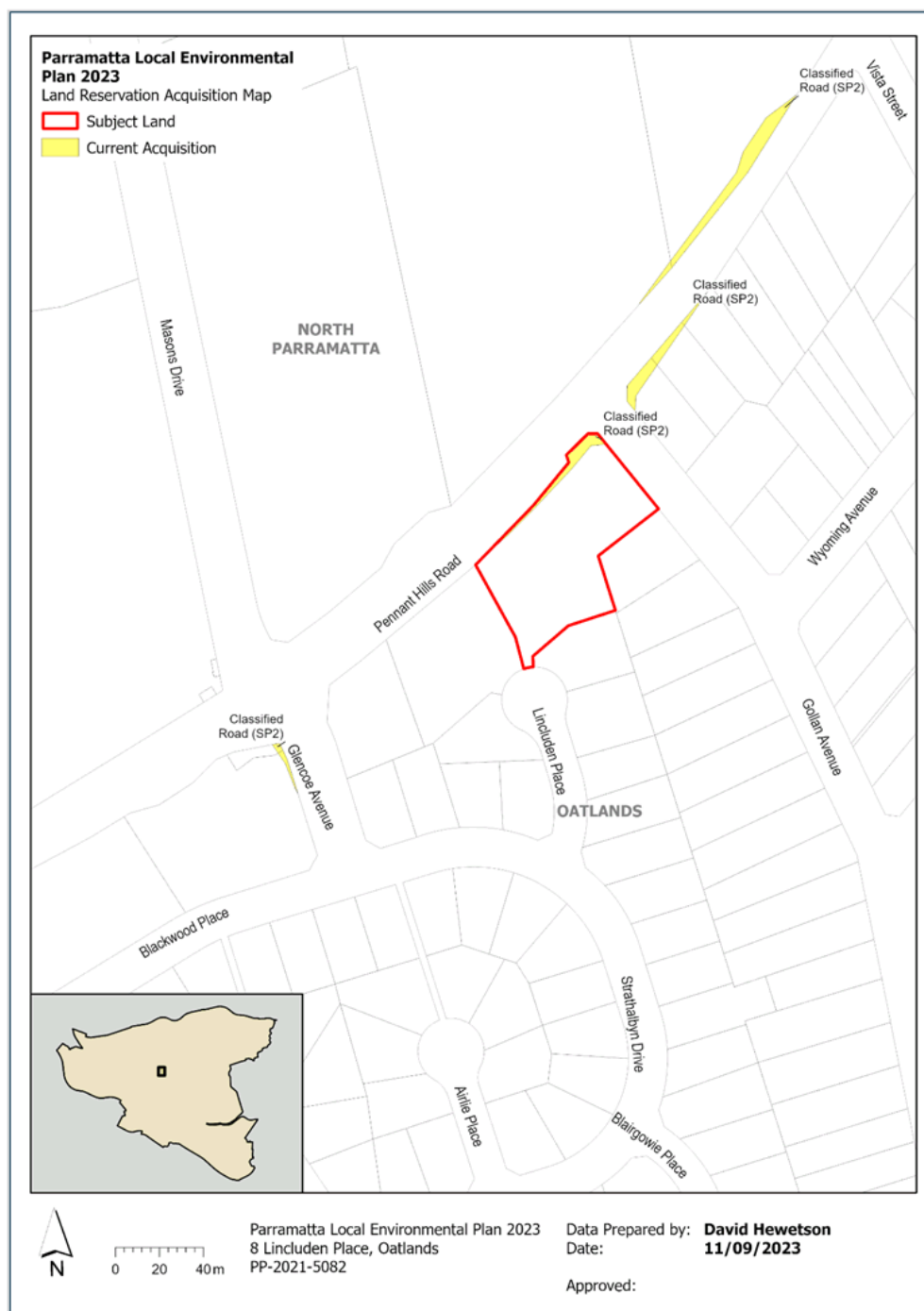


Figure 16 – Existing SP2 Infrastructure Classified Road land reservation and acquisition extracted from *Parramatta Local Environmental Plan 2023 Land Reservation and Acquisition Map*

Figure 17 illustrates the existing Dual Occupancy Prohibition controls for the site at 8 Lincluden Place, Oatlands.

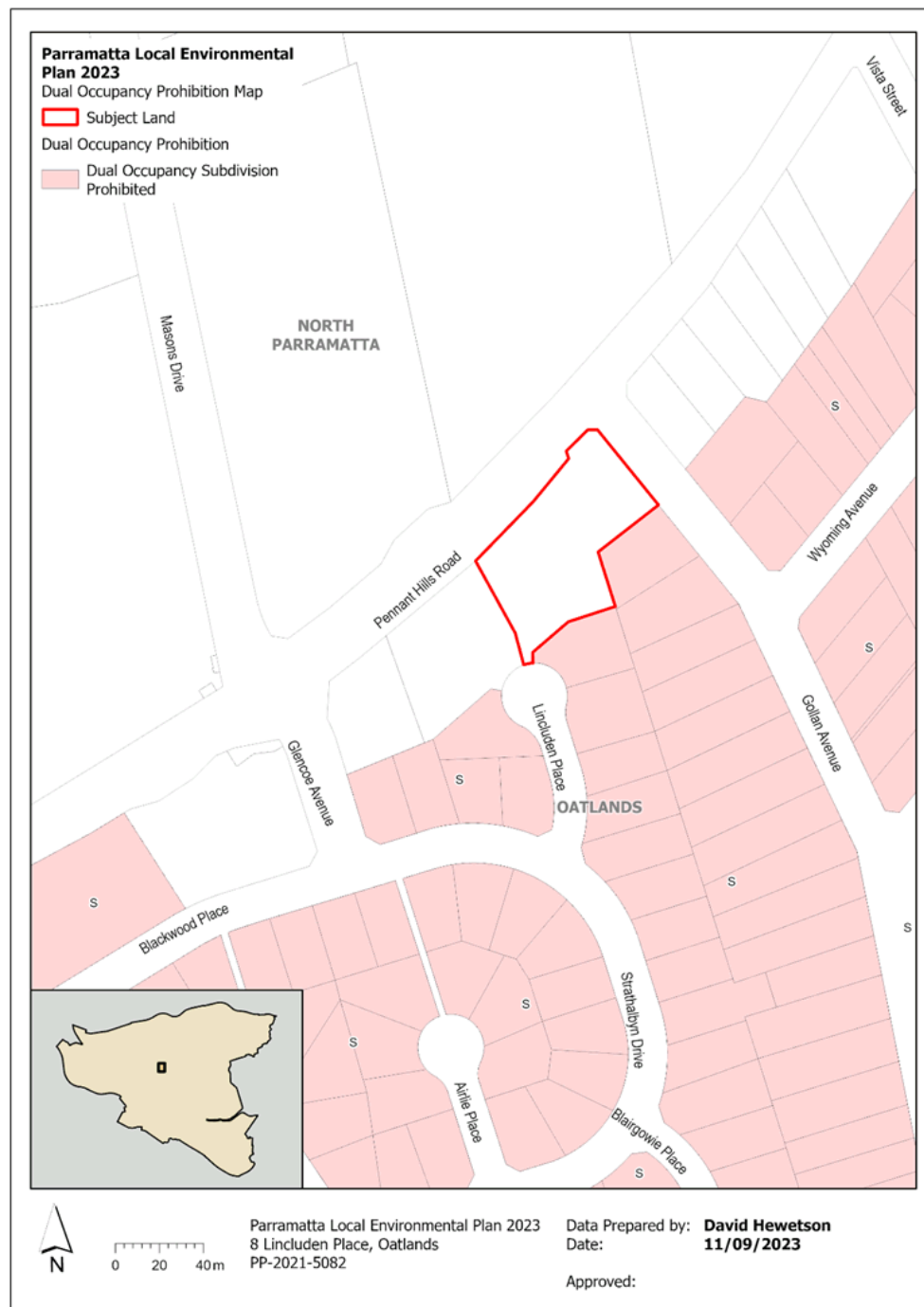


Figure 17 – Existing Dual Occupancy Prohibition controls extracted from *Parramatta Local Environmental Plan 2023*.

4.2 Proposed controls

The figures in this section illustrate the proposed Land Use Zone map as a result of the assessment and recommendations for the Planning Proposal. In accordance with surrounding properties zoned R2 Low Density Residential, the Planning Proposal will amend *Parramatta Local Environmental Plan 2023* to apply a Floor Space Ratio of 0.5:1 and identify the site as 'S' on the Dual Occupancy Prohibition map.

Figure 18 illustrates proposed part R2 Low Density Residential and part SP2 Infrastructure (Classified Road) zoning for the site at 8 Lincluden Place, Oatlands.

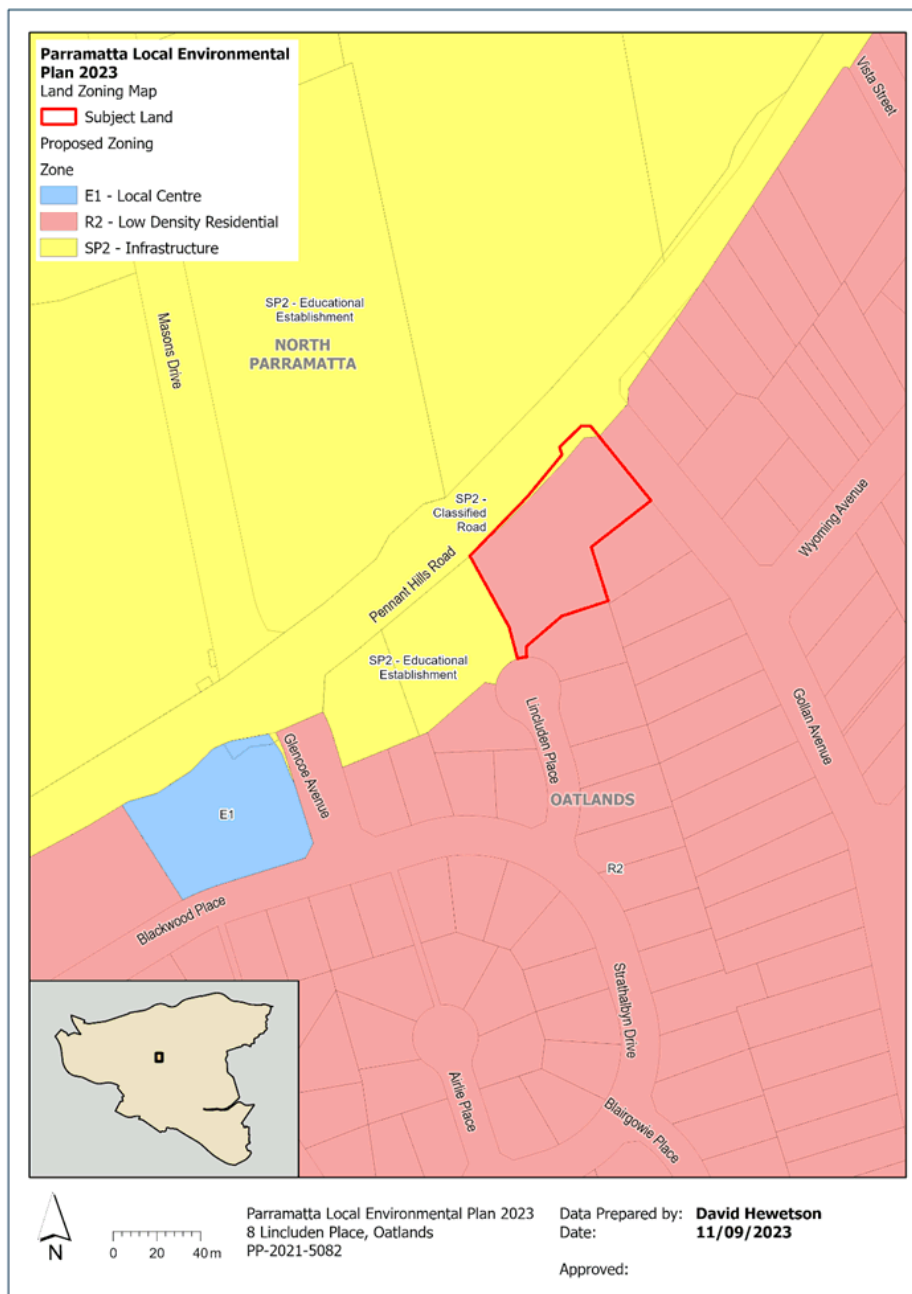


Figure 18 – Proposed amendment to the *Parramatta Local Environmental Plan 2023* Zoning Map.

Figure 19 illustrates proposed Floor Space Ratio control of 0.5:1 for the site at 8 Lincluden Place, Oatlands.

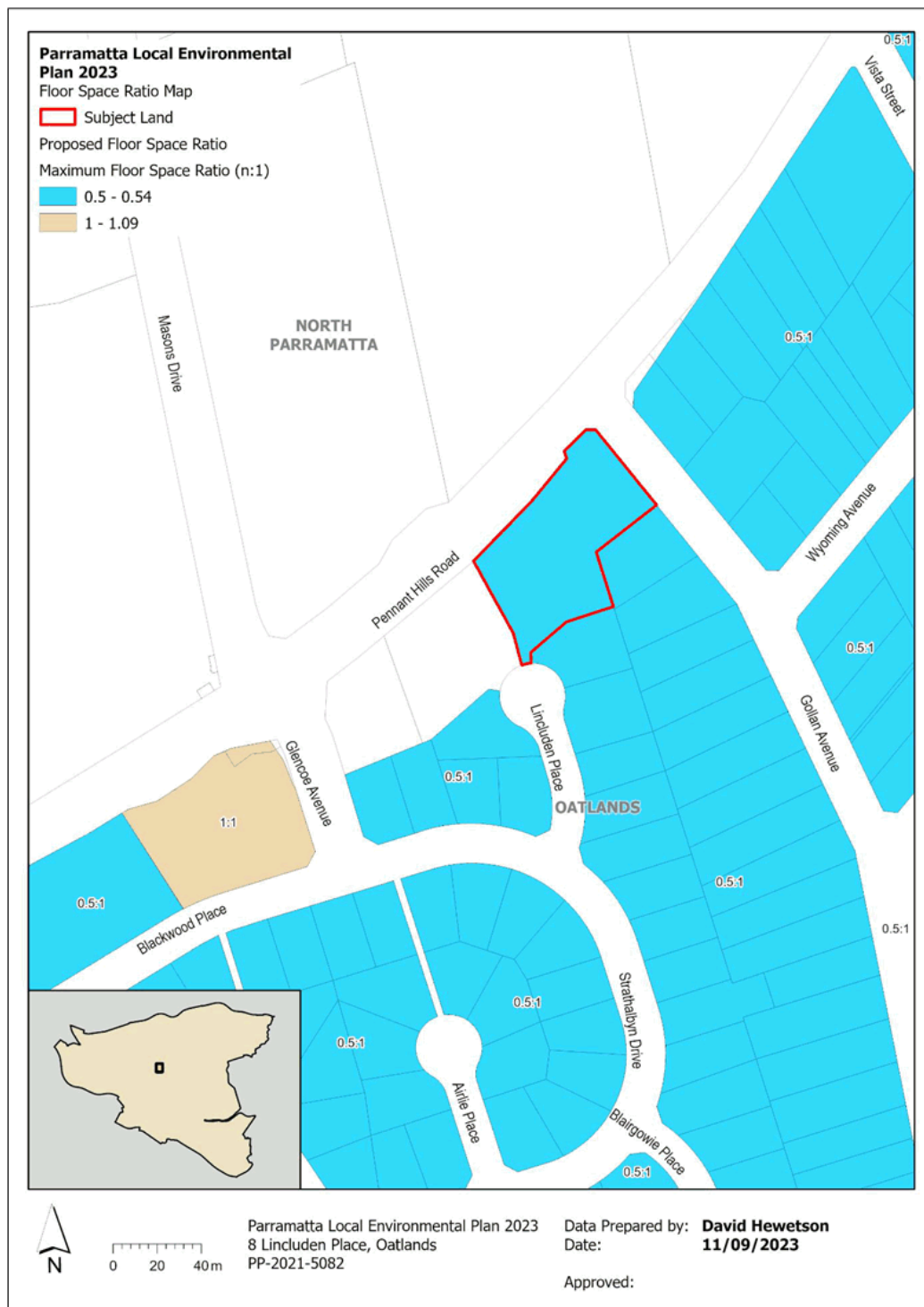


Figure 19 – Proposed amendment to the *Parramatta Local Environmental Plan 2023* Floor Space Ratio Map.

Figure 20 illustrates proposed Dual Occupancy Prohibition controls for the site at 8 Lincluden Place, Oatlands.

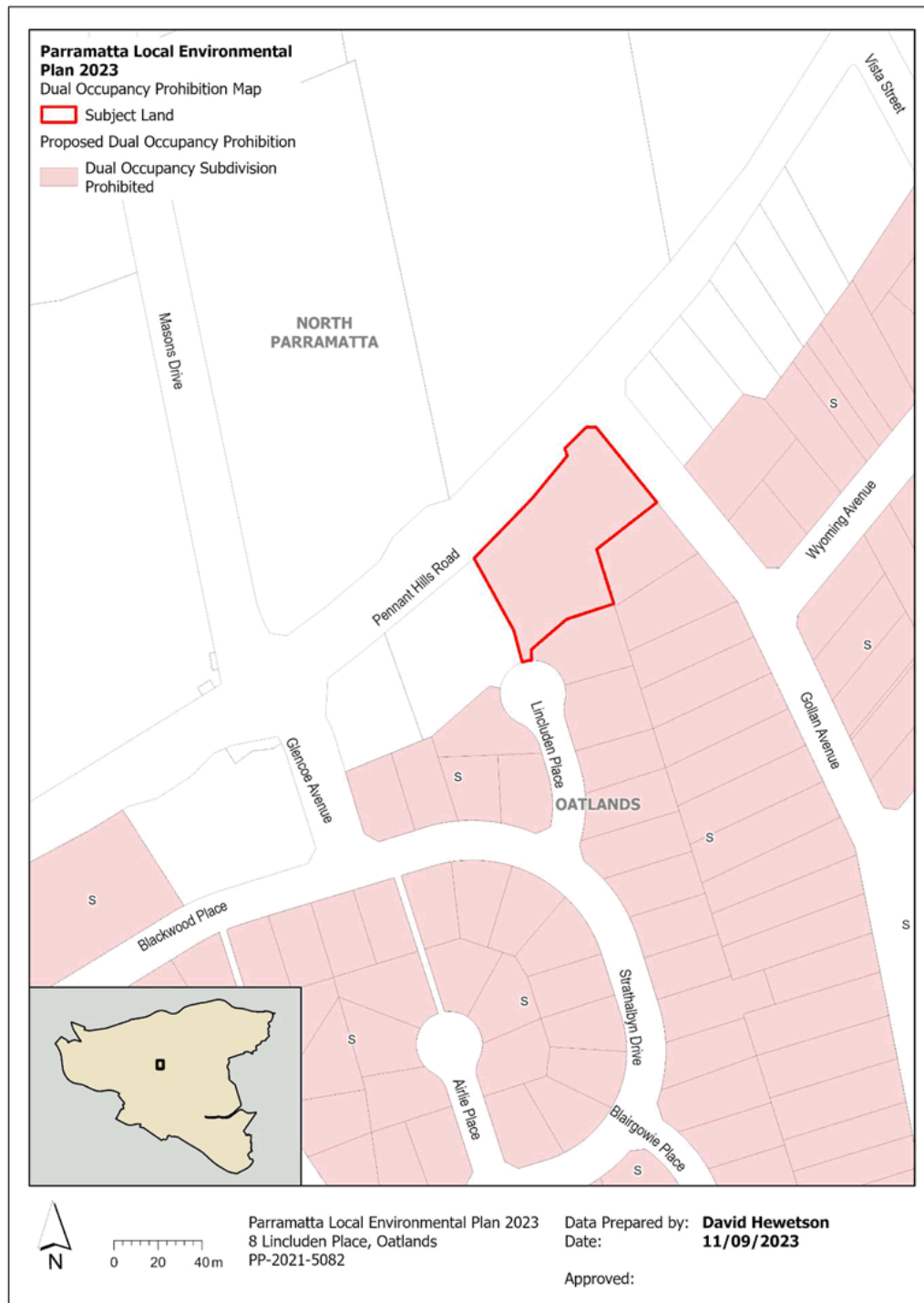


Figure 20 – Proposed amendment to the *Parramatta Local Environmental Plan 2023* Dual Occupancy Prohibition Map.

PART 5 – COMMUNITY CONSULTATION

The Planning Proposal (as revised to comply with the Gateway determination) is to be publicly available for community consultation.

Public exhibition is likely to include:

- display at Council's Customer Service centre;
- display at Carlingford and Dundas libraries;
- display on the Council's website; and
- written notification to adjoining landowners.

The Gateway determination will specify the level of public consultation that must be undertaken in relation to the Planning Proposal including those with government agencies.

Consistent with sections 3.34(4) and 3.34(8) of the *EP&A Act 1979*, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

PART 6 – PROJECT TIMELINE

Once the Planning Proposal has been referred to the Minister for review of the Gateway Determination and a Gateway determination is received, the anticipated project timeline will be further refined, including at each major milestone throughout the Planning Proposal's process.

Table 7 below outlines the anticipated timeframe for the completion of the Planning Proposal.

Table 7 – Anticipated timeframe to Planning Proposal process

MILESTONE	ANTICIPATED TIMEFRAME
Report to LPP on the assessment of the PP	October 2022
Report to Council on the assessment of the PP	November 2022
Referral to Minister for review of Gateway determination	December 2022
Date of issue of the Gateway determination	January 2023
Date of issue or revised Gateway determination (if relevant)	N/A
Commencement and completion dates for public exhibition period	December 2023 – February 2024
Commencement and completion dates for government agency notification	December 2023 – February 2024
Consideration of submissions	March 2024
Consideration of Planning Proposal post exhibition and associated report to Local Planning Panel	April 2024
Consideration of Planning Proposal post exhibition and associated report to Council	May 2024
Submission to the Department to finalise the LEP	June 2024
Notification of instrument	July 2024

Appendix 1 – Heritage Impact Statement

[Weir Phillips Heritage and Planning 2021]

Appendix 2 – Traffic Assessment Study

[TTPP Transport Planning 2021]

Voluntary Planning Agreement

For exhibition

City of Parramatta Council

ABN 49 907 174 773

Zaki Property Pty Ltd ATF Zaki Property Trust

ABN 85 020 549 690

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Agreement

Date

2023

Parties

Council

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

Applicant

Name	Zaki Property Pty Ltd ATF Zaki Property Trust (Applicant, Developer and Landowner)
ABN	85 020 549 690
Address	Suite 1.04, Level 1, Quad 1, 8 Parkview Drive, Sydney Olympic Park
Contact	Veselin Krajcic
Telephone	0424 518 955

Background

- A. The Applicant is the Developer and Landowner of the Land.
- B. The Land is zoned SP2 Infrastructure (Educational Establishment) pursuant to the *Parramatta Local Environmental Plan 2023* and has an area of approximately 4,249m².
- C. On 5 November 2021, the Developer submitted a Planning Proposal to Council seeking the rezoning of the Land to R2 Low Density Residential.
- D. On 18 October 2022, Parramatta Local Planning Panel endorsed the rezoning of the Land from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential and amending the Land Zoning Map (Sheet LZN_002) to reflect this change.
- E. The land zoned SP2 Infrastructure and marked Classified Road per the Land Reservation Acquisition map is proposed to be acquired by Transport for NSW (pursuant to clause 5.1 of the *Parramatta Local Environmental Plan 2023*). This will be subject to a separate process and is separate to this Agreement.
- F. The changes are sought for the purpose of making Development Applications to the Council for Development Consent to carry out the Development on the Land.

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- G. On 28 November 2022, Council endorsed the Planning Proposal for the purposes of seeking a Gateway determination from the NSW Department of Planning and Environment.
- H. On 31 January 2023, the Gateway Determination was issued.
- I. The Applicant has offered to enter into this Agreement to make contributions for public purposes in connection with the Planning Proposal and the Proposed Development Consent.

Operative provisions

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;

Applicant means Zaki Property Pty Ltd ATF Zaki Property Trust;

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;

Business Day means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays;

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;

Contribution and **Contribution Item** means the contribution provided by the Applicant as outlined at clause 8 of this Agreement and being an item from the Contributions Table;

Contributions Plan has the same meaning as under the Act;

Contributions Table means the table at Schedule 1;

Council means Parramatta City Council;

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;

Development Application means each 'Development Consent' as that term is defined in the Act;

Development Consent means each 'Development Consent' as that term is defined in the EPA Act or an approval under Part 4 of the Act for the Development or any part of it and includes any modification granted with respect to the Development Consent;

Dispute means a dispute or difference between the Parties under or in relation to the Agreement.

Explanatory Note means the explanatory note in Schedule 4 of this Agreement and prepared under s 205 of the Regulation;

Future Development Consent means any development applications lodged with respect to the Land after determination of the Proposed Development Consent.

GST has the meaning it has in the A New Tax System (Goods and Services Tax) Act 1999 (Cth);

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.

Land means the land comprised in Lot 3 in Deposited Plan 775621 and known as 8 Lincluden Place, Oatlands, and includes any lot created by the consolidation or subdivision of the lot from time to time;

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 2011*, and subsequently amended to *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 monetary contribution payable by the Applicant, calculated in accordance with the mechanisms detailed in this Agreement and as outlined at clause 8 of this Deed.

Occupation Certificate means an occupation certificate as defined under section 6.4 of the Act and includes Occupation Certificate for a part of a building;

Offer means the offer made on behalf of the Applicant (in the form of a letter dated 29 September 2022) to enter into this Agreement and which is included under Schedule 2 of this Agreement.

Planning Proposal means the document proposing amendments to the LEP, being the Planning Proposal lodged by the Developer with Council on 5 November 2021, and which is included under Schedule 3 of this Agreement

Proposed Development Consent means the Development Consent with respect to the application for development approval to be lodged with Council regarding the future development of the Land.

Public Purpose means the public purpose to which the Contribution will be applied, being the provision of a shared path which can be used by the public or a portion of the public, subject to clause 8 of this Deed, to provide public pedestrian access.

Public Reserve has the same meaning as in the *Local Government Act 1993*;

Public Road has the same meaning as in the *Roads Act 1993*;

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 s 9 of the *Corporations Act 2001* (Cth);

Shared Pathway means the pathway shown on the plan included at Schedule 5 of this Agreement and described at clause 8.1(a)(ii) of this Agreement..

TfNSW means Transport for NSW or any other successor constituted under the Transport Administration Act 1988.

Total Contribution Value means the total value of all Contributions to be provided under this Agreement as specified in the Contributions Table, as adjusted, where necessary, for CPI.

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 4 of this Agreement, being the Explanatory Note, 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 Planning Proposal; and
- (b) any Proposed Development Consent and Future Development Consent;; 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 8 do not take effect until the Planning Proposal is approved and the amendment to the LEP has been published on the NSW legislation website, and are payable in the manner as set in Contributions Schedule.

6 Staged provision of Contributions

- (a) Subject to clause 6(b), below, each Contribution Item must be delivered by no later than the timeframe specified in the Contributions Table. However, the Developer may complete and deliver a Contribution Item 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 by the Developer to the Councils satisfaction. Council's decision regarding the delayed delivery of a Contribution Item may not be the subject of a dispute under this Agreement.

7 Proposed Development Application

7.1 Requirement of Voluntary Planning Agreement

- (a) The Applicant, pursuant to its Offer dated 29 September 2022, has expressed its interest in developing the Land by constructing residential dwellings, which are not permitted by the current zoning of the Land being SP2 Infrastructure (Educational Establishment).

7.2 Lodgement of Development Application

- (a) Once the amendment to the LEP has been published on the NSW Legislation website, the Applicant is to lodge a development application with Council for the proposed development of the Land (**Proposed Development Consent**).

- (b) The Material Public Benefit provided by the Applicant will depend on the dwelling yield of the Proposed Development Consent and is particularised below:
 - (i) The base dwelling yield for the Proposed Development Consent which is covered by this Agreement is a maximum of three (3) allotments, including the continued use of the existing educational facility on the Land (**Base Dwelling Yield**). The Base Dwelling Yield for the Proposed Development Consent which is covered by this Agreement is inclusive of any development that may accommodate less dwellings than the maximum allowance under the Base Dwelling Yield.
 - (ii) The maximum dwelling yield for the Proposed Development Consent which is covered by this Agreement is no more than five (5) allotments, accommodating up to a maximum of two (2) low density dwellings per allotment (up to ten (10) low density dwellings in total) on the Land (**Maximum Dwelling Yield**).
 - (iii) If the Proposed Development Consent approves development for more than ten (10) dwellings, or if a Future Development Consent is lodged with respect to the Land for a different form of development, a condition of consent will be imposed on the Proposed Development Consent or Future Development Consent, whereby the Applicant is to submit a new Letter of Offer to enter into a new voluntary planning agreement. (**Exceeding Maximum Dwelling Yield**).
- (c) Nothing in this Agreement relieves the Applicant of its statutory obligations under the Act to obtain the necessary development consent/s for any such future redevelopment of the Land.
- (d) Nothing in this Agreement fetters Council's discretion under the Act in assessing and determining as it sees fit any future development applications for a future redevelopment of the Land.

8 Contributions to be made under this Agreement

8.1 Material Public Benefit

- (a) Subject to clause 7.2(b), clause 8.2 and Schedule 1, the Applicant agrees to either:
 - (i) Make payment of a monetary contribution to Council in accordance with the Contributions Table (**Monetary Contribution**); OR
 - (ii) Construct a shared pathway upgrade along Pennant Hills Road, specifically between Gollan Avenue and Glencoe Avenue (**Shared Pathway**).
- (b) The Applicant must provide Council with written confirmation of their election in Clause 8.1 by no later than three (3) months following the submission of the Proposed Development Consent. This written notification must be addressed to Manager, Land Use Planning and council@cityofparramatta.nsw.gov.au.
- (c) In the event that the Applicant does not lodge with Council a development application for the Proposed Development Consent within twelve (12) months of the amendment to the LEP being registered on the NSW Legislation Website, the

Applicant must construct the Shared Pathway in accordance with clause 8.1(a)(ii), 8.3 and Schedule 5 of this Deed.

- (d) Prior to any sale of the Land by the Applicant, and if a Material Public Benefit has not yet been provided by the Applicant, the Applicant must make payment in accordance with the Base Dwelling Yield development scenario outlined in clause 7.2(b)(i) and clause 8.2(b). Payment must be made prior to any settlement of the transfer of Land.

8.2 Monetary Contribution

- (a) This Agreement includes a calculation for how monetary contributions will be derived, but the final monetary amount will be calculated once actual yield is ascertained and approved by Council.
- (b) If the Proposed Development Consent reflects the Base Dwelling Yield or less than the number of dwellings that can be accommodated under the Base Dwelling Yield, then the Applicant must make a monetary contribution of \$300,000.
- (c) If the Proposed Development Consent reflects the Maximum Dwelling Yield, then the Applicant must make a monetary contribution in accordance with the following formula (the figures in the following formula may be increased but not decreased and all monetary contributions will be indexed to CPI):

$$\begin{array}{l} \text{Monetary} \\ \text{Contribution} \\ \text{payable} \end{array} = \$300,000 + \$37,500 \times \begin{array}{l} \text{dwelling that is in addition to} \\ \text{the Base Dwelling Yield} \end{array}$$

- (d) If the Applicant elects to make payment of a Monetary Contribution in accordance with clause 8.1(a)(i), then the following conditions apply:
- (i) The Applicant must pay Council the Monetary Contribution calculated by Council following the determination of the Proposed Development Consent and once actual yield is ascertained. The figures may be increased but not decreased in accordance with the following formula:

$$\begin{array}{l} \text{Monetary} \\ \text{Contribution} \\ \text{payable} \end{array} = \begin{array}{l} \text{Monetary} \\ \text{Contribution} \\ \text{Calculated in} \\ \text{accordance with} \\ \text{Clause 8.2(c)} \end{array} \times \frac{\begin{array}{l} \text{The CPI at the time of payment} \\ \\ \text{The CPI at the date of this} \\ \text{agreement} \end{array}}$$

- (i) 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.
- (ii) The Monetary Contribution will be taken to have been made when the Council notifies the Applicant in writing that the bank cheque has been

received and cleared funds or electronic funds have been deposited in the Council's bank account.

- (iii) The parties agree and acknowledge that the Monetary Contribution will be used by the Council towards the Public Purpose.
 - (iv) Despite clause 8.2(d)(iii), the Council may apply the Monetary Contribution towards any other public purpose which satisfies section 7.4(2) of the Act, other than the Public Purpose, if the Council reasonably considers that the public interest would be better served by applying the Contribution towards that other public purpose.
 - (v) In the event the Council directs the Contribution to another public purpose, the Applicant in paying the Contribution has fulfilled its obligations pursuant to this Agreement.
- (e) The Contribution is to be paid to Council in one instalment with payment to be made within 14 days of the earlier of:
- (i) the issue of a valid tax invoice for the Contribution in the name of the Applicant; or
 - (ii) receipt by the Applicant of the Construction Certificate for the Proposed Development Application.

8.3 Shared Pathway

(a) If the Applicant elects to construct a shared pathway upgrade in accordance with clause 8.1(a)(ii) and Schedule 5, then the following conditions apply:

- (i) Construction must be in accordance with the plan annexed at Schedule 5 and to Council's satisfaction;
 - (ii) Must be constructed within twelve (12) months of the date of election pursuant to clauses 8.1(a) and (b) of this Agreement, subject to obtaining necessary approvals from TfNSW and or any other consent authority; and
 - (iii) Must be, in the reasonable opinion of Council, satisfactory.
- (b) If the Applicant elects to construct a Shared Pathway pursuant to clause 8.3, or is required to construct a Shared Pathway pursuant to clause 8.1(c), then:
- (i) The Applicant must obtain all necessary approvals from TfNSW or any other consent authority within twelve (12) months; and
 - (ii) If the Applicant does not receive all necessary approvals within twelve months, they must provide evidence of the application and or correspondence with the consent authority to Council within seven (7) days of Council's request.

8.4 Contribution Values

The parties acknowledge and agree that the contribution values set out in the Contributions Table and clauses 8.2(b) and (c) will be adjusted based on the dwelling yield pursuant to the Proposed Development Consent and according to the CPI formula provided in clause 8.2(d) only and:

- (a) the Applicant assumes all cost and risk in relation to the provision and the making of the Contribution, and

- (b) All Parties acknowledge and agree that the costs outlined in the Contributions Table is the complete amount payable to the Council.

9 Overdue payments

9.1 *Interest on overdue money*

- (a) The Applicant agrees to pay interest to the Council on any amount payable by it under this Agreement from when it becomes due for payment, during the period that it remains unpaid, on demand or at times determined by the Council, calculated on daily balances. The rate to be applied to each daily balance is the Interest Rate.

9.2 *Compounding*

- (a) Interest which is not paid when due for payment may be capitalised by the Council at intervals which the Council determines from time to time or, if no determination is made, then on the first day of each month. Interest is payable on capitalised interest at the rate and in the manner referred to in this Clause 9.

9.3 *Interest on liability merged in judgment or order*

- (a) If a liability under this Agreement becomes merged in a judgment or order, then the Applicant agrees to pay interest to the Council on the amount of that liability as an independent obligation. This interest accrues from the date the liability becomes due for payment both before and after the judgment or order until it is paid, at a rate that is the higher of the rate payable under the judgment or order and the rate referred to in this Clause 8.
- (b) For the avoidance of doubt, if a liability under this Agreement becomes merged in a judgment or order then the Developer will only be required to pay either interest payable under the judgment or order or interest calculated under this Clause 8 but not both.

10 Application of s 7.11, s 7.12 and s 7.24 of the Act to the Development

- 10.1 This Agreement does not exclude the application of section 7.11 of the Act to the Development.
- 10.2 This Agreement does not exclude the application of section 7.12 of the Act to the Development.
- 10.3 This Agreement does not exclude the application of section 7.24 of the Act to the Development.
- 10.4 The benefits under this Agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the Act.

11 Amendment to Parramatta Local Environmental Plan

- 11.1 Since 28 November 2022, being the date of the Gateway Determination, the Parramatta Local Environmental Plan 2012 has been repealed and the provisions were transferred into the new Parramatta Local Environmental Plan 2023.
- 11.2 Pursuant to s 30A(2) of the Interpretation Act 1987, where provisions are transferred, the "transfer does not affect the operation (if any) or meaning of the provision, and accordingly the provision is to be construed as if it had not been so transferred."

12 Registration of this Agreement

12.1 Landowner Interest

The Landowner, being the registered proprietor of the Land at the time of execution of this Agreement, acknowledges that Council requires the registration of this Agreement on the folio of the Land under section 7.6 of the Act and that, on registration by the Registrar-General, this Agreement will be binding on and enforceable against the registered proprietor of the Land from time to time as if each registered proprietor for the time being had entered into this Agreement.

12.2 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 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 12.2.
- (d) The Landowner consents to the registration of the Agreement in accordance with this clause 12.2.

12.3 *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 Developer has duly fulfilled its obligations under this Agreement, and is not otherwise in default of any of the obligations under this Agreement. This release and discharge is to take place within 30 days of the Developer receiving the Occupation Certificate.
- (b) For the avoidance of doubt, the Council will 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 Developer 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.

13 *Caveat*

13.1 *Caveatable interest*

The Applicant acknowledges that the rights under this Agreement give Council a caveatable interest in the Land and consents to the Council registering such a caveat.

13.2 *Restriction on dealings*

- (a) The Applicant (being the registered proprietor at the time of execution of this Agreement) is not to:
 - (i) sell or transfer the Land or any part of it, or
 - (ii) assign the Applicant's rights or obligations under this Agreement, or novate this Agreement,
 to any person unless:
 - (i) the Applicant has, at no cost to the Council, first procured the execution by the person to whom the Land, or part thereof, is to be sold or transferred or the Applicant's rights or obligations under this Agreement are to be assigned or novated, of a Agreement in favour of the Council on terms reasonably satisfactory to the Council, and
 - (ii) the Council has given written notice to the Applicant or the Landowner (as the case may be) stating that it reasonably considers that the
 - (iii) purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Agreement, and
 - (iv) the Applicant or the Landowner (as the case may be) is not in breach of this Agreement, and
 - (v) the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.
- (b) Subject to clause 1.1(c), the Applicant and the Landowner (as the case may be) acknowledges and agrees that it remains liable to fully perform its

obligations under this Agreement unless and until it has complied with its obligations under clause 13.2(a).

- (c) Clause 13.2(a) does not apply in relation to any sale or transfer of the Land if this Agreement is registered on the title to the Land at the time of the sale.

14 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.

15 Dispute Resolution

15.1 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.

15.2 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.

15.3 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 15.6 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.

15.4 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 15.5 or by expert determination under clause 15.6.

15.5 Mediation

- (a) This clause applies to any Dispute arising in connection with this Agreement other than a Dispute to which clause 15.5 applies.
- (b) Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute (**Determination Notice**).
- (c) If a Determination Notice is given under clause 15.5(b), the parties must agree in good faith 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);
- (d) 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;
- (e) The mediator appointed pursuant to this clause 15.5 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;
- (f) 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;
- (g) 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);
- (h) If the parties agree to resolve the Dispute is resolved by mediation, then 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
- (i) 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.

15.6 Expert determination

If the Dispute is not resolved under clause 15.3 or clause 15.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to a qualified expert if the Parties to the Dispute agree that it can be so determined, in which event:

- (a) A Dispute to which this clause applies, 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.

15.7 Litigation

If the dispute is not *finally* resolved in accordance with this clause 15, then either party is at liberty to litigate the dispute.

15.8 No suspension of contractual obligations

Subject to any interlocutory order obtained under clause 15.1, the referral to or undertaking of a dispute resolution process under this clause 151 does not suspend the parties' obligations under this Agreement.

16 Enforcement

16.1 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, imposes an undue delay on performance of this Agreement, or imposes upon the Developer additional financial burdens.
- (c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 11 of this Agreement.

16.2 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.

17 Assignment and Dealings

17.1 Assignment

- (a) A party must not assign or deal with any right under this agreement without the prior written consent of the other parties, which must not be unreasonably withheld.
- (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.

18 Approvals and consents

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this Agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions, provided that the withholding is reasonable, fair, and the issue attaching to it can be reasonably remedied by the parties, and

- (a) Where the parties can reasonably remedy the underlying issue(s), it is agreed among the parties that the matter is to be negotiated in good faith.

19 No fetter

19.1 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**").

19.2 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.

19.3 Planning Certificates

The Developer acknowledges that Council may, at its discretion, include advice on any planning certificate issued under section 10.7 of the Act that this Agreement affects the Land.

20 Notices

20.1 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: acrkovski@cityofparramatta.nsw.gov.au
Attention: Senior Development Manager, Property Development Group
 - (ii) to Zaki Property Pty Ltd ATF Zaki Property Trust: Suite 1.04, Level 1, Quad 1, 8 Parkview Drive, Sydney Olympic Park
Email: veselin@littlezaks.com.au
Attention: Veselin Krajcic, Development Director

- (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 20.1(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.

20.2 Notices sent by email:

- (a) A party may serve a Notice by email if the Notice:
 - (i) includes a signature block specifying:
 - (A) the name of the person sending the Notice; and
 - (B) the sender's position within the relevant party;
 - (ii) states in the body of the message or the subject field that it is sent as a Notice under this Agreement;
 - (iii) contains an express statement that the person sending the Notice has the authority to serve a Notice under this Agreement;
 - (iv) is sent to the email address below or the email address last notified by the intended recipient to the sender:

(A) to City of Parramatta Council:	Attention: Senior Development Manager, Property Development Group acrkovski@cityofparramatta.nsw.gov.au
(B) to Zaki Property Pty Ltd ATF Zaki Property Trust:	Attention: Veselin Krajcic, Development Director veselin@littlezaks.com.au
- (b) The recipient of a Notice served under this clause 20.2 must:
 - (i) promptly acknowledge receipt of the Notice; and
 - (ii) keep an electronic copy of the Notice,
- (c) Failure to comply with clause 20.2 does not invalidate service of a Notice under this clause.

20.3 Receipt of Notices sent by email

- (a) A Notice sent under clause 20.2 is taken to be given or made:
 - (i) when the sender receives an email acknowledgement from the recipient's information system showing the Notice has been delivered to the email address stated above;
 - (ii) when the Notice enters an information system controlled by the recipient; or
 - (iii) when the Notice is first opened or read by the recipient,
 whichever occurs first.
- (b) If under clause 20.3 a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it will be taken to have been given or made at the start of business on the next Business Day in that place.

16.4 Notices sent by email generally

- a) Parties agree that Notices served under sections 16.2 and 16.3 have effect only as related to the communication between the Parties listed on the cover page; and
- b) For the avoidance of doubt, clauses 16.2 and 16.3 do not exclude the requirements of Service as stipulated in New South Wales, and where applicable, Commonwealth law.

21 Release and Discharge

The Council will promptly notify the Developer and the Landowner in writing that they are released and discharged from their obligations under this Agreement if any of the following occur:

- (a) The amendment to the LEP is declared void or invalid by a Court of competent jurisdiction and all opportunities for appeal have been exhausted.
- (b) The Developer and Landowner have fulfilled all of their 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 amendment to the LEP and communicated to the parties in writing, and Council (acting reasonably) is satisfied that the amendment to the LEP will not be made.

22 General**22.1 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.

22.2 Landowner Obligations

Any clause of this Agreement that requires the Developer to do any thing or imposes an obligation on the Developer, constitutes a requirement for the Landowner to procure that thing to be done or that obligation to be met, either by the Landowner, the Developer or another entity as requested by the Developer, so far as the requirement or obligation applies to that part of the Land owned by the Landowner.

22.3 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.

22.4 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.

22.5 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.

22.6 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.

22.7 Counterparts

This Agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

22.8 Legal expenses and stamp duty

- (a) The Developer must pay Council's legal costs and disbursements in connection with the negotiation, preparation, execution, carrying into effect, enforcement and release and discharge of this Agreement, including the reasonable costs of obtaining any legal advice in connection with this Agreement, no later than 10 Business Days after receiving a demand from the Council to pay such costs.

- (b) The Developer agrees to pay or reimburse the costs and expenses incurred by Council in connection with the advertising and exhibition of this Agreement in accordance with the Act.
- (c) The Developer agrees to pay Council any administrative fees as required by Council, acting reasonably, in connection with the administration of this Agreement.

22.9 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,

- (a) A sole exception to clause 18.9 is the Voluntary Planning Agreement Letter of Intent Version 5 dated 2 June 2021.

22.10 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.

22.11 Surrender of right of appeal

The Applicant is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Agreement in so far as the subject-matter of the proceedings relates to this Agreement.

22.12 No waiver

The failure, delay or omission by a party to exercise, or to partially exercise, a right, power or remedy under this Agreement does not operate as a waiver of that right, power or remedy. A party which exercises, or partially exercises, a right, power or remedy maintains its right to further exercise the same right, power or remedy or to exercise another right, power or remedy. A party waives a right, power or remedy only by explicitly doing so in a written notice to the other party and the waiver is strictly limited to the matters specified in the notice.

22.13 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;

- (a) Unless the severed clause was a material incentive for a party to enter into this Agreement. If so, clause 17(c) may be applicable at the first instance.

22.14 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 22.14(b) applies.

22.15 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.

22.16 GST

- (a) Words and expressions which are not defined in this Agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this Agreement are exclusive of GST.
- (c) If GST is imposed on any supply made under or in accordance with this Agreement, the Developer must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.
- (d) If the Council is obliged to pay any GST on any supply made under or in accordance with this Agreement, the Developer indemnifies the Council for the amount of any such payment is required to make.

22.17 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.

Schedule 1 - Contributions Table

No.	Item	Public Purpose	Type of Contribution	Scope	Timing of Provision	Timing for provision of Bank Guarantee	Estimated Amount / Value of Item
1.	Monetary Contribution OR Construction of Shared Pathway	The provision of a shared path which can be used by the public or a portion of the public	Cheque or Electronic Bank Transfer.	If the Proposed Development Consent reflects the Base Dwelling Yield or any development scenario that can accommodate dwellings less than the Base Dwelling Yield.	<p>If the Applicant elects to make a Monetary Contribution, this Monetary Contribution is payable within fourteen (14) days the earlier of:</p> <p>(i) the issue of a valid tax invoice for the Contribution in the name of the Applicant; or</p> <p>(ii) receipt by the Applicant of the Construction Certificate for the Proposed Development Application.</p> <p>If the Applicant elects to construct a Shared Pathway, this Shared Pathway must be constructed within twelve (12) months of the date of election.</p>	N/A	<p>\$300,000 plus GST</p> <p>OR</p> <p>Construction of Shared Pathway</p>

No.	Item	Public Purpose	Type of Contribution	Scope	Timing of Provision	Timing for provision of Bank Guarantee	Estimated Amount / Value of Item
2.	Monetary Contribution.	The provision of a shared path which can be used by the public or a portion of the public	Cheque or Electronic Bank Transfer.	If the Proposed Development Consent reflects the Maximum Dwelling Yield	<p>This Monetary Contribution is payable within fourteen (14) days the earlier of:</p> <p>(i) the issue of a valid tax invoice for the Contribution in the name of the Applicant; or</p> <p>(ii) receipt by the Applicant of the Construction Certificate for the Proposed Development Application.</p>	N/A	\$300,000 plus GST plus \$75,000 x additional dwelling (from the Base Dwelling Yield)
TOTAL OF CONTRIBUTION TO BE DETERMINED ONCE DWELLING YIELD ASCERTAINED (excluding Maintenance)							

Schedule 2 – Letter of Offer



Zaki Property Pty Ltd T/As Zaki Property Trust
PO Box 1026
Meadowbank NSW 2114
Ph. (02) 8036 8390

ABN: 85 020 549 690

29 September 2022

General Manager,
City of Parramatta Council,

Initial Voluntary Planning Agreement Letter of Offer: 8 Lincluden Place, Oatlands.

Zaki Property Pty Ltd ATF Zaki Property Trust offers to enter into discussions regarding a Planning Agreement to be negotiated with Council under Section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with a Planning Proposal for 8 Lincluden Place, Oatlands.

The Planning Proposal seeks to alter the zoning from SP2 to R2 low density and the proposal will facilitate additional development potential on the site. The current architectural concepts show 2 additional dwellings on Gollan Avenue and retention of the existing buildings associated with the prior Educational Establishment. Discussions have occurred regarding a Rehabilitation Centre through adaptative re-use and alterations and additions to that part of the site. The final development outcome is not known however we acknowledge that local infrastructure demand will increase arising from the uplift that is sought by the Planning Proposal. The base outcome would be the creation of 2 dwellings and the retention of the educational establishment on the land.

This letter confirms the proponent's willingness to enter a Planning Agreement to support the Planning Proposal. The proponent would agree to enter discussions regarding a contribution to the footpath upgrades along Pennant Hills Road between Gollan and Glencoe Avenue. We note and agree that the exact amount of the contribution to be delivered will be determined through ongoing consultation with Council and be progressed if and when Gateway Determination is achieved.

This could be delivered either by way of a cash contribution or material public benefit (i.e. land dedication and physical works- or a combination of the two (2).

We also note that suitable valuations would be necessary to determine the cost of any infrastructure works and the value of any land dedication to ensure that a suitable 'value' is placed on such items if that is the way that the Planning Agreement is structured.

Yours faithfully

Maged Zaki
Director and Authorised Officer
Zaki Property Pty Ltd ATF Zaki Property Trust

Schedule 3 – Planning Proposal

Schedule 4 – Explanatory Note

EXPLANATORY NOTE

DRAFT PLANNING AGREEMENT FOR 8 LINCLUDEN DRIVE, OATLANDS

Environmental Planning and Assessment Regulation 2021

(clause 205)

1. Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the exhibition of a proposed draft planning agreement (the **Planning Agreement**) prepared under section 7.4(1) of the *Environmental Planning and Assessment Act 1979* (the **Act**).

2. Parties

The parties to the Planning Agreement are City of Parramatta Council ABN 49 907 174 773 (**the Council**) and Zaki Property Pty Ltd ATF Zaki Property Trust ABN 85 020 549 690 (**the Applicant**).

This explanatory note has been prepared jointly by the parties.

3. Description of Subject Land

The Planning Agreement applies to the land legally known as Lot 3 in Deposited Plan 775621 and known as 8 Lincluden Place, Oatlands (**the Land**).

Zaki Property Pty Ltd ATF Zaki Property Trust is the owner of the Land.

4. Description of the Proposed Development

The Applicant is seeking to redevelop the Land with residential dwellings pursuant to its Proposed Development Application.

The Planning Proposal seeks to rezone the Land zoned SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential under *Parramatta Local Environmental Plan 2023*. It is noted that the portion of Land currently zoned SP2 Infrastructure (Classified Road) is to be retained. The portion of land identified within the Land that is proposed to be acquired, as per the Land Reservation Acquisition map, will be subject to a separate process.

The Planning Agreement does not permit the Proposed Development to be carried out and the Applicant will be required to seek and obtain the necessary development consent/s under the Act to do so.

5. Summary of Objectives, Nature and Effect of the Planning Agreement

The Applicant has offered to enter into the Planning Agreement with the Council.

The Planning Agreement provides that the Applicant will provide either:

1. Monetary contribution to Council to be determined once the Proposed Development

Application has been lodged and dwelling yield has been ascertained; OR

2. Construct a shared pathway upgrade along Pennant Hills Road, specifically between Gollan Avenue and Glencoe Avenue.

(The Applicant's Contribution)

Any monetary contribution provided by the Applicant will go towards providing a shared pathway along Pennant Hills Road, specifically between Gollan Avenue and Glencoe Avenue.

This is so the current SP2 Infrastructure (Educational Establishment) zoning of the land is varied to be R2 Low Density Residential under *Parramatta Local Environmental Plan 2023*.

6. Assessment of Merits of Planning Agreement

(1) The Planning Purpose of the Planning Agreement

The Planning Agreement will benefit the public by providing the framework for the efficient and equitable collection of Monetary Contributions towards the provision of a shared pathway along Pennant Hills Road, specifically between Gollan Avenue and Glencoe Avenue that is generated by the rezoning of the Land.

(2) How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by providing either:

- i. Shared pathway along Pennant Hills Road, specifically between Gollan Avenue and Glencoe Avenue; OR
- ii. Providing monetary contributions for the recoupment of cost required to construct a shared pathway along Pennant Hills Road, specifically between Gollan Avenue and Glencoe Avenue.

This is generated by the rezoning of the Land to meet the community's needs.

(3) How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the following objects of the Act:

- i. to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- ii. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- iii. to promote the orderly and economic use and development of land.

In addition to the above, the Planning Agreement will not be inconsistent with any of the other objects of the Act.

(4) How the Planning Agreement Promotes Elements of the Local Government Act 1993 and the Guiding Principles for Councils

The Planning Agreement promotes the guiding principles for council under section 8A of the Local Government Act 1993 by assisting Council to:

- i. Carry out functions in a way that provides the best possible value for residents and ratepayers;

- ii.* Manage lands and other assets so that current and future local community needs can be met in an affordable way;
- iii.* Work with others to secure appropriate services for local community needs.
- iv.* Recognise diverse local community needs and interests;
- v.* Consider the long term and cumulative effects of actions on future generations;
- vi.* Apply the principles of ecologically sustainable development;
- vii.* Invest in responsible and sustainable infrastructure for the benefit of the local community; and
- viii.* Identify and prioritise key local community needs and aspirations and consider regional priorities.

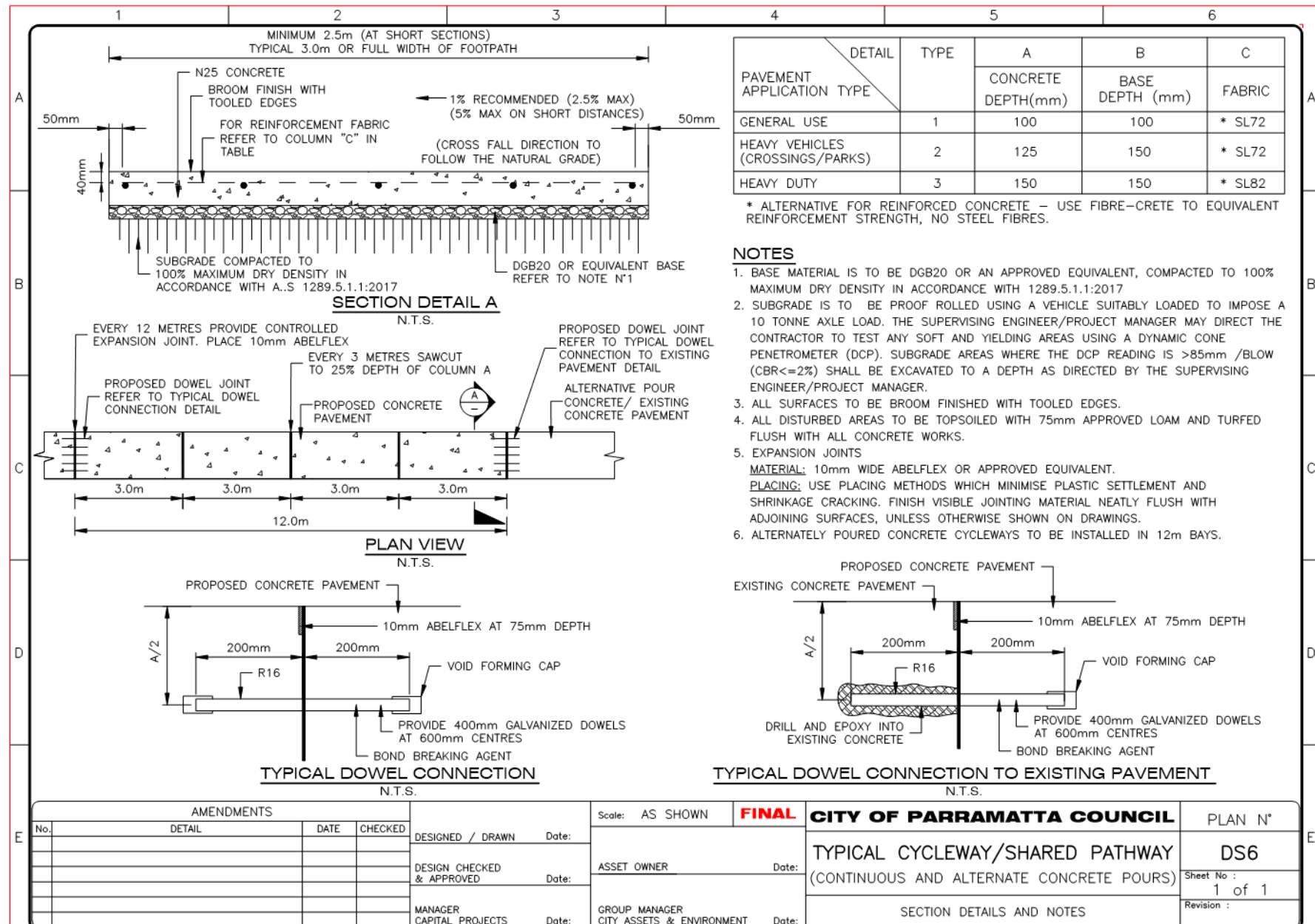
(5) How the Planning Agreement Promotes Council's Capital Works Program

The planning agreement assists the capital works program by providing funds sourced from the proposed development. These funds facilitate works that support growth within the Parramatta centre.

(6) Requirements relating to Construction and Occupation Certificates

If the Applicant elects to construct the shared pathway, it must be, in the reasonable opinion of Council, satisfactory. If the Applicant elects to provide Monetary Contributions, these are to be paid prior to the issue of the Occupation Certificate.

Schedule 5 – Construction requirements for Shared Pathway



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 **Zaki Property Pty Ltd** as trustee for Zaki Property Trust in accordance with section 127 of the *Corporations Act 2001*:

Signature of Director

Signature of Director

Name of Director

Name of Director

Executed by **Zaki Property Trust**

Signature of Director

Signature of Director

Name of Director

Name of Director

ATTACHMENT 3 – 8 LINCLUDEN PLACE, OATLANDS SUBMISSION SUMMARY TABLE AND OFFICER RESPONSES

STATE AGENCY AND SERVICE PROVIDER SUBMISSIONS

Submission Summary	Officer Response
1. Endeavour Energy	
<ul style="list-style-type: none"> Submission notes that the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development, to ensure an adequate connection. Submission notes that an extension or augmentation of the existing electricity distribution network may be required. Submission states that all new cabling/reticulation infrastructure must be of an underground construction type. Submission states that the low voltage service conductor and customer connection point must comply with the 'Service and Installation Rules of NSW'. Submission notes that the planning proposal shows a future subdivision application to create two (2) residential allotments facing Gollan Avenue and that there is currently no existing low voltage electricity connection to the Gollan Avenue frontage of the site. Submission opposes the planting of deep rooted trees near electricity infrastructure and recommends that existing trees of low ecological significance in proximity of electrical infrastructure be removed and, if necessary, replaced by an alternative smaller planting. 	<p>Submission providing comments on the proposal is noted.</p> <ul style="list-style-type: none"> No built form is proposed as part of the Planning Proposal. At this stage, Council officers are assessing the proposed change in land zoning, from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. The Planning Proposal seeks to align the zoning of the site with the surrounding R2 Low Density Residential zone so that residential uses might then be considered on the site. Should the rezoning be supported, any future residential land use that is permitted in the R2 Low Density Residential zone might then be proposed. Any such future use will require a separate Development Application to be prepared and lodged with Council for detailed assessment to ensure that the future development complies with applicable planning controls. Matters relating to electricity distribution and load shall be addressed at the Development Application(s) stage.

Submission Summary	Officer Response
<ul style="list-style-type: none"> Submission notes that the landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements. 	
2. Transport for NSW (TfNSW)	
<ul style="list-style-type: none"> Submission requests that TfNSW's comments are satisfactorily addressed prior to Council finalising the planning proposal. Submission notes that if the Applicant continues with the indicative subdivision consent for an Educational Establishment will have to be relinquished prior to the development consent being granted for the subdivision. Therefore, an updated Traffic Impact Assessment will be required to be undertaken and submitted with any future development applications. Submission states that any shared pathway, as well as active transport facilities, are to be designed according to Australian Standards and Guidelines and submitted to TfNSW for review prior to any work being undertaken. Submission states that any request for future access from Pennant Hills Road will not be permitted and all new access to the site is to be from Lincluden Place only. Submission notes that the subject property is affected by a road proposal (approved 21/06/1989) and, therefore, there should be no building on any SP2 land that is dedicated or reserved for roads. 	<p>Submission providing comments on the proposal is noted.</p> <ul style="list-style-type: none"> Traffic impacts associated with the Planning Proposal have been assessed by Council's Traffic and Transport Engineers, who have indicated that the potential traffic impacts of the rezoning can be accommodated within the existing road network, subject to further detailed analysis should a Development Application(s) be submitted. Detailed matters relating to traffic shall be considered should a future Development Application be lodged for this site. It is noted that an updated Traffic Impact Assessment will be required to be undertaken and submitted with any future Development Application(s) on this site, in accordance with TfNSW's recommendation. Should a future Development Application(s) for this site propose an Educational Establishment, an updated Traffic Impact Assessment would be required to ensure access to the site is manageable. It is noted that no built form is proposed as part of the Planning Proposal and that an Educational Establishment is already permissible on the site. To support the Planning Proposal (which only seeks to rezone the site to allow what is also permissible within the adjoining R2 Low Density Residential zone), the Applicant submitted an indicative subdivision plan as an example to illustrate what a possible future Development Application could propose, should the land be rezoned.

Submission Summary	Officer Response
	<ul style="list-style-type: none"> • The indicative subdivision plan does not propose access vehicular from Pennant Hills Road. • The northern portion of the site is currently zoned SP2 Infrastructure (Classified Road) and is identified on the Land Reservation Acquisition (LRA) Map. This Planning Proposal seeks to retain the land zoned SP2 Infrastructure (Classified Road) and does not propose changes to the LRA Map. • As per <i>Parramatta Local Environmental Plan 2023</i>, land zoned SP2 Infrastructure and marked Classified Road identifies Transport for NSW as the relevant authority to acquire the land. Should the portion of land identified as per the Land Reservation Acquisition map be acquired, this acquisition will be subject to a separate process.
3. School Infrastructure NSW (SINSW)	
<ul style="list-style-type: none"> • Submission considers that there is minimal impact from the subject proposal. • Submission requests that consideration be given to potential future impacts in relation to traffic management and active transport for future usage of the site. • Submission requests that transport planning for the proposal be guided by the NSW Government's Movement and Place Framework (MAPF) and Built Environment Performance Indicators, as these indicators are based on qualities that contribute to a well-designed built environment and should therefore be used by proponents in the formulation of transport concepts. • Submission identifies the following as examples of effective transport planning measures which address the above indicators: <ul style="list-style-type: none"> ○ Provision of active and public transport infrastructure 	<p>Submission providing comments on the proposal is noted.</p> <ul style="list-style-type: none"> • Traffic impacts associated with the Planning Proposal have been assessed by Council's Traffic and Transport Engineers, who have indicated that the potential traffic impacts of the rezoning can be accommodated within the existing road network, subject to further detailed analysis should a Development Application(s) be submitted. • Detailed matters relating to traffic shall be considered should a future Development Application be lodged for this site. It is noted that an updated Traffic Impact Assessment will be required to be undertaken and submitted with any future Development Application(s) on this site, in accordance with TfNSW's recommendation. • Should a future Development Application(s) for this site propose an Educational Establishment, an updated Traffic Impact

Submission Summary	Officer Response
<ul style="list-style-type: none"> ○ Physical separation between pedestrian, cyclists and heavy vehicles ○ Access for all ages and abilities such as ambulant disabilities and prams ○ Kerb outstands and refuges crossings (particularly around schools). ○ Pedestrian legs on all approach to intersections. ○ Weather- protected bus departure zones ○ For local roads: lower vehicle speeds to 15km/h in High Pedestrian Activity Areas or 40km/h within School Zones. 	<p>Assessment would be required to ensure access to the site is manageable. It is noted that no built form is proposed as part of the Planning Proposal and that an Educational Establishment is already permissible on the site.</p>
4. Sydney Water	
<ul style="list-style-type: none"> • Submission states that drinking water and wastewater servicing should be available to the site. • Submission states that amplifications, adjustments, and/or minor extensions may be required regarding water and wastewater servicing. • Submission notes that Sydney Water does not reserve or hold capacity for proposed developments, regardless of whether the area has been rezoned or not, and it is best to approach Sydney Water for an updated capacity assessment, especially if the approval letter is over 12 months old. 	<p>Submission providing comments on the proposal is noted.</p> <ul style="list-style-type: none"> • No built form is proposed as part of the Planning Proposal. At this stage, Council officers are assessing the proposed change in land zoning, from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. The Planning Proposal seeks to align the zoning of the site with the surrounding R2 Low Density Residential zone so that residential uses might then be considered on the site. • Should the rezoning be supported, any future residential land use that is permitted in the R2 Low Density Residential zone might then be proposed. Any such future use will require a separate Development Application to be prepared and lodged with Council for detailed assessment to ensure that the future development complies with applicable planning controls. • Matters relating to water and wastewater servicing shall be addressed at the Development Application(s) stage.

INDIVIDUAL COMMUNITY MEMBER SUBMISSIONS

No.	Submission Summary	Officer Response
1. Submitter from Strathalbyn Drive, Oatlands	<p>Submitter objects the proposal.</p> <ul style="list-style-type: none"> • Submitter opposes the planning proposal and draft planning agreement. • Submitter raises concerns about not being able to ascertain what structures are planned and their proposed occupancy. • Submitter raises concerns that if entry to the site is via Lincluden Place and not Gollan Ave, the proposal will make movement in and out of Strathalbyn Drive and Lincluden Place 'extremely difficult', not only during construction, but upon completion due to increased traffic flow. • Submitter states that there is only one entry and exit to Pennant Hills Road, which, with additional traffic, would make their home and all the others in Burnside Gardens 'virtually land locked'. • Submitter notes that on mornings and afternoons on school days parking is allowed on Glencoe Avenue, reducing the two lanes to one. 	<p>Submission objecting the proposal is noted.</p> <ul style="list-style-type: none"> • No built form is proposed as part of the Planning Proposal. At this stage, Council officers are assessing the proposed change in land zoning, from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. The Planning Proposal seeks to align the zoning of the site with the surrounding R2 Low Density Residential zone so that residential uses might then be considered on the site. • Should the rezoning be supported, any future residential land use that is permitted in the R2 Low Density Residential zone might then be proposed. Any such future use will require a separate Development Application to be prepared and lodged with Council for detailed assessment to ensure that the future development complies with applicable planning controls. • Any future Development Application will also be publicly exhibited and therefore, surrounding residents will have an opportunity to review any plans for the site and make a submission for consideration. • To support the Planning Proposal (which only seeks to rezone the site to allow what is also permissible within the adjoining R2 Low Density Residential zone), the Applicant submitted an indicative subdivision plan as an example to illustrate what a possible future Development Application could propose, should the land be rezoned. • The future land use for this site would need to comply with applicable development controls and will be subject to a future detailed planning assessment process. • Traffic impacts associated with the Planning Proposal have been assessed by Council's Traffic and Transport Engineers, who have

No.	Submission Summary	Officer Response
	<ul style="list-style-type: none"> • Submitter notes that despite clear signage forbidding it, cars frequently make illegal U-turns at the corner of Glencoe Avenue, Strathalbyn Drive and Blackwood Place making it dangerous not only for motorists but also pedestrians, many of whom are school children or local residents going on their daily walk. • Submitter raises concerns about not knowing the size, type of buildings and occupancy of proposed structures as they strongly feel that any proposed structures should be sympathetic to the heritage building currently on the site, and to those on Pennant Hills Road between Glencoe Avenue and James Ruse Drive. • Submitter requests details regarding the proposed structures and occupancy. 	<p>indicated that the potential traffic impacts of the rezoning can be accommodated within the existing road network, subject to further detailed analysis should a Development Application(s) be submitted.</p> <ul style="list-style-type: none"> • Detailed matters relating to traffic shall be considered should a future Development Application be lodged for this site. It is noted that an updated Traffic Impact Assessment will be required to be undertaken and submitted with any future Development Application(s) on this site, in accordance with TfNSW's recommendation. • Should a future Development Application(s) for this site propose an Educational Establishment, an updated Traffic Impact Assessment would be required to ensure access to the site is manageable. It is noted that no built form is proposed as part of the Planning Proposal and that an Educational Establishment is already permissible on the site.
2. Submitter from Lincluden Place, Oatlands	<p>Submitter objects the proposal.</p> <ul style="list-style-type: none"> • Submitter considers that the proposal offers 'a smorgasbord of options' to residents without any clarity of what may be approved. • Submitter notes that a school and two houses is completely different to a 	<p>Submission objecting the proposal is noted.</p> <ul style="list-style-type: none"> • No built form is proposed as part of the Planning Proposal. At this stage, Council officers are assessing the proposed change in land zoning, from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. The Planning Proposal seeks to align the zoning of the site with the surrounding R2 Low Density Residential zone so that residential uses might then be considered on the site.

No.	Submission Summary	Officer Response
	<p>boarding house, a group home, four or five residences, some with granny flats, and dual occupancy, which each having unique benefits and drawbacks.</p> <ul style="list-style-type: none"> • Submitter is concerned about not knowing which possible option to comment on. • Submitter raises concerns that the original letter appeared to imply a 2-3 storey building would occupy the site, Council's website did not provide significant detail on the full implications of the proposal, and information provided at the library was not made more widely available. • Submitter questions whether the whole site is being rezoned or only a part of it. • Submitter is concerned about increased traffic and reduced safety in Lincluden Place, a short, narrow cul-de-sac. • Submitter notes that motorists travelling south on Pennant Hills Road who wish to turn right at Masons Drive use Lincluden Place as a turning circle during school pick up and drop off times, for the three schools located along Mason Drive. 	<ul style="list-style-type: none"> • Should the rezoning be supported, any future residential land use that is permitted in the R2 Low Density Residential zone might then be proposed. Any such future use will require a separate Development Application to be prepared and lodged with Council for detailed assessment to ensure that the future development complies with applicable planning controls. • Any future Development Application will also be publicly exhibited and therefore, surrounding residents will have an opportunity to review any plans for the site and make a submission for consideration. • To support the Planning Proposal (which only seeks to rezone the site to allow what is also permissible within the adjoining R2 Low Density Residential zone), the Applicant submitted an indicative subdivision plan as an example to illustrate what a possible future Development Application could propose, should the land be rezoned. • The future land use for this site would need to comply with applicable development controls and will be subject to a future detailed planning assessment process. • The Planning Proposal and draft Planning Agreement were publicly exhibited from Monday, 11 December 2023 to Friday, 9 February 2024. Stakeholders were notified through letters, a notice in Parra News, relevant material shared on City of Parramatta's corporate website and Participate Parramatta, and hard copy materials were available at PHIVE, Dundas Library and Carlingford Library. All information that was available at the libraries in hard copy was accessible for online access. • The Planning Proposal does not propose to amend the height of buildings control applying to the site. • The northern portion of the site is currently zoned SP2 Infrastructure (Classified Road) and is identified on the Land Reservation

No.	Submission Summary	Officer Response
	<ul style="list-style-type: none"> • Submitter objectisto the conclusion in the traffic section that there would be a 'negligible' effect on traffic in the area if a school with 104 students and two houses are allowed on Gollan Avenue without access to the school from Gollan Avenue. • Submitter notes that previously, only staff at the school used Lincluden Place to access the parking area under the building, and parents and students utilised Gollan Avenue. Submitter raises concerns that if the site becomes a school and two houses, traffic and parking would be 'chaotic' in Lincluden Place. • Submitter queries whether cars would be allowed to park on both sides of the street, noting it is narrow at the bottom of the hill and there have been many near-miss accidents. • Submitter notes that the building is in a heritage conservation area. Submitter requests to be kept informed about the impact that may have on the design of the site. 	<p>Acquisition (LRA) Map. This Planning Proposal seeks to retain the land zoned SP2 Infrastructure (Classified Road) and does not propose changes to the LRA Map.</p> <ul style="list-style-type: none"> • Traffic impacts associated with the Planning Proposal have been assessed by Council's Traffic and Transport Engineers, who have indicated that the potential traffic impacts of the rezoning can be accommodated within the existing road network, subject to further detailed analysis should a Development Application(s) be submitted. • Detailed matters relating to traffic shall be considered should a future Development Application be lodged for this site. It is noted that an updated Traffic Impact Assessment will be required to be undertaken and submitted with any future Development Application(s) on this site, in accordance with TfNSW's recommendation. • Should a future Development Application(s) for this site propose an Educational Establishment, an updated Traffic Impact Assessment would be required to ensure access to the site is manageable. It is noted that no built form is proposed as part of the Planning Proposal and that an Educational Establishment is already permissible on the site. • The Planning Proposal does not seek to alter any heritage provisions applying to the site. Any future Development Application (DA) for the site will be assessed against the applicable planning controls including Parramatta DCP 2023, and be accompanied by suitable justification (e.g. a Statement of Heritage Impact) to ensure any future development is respectful of the Burnside Homes Conservation Area.
3.	Submitter objects the proposal.	Submission objecting the proposal is noted.

No.	Submission Summary	Officer Response
Submitter from Lincluden Place, Oatlands	<ul style="list-style-type: none"> • Submitter identifies several areas of concern to be carefully considered prior to approval being granted. • Submitter states that the details on Council's website about this proposal are unclear and more information is needed before residents can make an informed decision about whether or not the proposal is acceptable. • Submitter raises particular concerns about the potential impact of traffic on Lincluden Place, stating it is crucial to understand how the proposed development may alter traffic patterns and access points in order to ensure the safety and convenience of the local community. • Submitter raises concerns that Lincluden Place already experiences traffic congestion around school hours and that this would be exacerbated with the addition of more cars and/or construction vehicles, creating further challenges for residents. • Submitter raises concerns that details on access to the proposed three dwellings are not clearly outlined and further 	<ul style="list-style-type: none"> • The Planning Proposal and draft Planning Agreement were publicly exhibited from Monday, 11 December 2023 to Friday, 9 February 2024. Stakeholders were notified through letters, a notice in Parra News, relevant material shared on City of Parramatta's corporate website and Participate Parramatta, and hard copy materials were available at PHIVE, Dundas Library and Carlingford Library. All information that was available at the libraries in hard copy was accessible for online access. • Traffic impacts associated with the Planning Proposal have been assessed by Council's Traffic and Transport Engineers, who have indicated that the potential traffic impacts of the rezoning can be accommodated within the existing road network, subject to further detailed analysis should a Development Application(s) be submitted. • Detailed matters relating to traffic shall be considered should a future Development Application be lodged for this site. It is noted that an updated Traffic Impact Assessment will be required to be undertaken and submitted with any future Development Application(s) on this site, in accordance with TfNSW's recommendation. • Should a future Development Application(s) for this site propose an Educational Establishment, an updated Traffic Impact Assessment would be required to ensure access to the site is manageable. It is noted that no built form is proposed as part of the Planning Proposal and that an Educational Establishment is already permissible on the site. • No built form is proposed as part of the Planning Proposal. At this stage, Council officers are assessing the proposed change in land zoning, from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. The Planning Proposal seeks to align the zoning of the site with the surrounding R2 Low Density Residential zone so that residential uses might then be considered on the site.

No.	Submission Summary	Officer Response
	<p>information is needed before residents can evaluate the potential impacts on their neighbourhood.</p> <ul style="list-style-type: none"> • Submitter raises concerns that the documentation provided does not clearly define the types of dwellings proposed for the development and further information is required before residents can decide whether the proposal is acceptable. • Submitter raises significant concerns about access to existing residences during construction as it is unclear whether construction vehicles would be using Lincluden Place as an entry point to the proposed development during construction, which would make it difficult for residents to access their homes. Submitter requests clarity on this issue. • Submitter suggests that concerns be addressed and reviewed. • Submitter considers that it would be beneficial for the community, especially direct neighbours, to have the opportunity to provide feedback and comments before any building works commence. 	<ul style="list-style-type: none"> • Should the rezoning be supported, any future residential land use that is permitted in the R2 Low Density Residential zone might then be proposed. Any such future use will require a separate Development Application to be prepared and lodged with Council for detailed assessment to ensure that the future development complies with applicable planning controls. • Any future Development Application will also be publicly exhibited and therefore, surrounding residents will have an opportunity to review any plans for the site and make a submission for consideration. • To support the Planning Proposal (which only seeks to rezone the site to allow what is also permissible within the adjoining R2 Low Density Residential zone), the Applicant submitted an indicative subdivision plan as an example to illustrate what a possible future Development Application could propose, should the land be rezoned. • The future land use for this site would need to comply with applicable development controls and will be subject to a future detailed planning assessment process. • Any matters relating to construction shall be addressed at the Development Application(s) stage. • The Planning Proposal does not seek to alter any heritage provisions applying to the site. Any future Development Application (DA) for the site will be assessed against the applicable planning controls including Parramatta DCP 2023 and be accompanied by suitable justification (e.g. a Statement of Heritage Impact) to ensure any future development is respectful of the Burnside Homes Conservation Area.

No.	Submission Summary	Officer Response
<p>4.</p> <p>Submitter from Lincluden Place, Oatlands</p>	<p>Submitter supports the proposal, to an extent.</p> <ul style="list-style-type: none"> • Submitter requests for cars to not be permitted to park along the kerb of Lincluden Place and should only park in the parking area of the building, with drop-offs to occur at Gollan Avenue. • Submitter notes that the residents in Burnside Garden only have one exit, via Glencoe Avenue. 	<p>Submission supporting the proposal to an extent is noted.</p> <ul style="list-style-type: none"> • Traffic impacts associated with the Planning Proposal have been assessed by Council's Traffic and Transport Engineers, who have indicated that the potential traffic impacts of the rezoning can be accommodated within the existing road network, subject to further detailed analysis should a Development Application(s) be submitted. • Detailed matters relating to traffic shall be considered should a future Development Application be lodged for this site. It is noted that an updated Traffic Impact Assessment will be required to be undertaken and submitted with any future Development Application(s) on this site, in accordance with TfNSW's recommendation.
<p>5.</p> <p>Submitter from Lincluden Place, Oatlands</p>	<p>Submitter supports the proposal, to an extent.</p> <ul style="list-style-type: none"> • Submitter requests that traffic for construction, deliveries, residents and staff are to be from Gollan Avenue, with no parking of workmen and staff vehicles to be allowed in Lincluden Place at any time. 	<p>Submission supporting the proposal to an extent is noted.</p> <ul style="list-style-type: none"> • Traffic impacts associated with the Planning Proposal have been assessed by Council's Traffic and Transport Engineers, who have indicated that the potential traffic impacts of the rezoning can be accommodated within the existing road network, subject to further detailed analysis should a Development Application(s) be submitted. • Detailed matters relating to traffic shall be considered should a future Development Application be lodged for this site. It is noted that an updated Traffic Impact Assessment will be required to be undertaken and submitted with any future Development Application(s) on this site, in accordance with TfNSW's recommendation.
<p>6.</p> <p>Submitter from Strathalbyn Drive,</p>	<p>Submitter objects the proposal.</p> <ul style="list-style-type: none"> • Submitter states that a development of this nature would increase traffic flow 	<p>Submission objecting the proposal is noted.</p> <ul style="list-style-type: none"> • Traffic impacts associated with the Planning Proposal have been assessed by Council's Traffic and Transport Engineers, who have indicated that the potential traffic impacts of the rezoning can be

No.	Submission Summary	Officer Response
Oatlands	<p>in and out of Lincluden Place significantly.</p> <ul style="list-style-type: none"> • Submitter notes that there are already a number of drivers making illegal U-turns at the corner of Lincluden Place and Strathalbyn Drive during school pick up and drop off times and signage should be put in place to ban this. • Submitter states it is unclear what the rezoning would permit the developer to achieve on the site and whether an amendment could be submitted for increased density. • Submitter states there is currently traffic congestion at the entrance to Burnside Estate, on Glencoe Avenue, with parents parking on the lefthand side of the entry to the estate, which would be exacerbated with the proposed development, presenting traffic hazards and potentially causing accidents. • Submitter notes that currently many drivers disregard the 'no U-turn' signage at the end of 'Glencoe Place', resulting in traffic congestion and 	<p>accommodated within the existing road network, subject to further detailed analysis should a Development Application(s) be submitted.</p> <ul style="list-style-type: none"> • Detailed matters relating to traffic shall be considered should a future Development Application be lodged for this site. It is noted that an updated Traffic Impact Assessment will be required to be undertaken and submitted with any future Development Application(s) on this site, in accordance with TfNSW's recommendation. • Should a future Development Application(s) for this site propose an Educational Establishment, an updated Traffic Impact Assessment would be required to ensure access to the site is manageable. It is noted that no built form is proposed as part of the Planning Proposal and that an Educational Establishment is already permissible on the site. • No built form is proposed as part of the Planning Proposal. At this stage, Council officers are assessing the proposed change in land zoning, from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. The Planning Proposal seeks to align the zoning of the site with the surrounding R2 Low Density Residential zone so that residential uses might then be considered on the site. • Should the rezoning be supported, any future residential land use that is permitted in the R2 Low Density Residential zone might then be proposed. Any such future use will require a separate Development Application to be prepared and lodged with Council for detailed assessment to ensure that the future development complies with applicable planning controls.

No.	Submission Summary	Officer Response
	<p>safety hazards to pedestrians in the area.</p> <ul style="list-style-type: none">• Submitter states that the existing heritage building along Pennant Hills Road should remain in its location.• Submitter reiterates opposition to this proposal but suggests, if it were to go ahead, that all traffic be redirected via Gollan Avenue and not Lincluden Place.	

PLANNING PROPOSAL

ITEM NUMBER	6.2
SUBJECT	Request for Gateway and public exhibition: Planning Proposal for North-East Planning Investigation Area
REFERENCE	F2022/03176 -
APPLICANT/S	City of Parramatta
OWNERS	N/A
REPORT OF	Team Leader Land Use Planning

PURPOSE

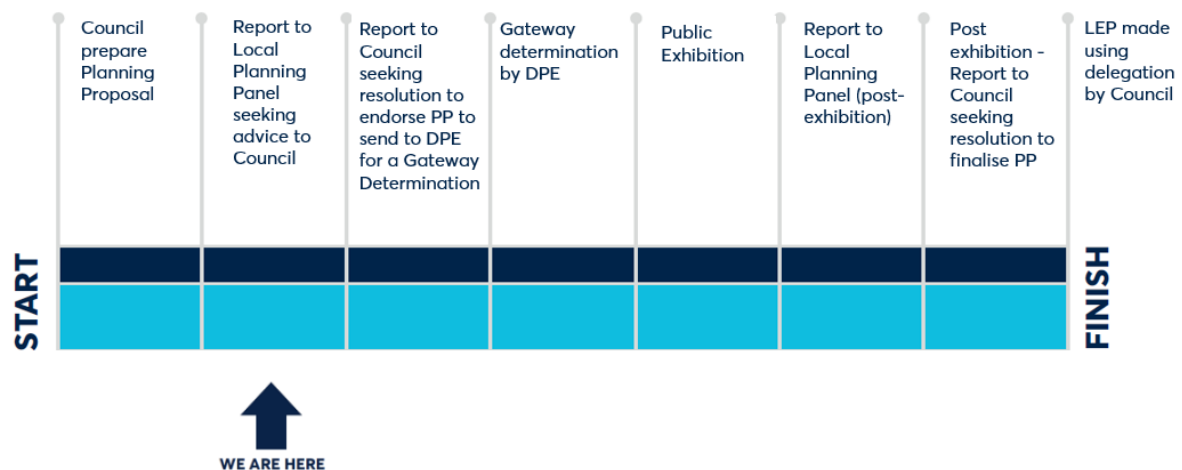
The purpose of this report is to seek the Parramatta Local Planning Panel's advice to Council on a request to the Department of Planning, Housing and Infrastructure for a Gateway Determination for a Planning Proposal for the land identified as the North-East Planning Investigation Area.

RECOMMENDATION

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

- (a) That Council approve:
 - i) The Planning Proposal at **Attachment 1** for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure, for the land identified as the North East Planning Investigation Area which seeks the following changes to the Parramatta Local Environmental Plan 2011:
 - a. Increase the Maximum Floor Space Ratio from 0.8:1 to a range between 2:1 and 3.6:1.
 - b. Increase the Maximum Height of Building from 11m to a range between 24m and 40m (approximately 6 – 12 storeys).
 - ii) The supporting draft DCP amendments at **Attachment 2** applying to the land in the North East Planning Investigation Area for the purposes of public exhibition.
- (b) That Council advise the Department of Planning, Housing and Infrastructure that the CEO will be seeking to exercise its plan-making delegations for this Planning Proposal, as authorised by Council on 26 November 2012.
- (c) That Council authorise the CEO if the Gateway determination is issued by the Department, that the draft DCP amendments are placed on public exhibition concurrently with the Planning Proposal.
- (e) That Council delegates authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that arise during the plan-making process.

PLANNING PROPOSAL TIMELINE



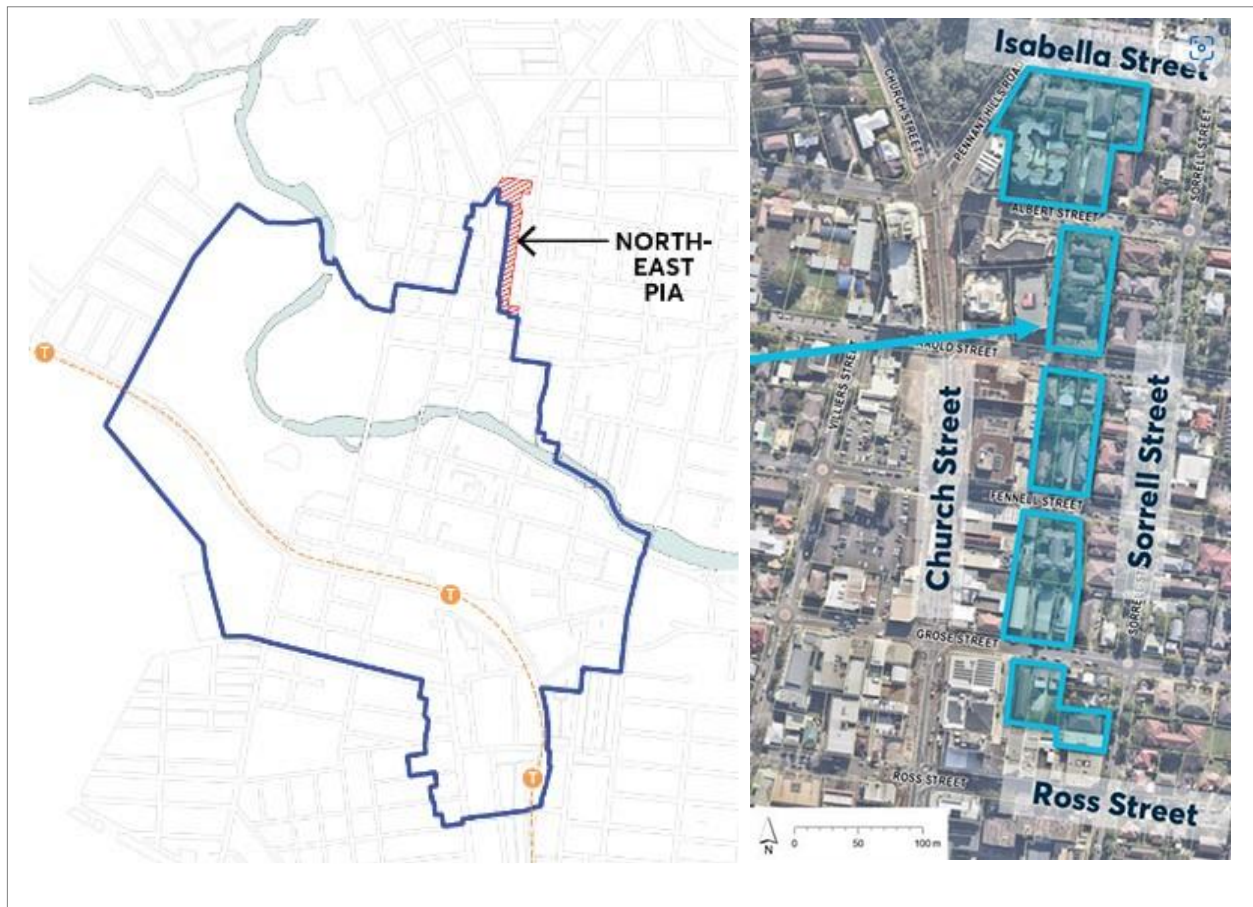
SUMMARY

1. This report seeks the advice of the Parramatta Local Planning Panel on a Planning Proposal for land identified as the North-East Planning Investigation Area for the purposes of seeking a Gateway Determination from the Department Planning, Housing and Infrastructure.
2. The Planning Proposal seeks to amend Parramatta Local Environmental Plan (LEP) 2023 and Parramatta Development Control Plan (DCP) 2023 to enable an appropriate response to the changes to the planning controls that come into effect on 1 July 2024 for the Church Street North Precinct that were made by the State Government through a State Environmental Planning Policy (SEPP).
3. The proposed LEP and DCP amendments for the North-East Planning Investigation Area respond to matters raised in the Church Street North SEPP Finalisation Report and the outcomes from the NEPIA Planning Strategy exhibition providing a transition in heights and density from the Church Street North Precinct to the Sorrell Street Heritage Conservation Area to the east.
4. The Planning Proposal forms part of 'Phase 1' of the work program endorsed by Council on 20 November 2023 to review the planning controls for the 'Planning Investigation Areas' adjacent to the Parramatta City Centre.

SITE DESCRIPTION

5. The North-East Planning Investigation Area (NEPIA) is a collection of 25 sites in the suburb of Parramatta adjacent to the east of the City Centre boundary as shown in **Figure 1** below.

Figure 1: Parramatta City Centre (left) and the North-East Planning Investigation Area Boundaries (right)



6. The sites included are:

- 17, and 36, 38 and 40 Albert Street
- 1, 9, 11 and 17 Isabella Street
- 20, 23, 25 and 27 Harold Street
- 32, 33, 34, 34A and 37 Fennell Street
- 35, 36, 37, 38, 39 and 40 Grose Street
- 25 and 29 Sorrell Street

CURRENT PLANNING CONTROLS

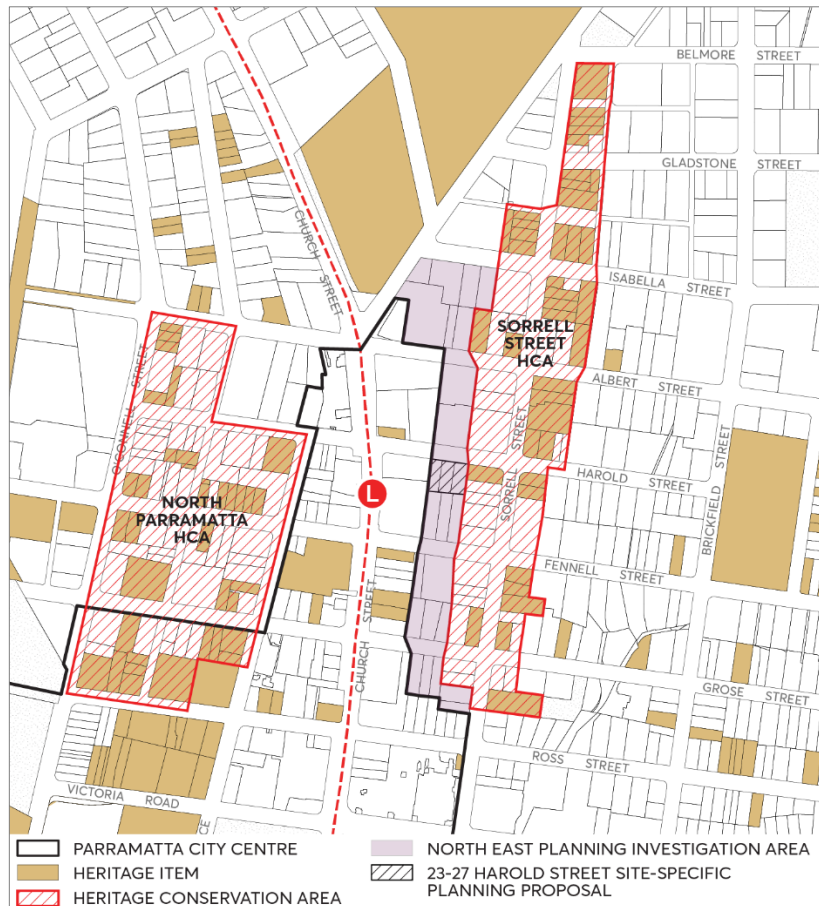
7. The current *Parramatta LEP 2023* controls that apply to the NEPIA are:

- Zoning R4 High Density Residential
- Maximum Height of Building control of 11 metres; and
- Maximum Floor Space Ratio (FSR) of 0.8:1.

8. No sites within the NEPIA are heritage listed; however, as shown in **Figure 2** below, the NEPIA is adjacent to several heritage items and the Sorrell Street Heritage Conservation Area under Schedule 5 of the PLEP 2023.

9. The general DCP controls that apply to all R4 High Density Residential precincts in the LGA apply to this Precinct. There are no precinct specific controls.

Figure 2: Relevant planning and heritage considerations within proximity of the NEPIA.



OTHER RELEVANT PLANNING MATTERS

10. The western boundary of the NEPIA adjoins the Church Street North Precinct. The Department prepared [*SEPP \(Church Street North Precinct\) 2023*](#) which introduces new planning controls for the land north of the river (refer to **Figure 4**) and is set to commence on 1 July 2024. A separate process is currently underway to progress amendments to Parramatta DCP 2023 to provide appropriate DCP controls that respond to, and correlate with, the Church Street North SEPP amendments, and anticipated to be reported to Council in the coming weeks.
11. Additionally, a proponent led site-specific planning proposal located within the NEPIA at 23-27 Harold Street, Parramatta (see black hatched area in **Figure 2**) is currently subject to a rezoning review. At the time of writing this report, the outcome of this review was not known to Council Officers.

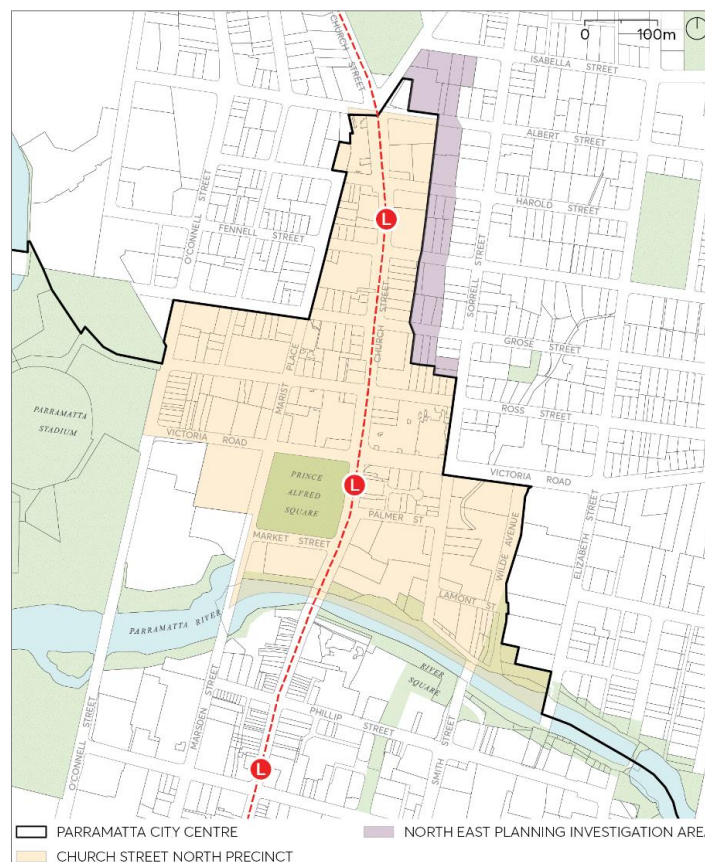
BACKGROUND

12. On 20 November 2019, Council considered a report on the Parramatta CBD Planning Proposal (CBD PP) and resolved to defer a number of areas,

including an area known as the North-East Planning Investigation Area from the broader CBD PP Planning Proposal it was considering at that time. This precinct was deferred to allow further options to be considered.

13. In June 2020, Council resolved to prepare a Planning Strategy for the NEPIA in response to a number of planning proposals that were submitted for parcels in the area. Public exhibition of the Planning Strategy occurred from March to April in 2021 and an overview of submissions received, and Council's response is detailed further below in this report and in **Attachment 3**.
14. In finalising the CBD Planning Proposal (CBD PP) now formally known as *Parramatta Local Environmental Plan 2011 (Amendment No 56)*, the Department removed the area north of the Parramatta River (known as the Church Street North Parramatta (refer to **Figure 4**)) from the CBD PP to undertake a State-led *planning process*.
15. In December 2023, the Department finalised a State Environmental Planning Policy (Church Street North Precinct) ('CSN SEPP') for the land north of the river that was previously removed from the CBD PP. As shown in **Figure 3**, the NEPIA is not subject to planning work by the State Government and thus Council can re-commence planning and technical investigation for the NEPIA.

Figure 3: Relationship between the forthcoming Parramatta City Centre boundary, the Department's Church Street North Precinct (as per the SEPP); as well as the North East Planning Investigation Area.



NEPIA Planning Strategy

16. As discussed above Council endorsed a Planning Strategy for the NEPIA which sought feedback from the community on six built form options. A total

of 194 submissions were received in response to the public exhibition with a stakeholder breakdown of:

- **Landowners, Residents and Individuals:** 181 Submissions
- **Planning Consultants:** 5 Submissions
- **Public Authorities, Institutions and Interest Groups:** 8 Submissions

17. **Table 1** below displays a breakdown of the options preferred by submitters:

Table 1: Submitter preferred NEPIA Planning Strategy Options

Option	FSR and height proposed in Option for the entire NEPIA	Number in support	Percentage
Option 1	(0.8:1, 11m)	94	46.1%
Option 2	(2:1, 28m)	17	8.3%
Option 3	(3:1, 40m)	6	2.9%
Option 4	(4:1, 54m)	1	0.5%
Option 5	(5:1, 67m)	4	2.0%
Option 6	(6:1, 80m)	34	16.7%
Not Indicated	N/A	48	23.5%
Total		204	100%

Note: The total number of preferred options (204) is larger than the number of submissions (194) due to recording submitters who expressed their support for more than one option.

18. Key themes in the submissions included heritage impacts, scale and density, infrastructure pressures, traffic/ parking, character and overshadowing. **Attachment 3** provides an analysis of the submissions and Council officer responses to the key themes.
19. The themes and issues raised in the submissions were used to inform the key design aspects of the proposed changes to the NEPIA.

DESCRIPTION OF THE PLANNING PROPOSAL

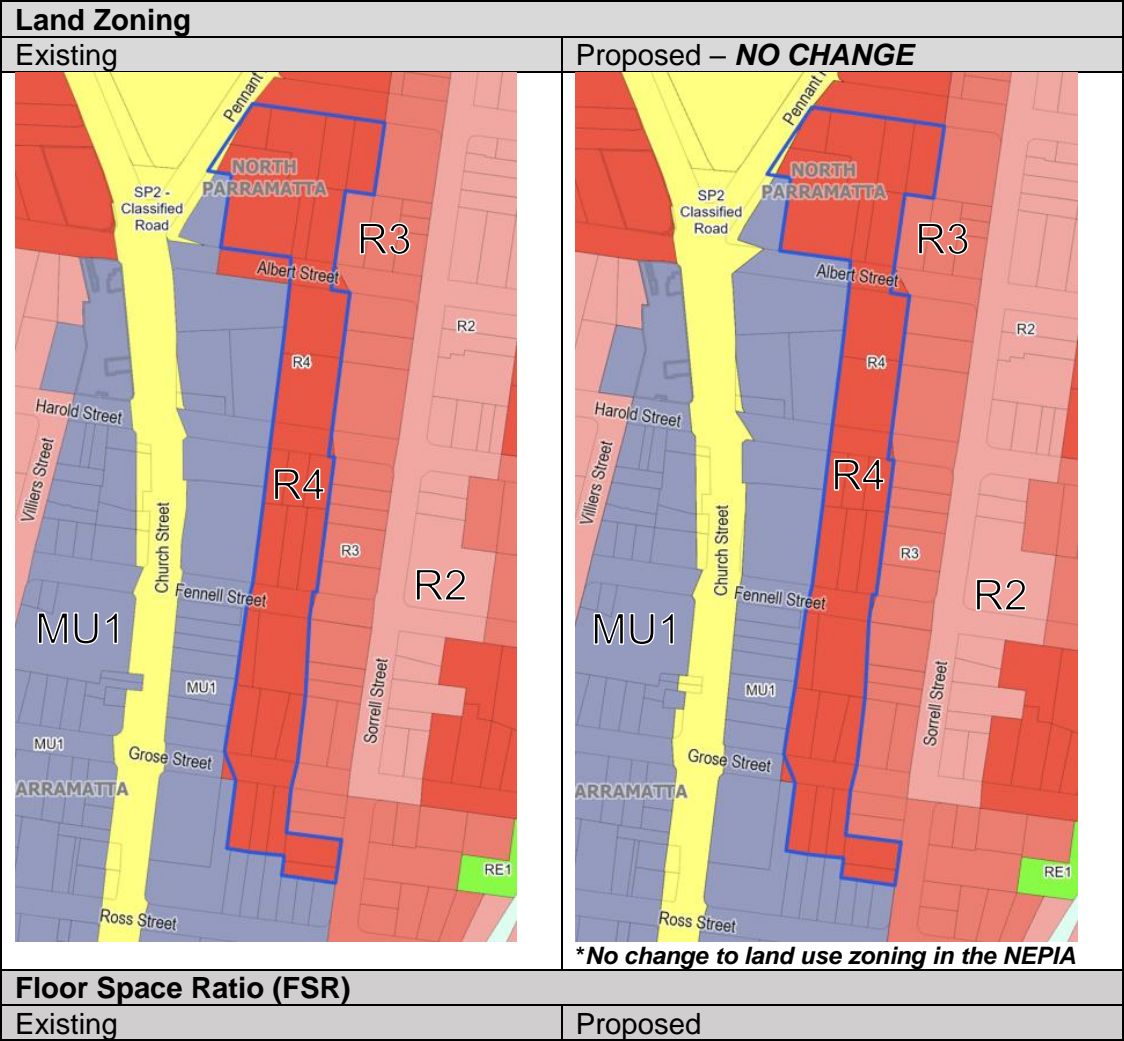
20. The Planning Proposal for the NEPIA seeks to amend the FSR and HOB Maps of the Parramatta LEP 2023 as per **Table 2** below. Supporting DCP controls are also proposed as outlined below and detailed in **Attachment 2**. The proposed controls for the NEPIA consider the CSN SEPP and feedback from community submissions made to the exhibition of the NEPIA Planning Strategy in 2021.

Table 2: Existing and proposed LEP controls for the NEPIA

Controls	Current	Proposed
Land Zoning	R4	No Change (R4)
Floor Space Ratio	0.8:1	2:1, 3:1, 3.6:1
Height of Buildings	11m	24m (6 storeys), 40m (12 storeys)

The following section details the mapped changes between existing and proposed PLEP 2023 controls for the NEPIA.

Figure 4: Current and proposed amendments to PLEP 2023 maps



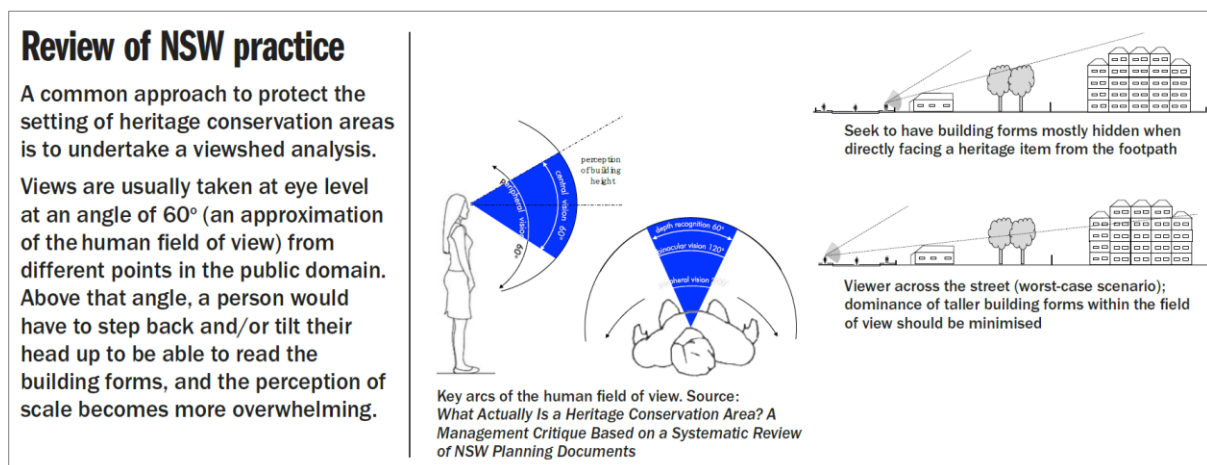


Determining the height of building control and FSR for the NEPIA

21. The recommended height of building controls for the NEPIA are based on:

- the 'viewshed' approach detailed in the Department-commissioned consultant study that informed mapped building heights in the CSN SEPP. Applying a 60-degree field of view sightline, views to sky are maintained above buildings providing a transition in height and protecting the setting of the heritage conservation area. An extract from the consultant study on the viewshed approach is provided in **Figure 5**.
- creating a mapped skyline strategy which steps down from the concentrated height on Church Street towards the Sorrell Street HCA, but also northwards towards the surrounding low-scale residential areas of North Parramatta, as per **Figures 6 and 7**.
- an acknowledgement of sites within the CSN precinct north of Harold Street that are unlikely to redevelop due to large, 6- to 8-storey residential strata subdivisions.

Figure 5: Extract from the consultant report explaining the field of view sightline application (Source: [Church Street North Urban Design Study](#))



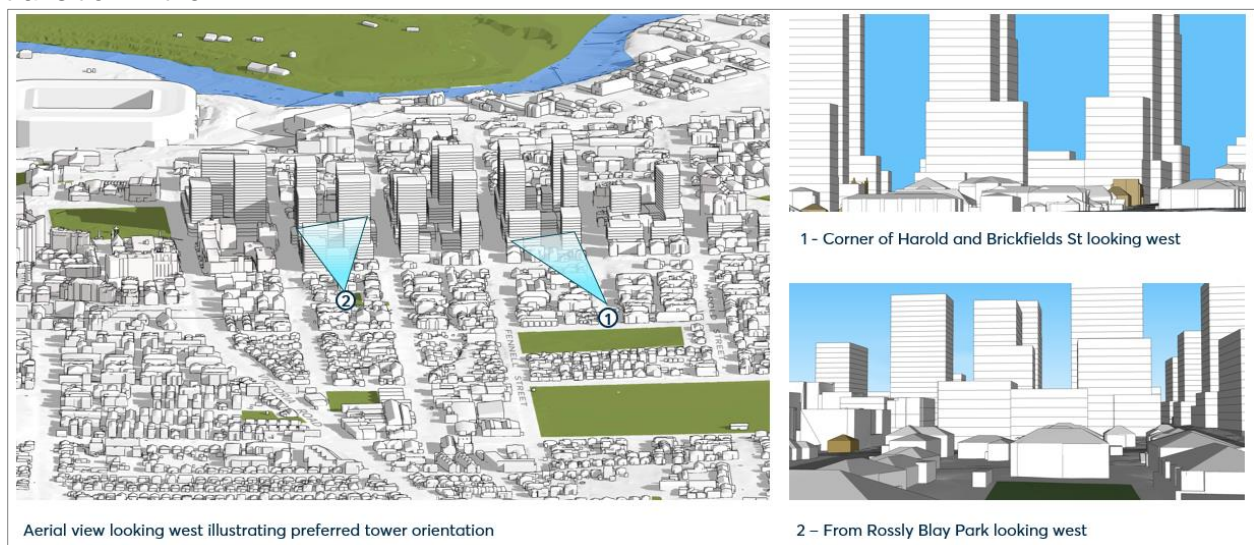
22. The recommended FSR controls for the NEPIA are based on:

- Achieving workable FSRs that align with the proposed height of building controls.
- Reinforcing the height transition through inter building setbacks, street setbacks, building orientation, and location of landscape areas (see **Figure 8**).
- Creating workable residential floor plates within a slender tower form and podium, with space for deep soil and communal open space.

23. The recommended FSR and height limit for the site at 23-27 Harold Street, Parramatta (which is also currently subject to a rezoning review), was determined using the same built form principles and outcomes-based approach for the NEPIA. The maximum FSR of 3.6:1 and a 40m height limit is proposed for site noting this slightly higher FSR reflects the efficiencies of a

smaller sized site (see **Figure 4**). Further details are contained in **Attachment 1**.

Figure 6: Council officer modelling showing how the stepped height of buildings as well as the inter building separation with views to sky creates the transition between the Church Street North precinct and the sites within the NEPIA. Note that sites on Church Street North have been modelled to include potential design excellence and place based bonuses. View 1 and 2 are taken from the public domain using 60 degree human view cone and illustrate that when bonuses are applied, the tops of towers can no longer be perceived. This reinforces the importance of combining principles of height transition with other methods of transition in the NEPIA.



Amendments to the Parramatta DCP 2023

24. To support the proposed amendments to the LEP outlined above, amendments are proposed to Part 8, Section 8.3 Neighbourhood Precincts in Parramatta DCP 2023.
25. Area specific DCP controls are considered necessary for the NEPIA primarily due to the heritage sensitivities and need to provide transition between the HCA and forthcoming new LEP controls for the Church Street North precinct. This new section of the Parramatta DCP will include objectives and controls for:
 - The desired future character of the area, with consideration for existing context and how this precinct will redevelop incrementally over time,
 - Minimum site requirements and preferred site amalgamation to ensure the objectives of future development in the area can be met,
 - Heritage transition achieved through specified setbacks, street wall heights and building orientation,
 - Deep soil and landscaping requirements for future amenity and to create a vegetated heritage setting,
 - Consistent street setbacks that maintain heritage items as the dominant features of the streetscape and enable large canopy tree planting within the front setback zone,

- Tower separation to enable views to sky when observed from the Sorrell Street HCA (east), and
- Bespoke car parking rates that respond to the proximity to the City Centre and light rail infrastructure (see further discussion below).

Figure 7: Area specific DCP controls are proposed to achieve the Structure Plan for the North East PIA (buildings coloured red) and part of the Church Street North precinct (buildings coloured yellow).



26. Given the NEPIA consists only of R4 High Density Residential zoned land, the following Parts of the DCP will continue to apply in addition to the new site specific provisions proposed in Part 8: Part 2: Design in Context, Part 3: Residential Development, Part 5: Environmental Management, Part 6: Traffic and Transport and Part 7: Heritage and Archaeology. The details of these changes can be found in **Attachment 2**.

PLANNING PROPOSAL ASSESSMENT

Strategic Merit

27. A summary of how the subject Planning Proposal is consistent with the relevant policies is provided below, with **Attachment 1** providing a full assessment of the Proposal's consistency against relevant State Planning Policies and Ministerial Directions.

Greater Sydney Region Plan (GSRP) and Central City District Plan (CCDP)

28. The Planning Proposal is generally consistent with 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.

Local Strategies

29. The NEPIA falls just outside of the Parramatta CBD growth precinct identified within the LSPS and the LHS. The LSPS aims to encourage a more diverse range of housing, focusing on medium density housing for new growth and defining areas that meet the criteria to be a Housing Diversity Precinct. The NEPIA satisfies this diversity criteria and, with the proposed LEP controls in this Planning Proposal, can contribute to the delivery of a diversity of housing within Parramatta.

Site-Specific Merit

Urban design and heritage matters

30. Previous Council commissioned heritage studies (as discussed in the [NEPIA Planning Strategy](#)) are superseded by the SEPP process for the Church Street North precinct and the recommended principles and strategies in the Department's *Finalisation Report 2023* developed by specialist urban design and heritage input. For the NEPIA the relevant principles and strategies include responding to the adjoining HCAs and low scale residential uses by transitioning building heights downwards towards them and protecting view corridors.
31. The design process for the NEPIA has been carried out concurrent with the drafting of the Church Street North DCP. Consequently, these precincts and their surrounds have been treated as a whole to determine a recommended outcome. Based on a spatial analysis of the area, several key design objectives have been established to guide the design approach. These are related to:
- Creating continuity between the City Centre from south of the river, northwards along the Church.
 - Considering a more residential focus for future development outcomes in North Parramatta.
 - Providing transition to heritage conservation areas to be achieved through both stepped building heights and space between buildings through setbacks and building separation.

- Maintaining the highly vegetated character of North Parramatta for tree canopy within street setbacks and rear gardens at mid-block.
- Establishing building alignments that respond to the prevailing alignment of heritage items in the area.
- Responding to the landscape and river setting with a skyline that follows the topography along the ridge.

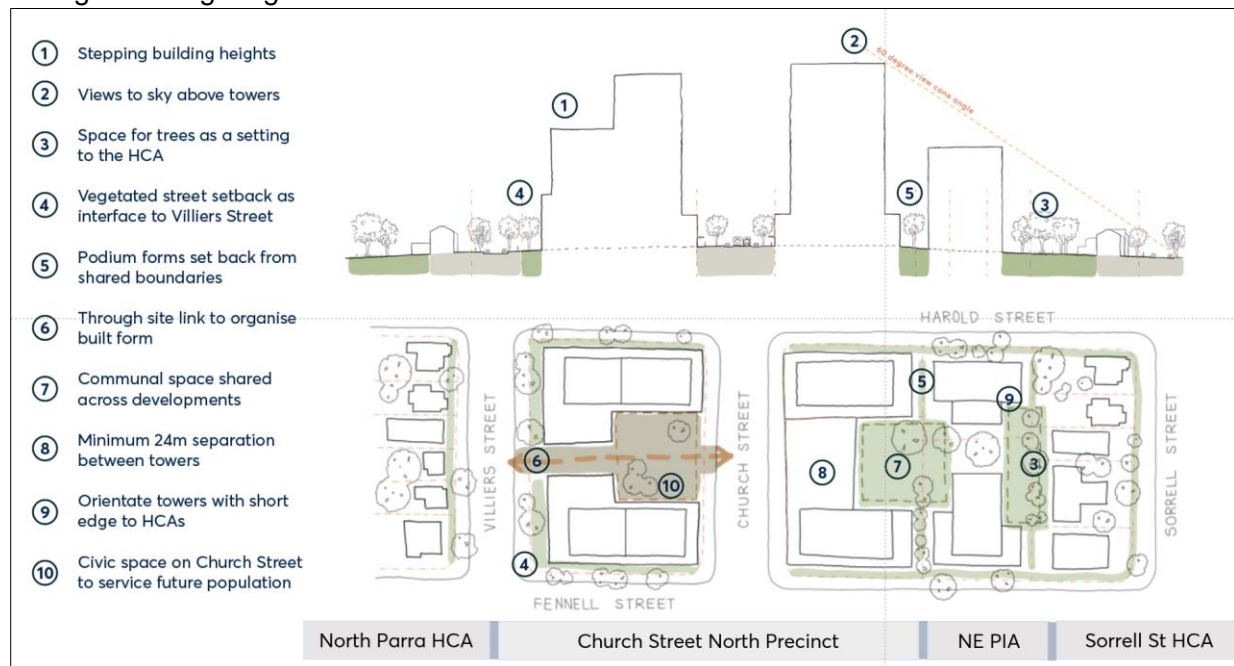
Although the design objectives and principles were developed for the whole area, the proposed LEP and DCP controls for the NEPIA are drafted so that they apply independently of the CSN SEPP area.

32. The recommendations for NEPIA are based on **comprehensive approach to transition** as required by the Department that includes a combination of both building height and site planning. The method for transition includes stepping in building height from Church Street properties to the Sorrell Street HCA, but also includes:

- Utilising detached buildings to mediate between perimeter block, podium tower development along Church Street and existing apartments and houses within the HCA,
- Locate vegetated setbacks and communal open space on the ground to provide landscape space as a frame/backdrop to heritage buildings and the HCA,
- Supporting deep soil zones on development sites, which enables canopy tree planting to be a setting to heritage,
- Ensuring any future development is setback from the prevailing heritage alignment on the street and that front setback zones support large canopy tree planting,
- Orientating the short edge of towers towards the HCA to minimise the bulk of towers perceived from the HCA,
- Maximising separation between towers where it can increase views to sky when observed from the HCA, and
- Encouraging slender tower forms and finer grain street wall typologies to tie into the surrounding lower scale context of North Parramatta.

This multifaceted approach to transition that has been applied to NEPIA sites is illustrated in **Figure 8** below.

Figure 8: Methods for achieving transition and unifying development across the precinct through building heights and setbacks between Church Street and the Sorrell Street HCA.



Potential impacts from State Government Reforms

33. If the **Department's proposed Low- and Mid-Rise Housing Reforms** exhibited in late 2023 were to come into effect, the FSR and height of building control that would apply to the NEPIA and the Sorrell Street HCA are 3:1 and 21m, as both areas are within 400 metres of a transport node.
34. This does not include any additional density possible under the **Housing SEPP's 30% FSR and height bonus for affordable housing** and was not factored into the Department's Low- and Mid-Rise Housing Reforms. The impact of this on the CSN precinct and NEPIA is difficult to predict.
35. What is known is that for the NEPIA, the planning controls under the Reforms and as recommended in this report, would both result in approximately 500 dwellings; however, under the reforms because of the mismatch between the proposed FSR and height as identified in Council's 26 February 2024 [submission on the reforms](#), the following impacts are likely: Buildings will be bulky and setbacks to boundaries insufficient for the scale, with significant impacts upon deep soil and tree canopy loss contributing to reduced amenity and heat island effects.
36. In the Finalisation Report for CSN, the Department referred to the housing crisis and the need to provide certainty and accelerate housing delivery along the Parramatta light rail corridor. The proposed controls recommended by this Planning Proposal for the NEPIA demonstrate to the Department Council's willingness to provide for additional density in areas well serviced by public transport and in a way that can responds sensitively to the heritage issues consistent with the principles and strategies in the Department's Finalisation Report 2023.

Transport

37. The NEPIA is considered suitable for higher density residential development due to its proximity to the City Centre, accessibility to transport and employment opportunities. The site is located within a range of 100m to 350 metres walking distance to the Parramatta Light Rail stop and existing bus services; and highly accessible to pedestrian pathways and cycleways.

Traffic, Parking and Access

38. Council's Integrated Transport Plan (ITP) considered growth as a result of the CBD PP and modelled residential parking rates delineating the difference between locations that are within 800m or a 10-minute walk approximately from Parramatta train station (Category A) and other locations at the CBD fringes considered remote from heavy rail (Category B) as shown in **Figure 9**.
39. Currently, Category A car parking rates apply to the City Centre (including the Church Street North precinct) via the LEP and are a *maximum*. Car parking rates for most areas outside the City Centre including the NEPIA are contained in PDCP 2023 and are a *minimum*. See **Table 3** for a comparison of the car parking rates.
40. Work is currently underway to implement recommendations of the ITP, and Officers are recommending the 'Category B' ITP parking rates as outlined in **Figure 9** as part of progressing the CBD PP 'orange matters'. A separate LPP report on the CBD PP 'orange matters', will soon be reported to the Local Planning Panel.

Figure 9: Parramatta Residential Parking Rate Categories (taken from the Parramatta Integrated Transport Plan), the NEPIA is within the red circle.

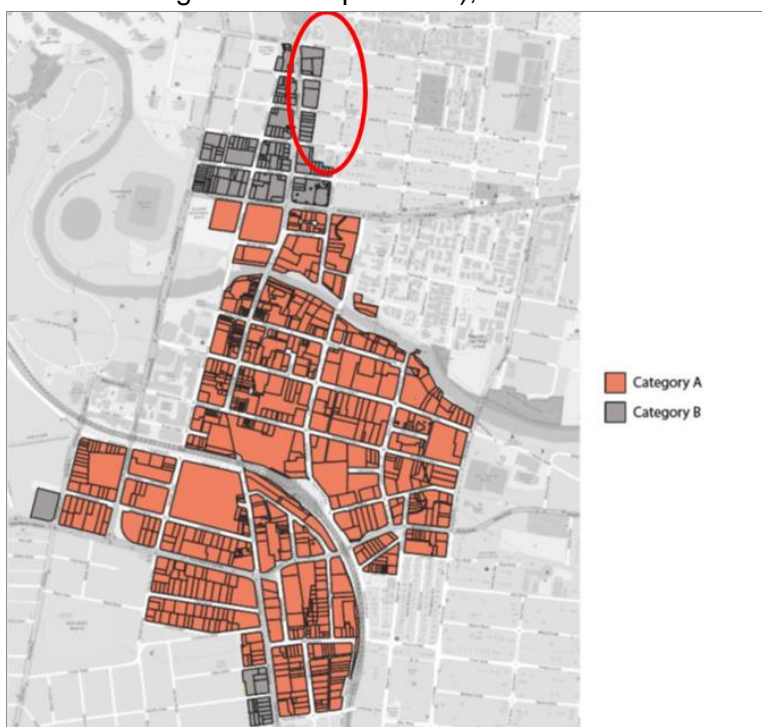


Table 3: Comparison of number of car parking space requirements

Residential Parking Rate	Parramatta DCP current general controls that apply to the NEPIA – Minimum required number of spaces	ITP ‘Category A’ controls in PLEP 2023 Part 7 City Centre – Maximum required number of spaces	ITP ‘Category B’ recommended controls for inclusion in PDCP 2023 Part 8 precinct controls for the NEPIA – Maximum required number of spaces (proposed)
Studio	0.6	0.1	0.2
1 bedroom	0.6	0.3	0.4
2 bedroom	0.9	0.7	0.8
3+ bedroom	1.4	1.0	1.1

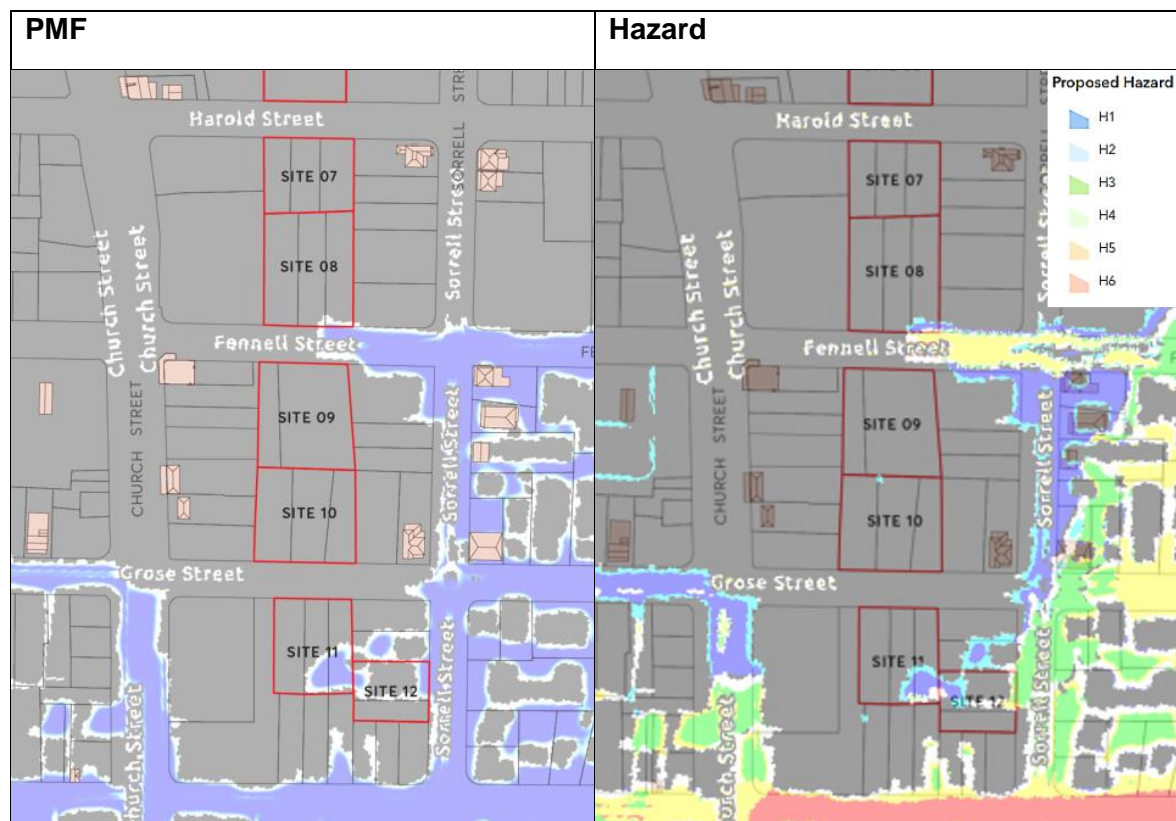
41. This report recommends applying the Category B parking rates to the NEPIA as a DCP control (see **Attachment 2**) for the following reasons:
- proximate to the City Centre and light rail, and generally subject to the same traffic conditions as the Church Street precinct, and
 - the anticipated development typology (podium and tower) is the same as Church Street.

Flooding

42. Council has more recently exhibited the draft Parramatta River Flood Study 2023 and while the draft study is yet to be endorsed by Council, it is prudent for Council to assess the Planning Proposal against this updated Study. The Planning Proposal is also required to address Local Planning Direction 4.1 – Flooding, issued by the Minister for Planning under Section 9.1(2) of the *EP&A Act 1979*. Planning Proposals are required to demonstrate that they are consistent with the Direction and any inconsistency is required to be justified.
43. The draft Parramatta River Flood study shows that the majority of the NEPIA is unaffected by flooding except for a part of Fennell Street and Sorrell Street which are now subject to increased risk of Probable Maximum Flood (PMF) and increased hazard risk (see **Figure 10**), compared to current flood information.
44. For the affected sites in Fennell Street, the recommended pattern of lot consolidation as proposed in the area specific DCP controls for the NEPIA (**Attachment 2**) means egress to an unaffected part of the street with rising road access outside PMF is possible. For the affected sites in Sorrell Street, even with the recommended pattern of lot consolidation, horizontal egress is not a safe option. In this case, vertical evacuation would be required with the specific requirements able to be managed at the Development Application stage.

45. Any future development on the site will need to respond to the Flood Risk Development Manual and the relevant controls contained within the PLEP 2011 and the Parramatta Development Control Plan 2011.

Figure 10: Extract of the NEPIA consolidation/ structure plan showing the sites under the draft Parramatta Flood Study 2023 affected by the PMF and the hazard affection.



46. Infrastructure, social, economic and environmental impacts are considered minimal and discussed in the Planning Proposal at **Attachment 1**.

PLAN MAKING DELEGATIONS

47. Plan making delegations were announced by the then Minister for Planning and Infrastructure in October 2012 allowing councils to make LEPs of local significance. On 26 November 2012, Council resolved to accept the delegation for plan making functions, and for these functions be delegated to the Chief Executive Officer.
48. It is recommended that Council request to the Department of Planning, Housing and Infrastructure to exercise its plan making delegations for this Planning Proposal. This means that after the Planning Proposal has received a Gateway Determination, complied with any conditions (including any requirements for public exhibition), Council officers can deal directly with the Parliamentary Counsel on the legal drafting and finalisation of the amendment to the LEP facilitated by this Planning Proposal.

FINANCIAL IMPLICATIONS FOR COUNCIL

49. If Council resolves to endorse this report in accordance with the recommendation, there are no unbudgeted financial implications for Council's budget. Costs associated with the public exhibition of the Planning Proposal and the DCP will be funded from existing Strategic Land Use Planning budget allocations.
50. The table below summarises the financial impacts on the budget arising from approval of this report.

	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	NIL	NIL	NIL	NIL
Funding Source	NIL	NIL	NIL	NIL
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	NIL	NIL	NIL	NIL
Funding Source	NIL	NIL	NIL	NIL
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	NIL	NIL	NIL	NIL

CONSULTATION AND TIMING

Councillor Consultation

51. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
18 March 2024	Standard briefing session prior to Council meeting	In relation to the <u>NEPIA</u> , include in the exhibition documentation an explanation and visual representation of the height and FSR that may be achieved under the State Government's exhibited Low and	Council's website which includes FAQs that form the NEPIA notification will include the required information.	Group Manager – City Strategic Planning

		Mid Rise Housing Reforms.		
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CONCLUSION AND NEXT STEPS

52. This report recommends Council endorse and forward the Planning Proposal at **Attachment 1** to the Department with a request for a Gateway Determination, and that Council endorse the DCP amendment at **Attachment 2** for public exhibition concurrently with the Planning Proposal.
53. Community consultation will be undertaken as required by the Gateway Determination.







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Team Leader Land Use Planning

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Group Manager, Strategic Land Use Planning

Jennifer Concato
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ATTACHMENTS:

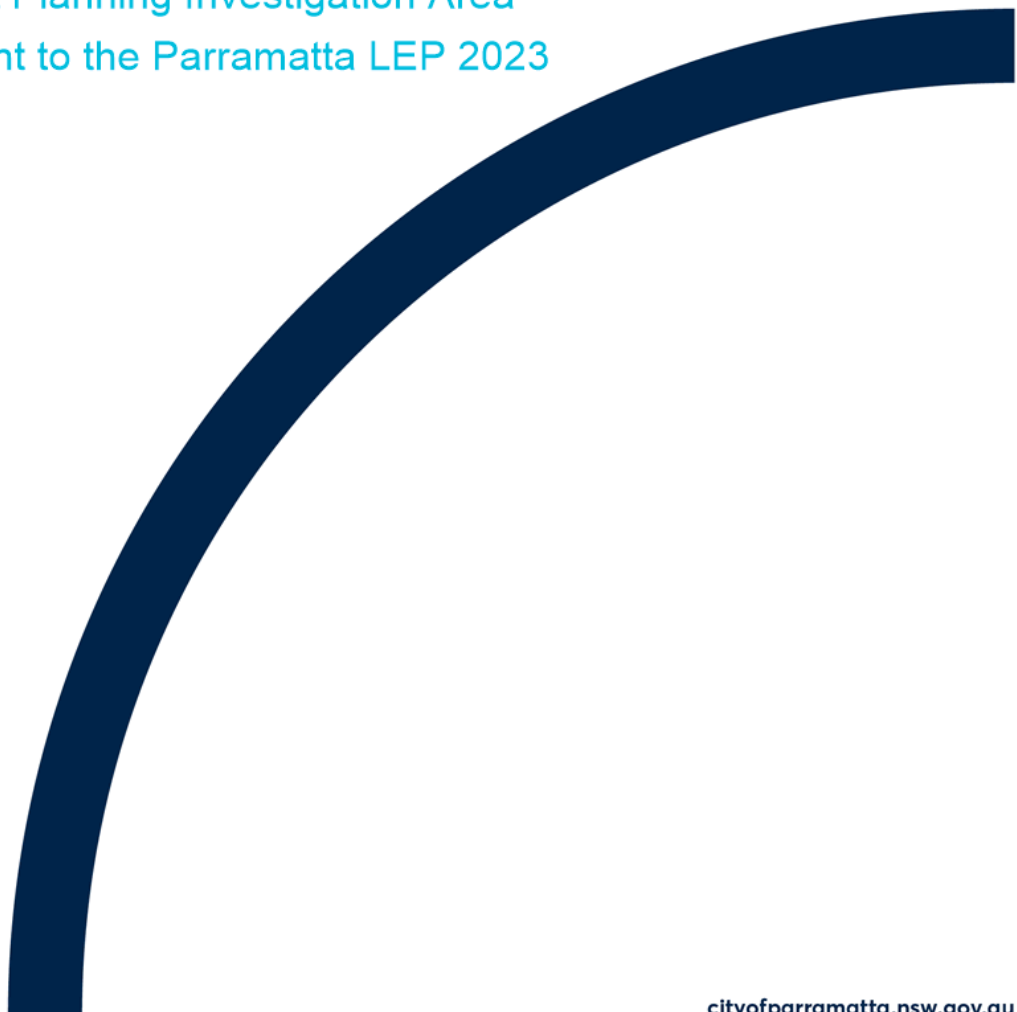
- | | | |
|--|--|----------|
| 1   | North-East Planning Investigation Area Planning Proposal | 47 Pages |
| 2   | Proposed DCP Amendments | 17 Pages |
| 3   | NEPIA Planning Strategy Community Engagement Report | 11 Pages |

REFERENCE MATERIAL



PLANNING PROPOSAL

North-East Planning Investigation Area
Amendment to the Parramatta LEP 2023



cityofparramatta.nsw.gov.au



**CITY OF
PARRAMATTA**

PLANNING PROPOSAL

North-East Planning Investigation Area
Amendment to the Parramatta LEP 2023

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PLANNING PROPOSAL – North-East Planning Investigation Area

Planning Proposal drafts

Council versions:

No.	Author	Version
1.	City of Parramatta Council	Report to Local Planning Panel and Council on the assessment of Planning Proposal

INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to the *Parramatta Local Environmental Plan 2023* (LEP) relating to the land identified as the North-East Planning Investigation Area (NEPIA) in the City of Parramatta.

The proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Housing and Infrastructure's (the Department) *Local Environmental Plan Making Guideline* (August 2023).

Background and context

The Planning Investigation Areas (PIAs) were originally identified as possible expansions to the City Centre in the *Parramatta CBD Planning Strategy* (2015). Strategic work associated with the PIAs have been subject to numerous Council resolutions that have impacted the boundaries between 2015 and 2021. These changes have influenced the progression of strategic planning work for the NEPIA.

Summary of the key decisions related to the NEPIA are outlined below in **Table 1**:

Table 1: Summary of the key decisions related to the NEPIA

Date of decision	Key outcome
April 2015	The Parramatta CBD Planning Strategy was adopted by Council.
April 2016	Council endorsed the Parramatta CBD Planning Proposal (CBD PP) which included the NEPIA for forwarding to the Department seeking Gateway Determination, the CBD PP proposed potential investigation for expansion of boundaries to the City Centre boundary.
December 2018	Gateway Determination for the Parramatta CBD Planning Proposal (CBD PP) was issued by the Department which included the NEPIA.
November 2019	Council resolved to defer a number of areas from the CBD PP, including the NEPIA.
November 2020	Council resolved to prepare a Planning Strategy for the NEPIA, Council's response is detailed further below in this report and in Attachment 3.
October 2022	The Department removed the area north of the Parramatta River (known as North Parramatta) from the CBD PP.
October 2023	The Department committed to pursue planning controls for the area identified as Church Street North.
November 2023	Council resolved to endorse a work program from the 'Planning Investigation Areas', with the NEPIA forming 'Phase 1'.
December 2023	The Department finalised the State Environmental Planning Policy (Church Street North Precinct) ('CSN SEPP') to commence on 1 July 2024.

Figure 1 illustrates the context of the NEPIA and its relationship to the Parramatta City Centre.

The *Parramatta LEP 2011 (Amendment No 56)* was notified on the NSW Legislation website on 6 May 2022 which came into effect on 14 October 2022. *Parramatta LEP 2023* as finalised by the Department deferred the area north of the CBD.

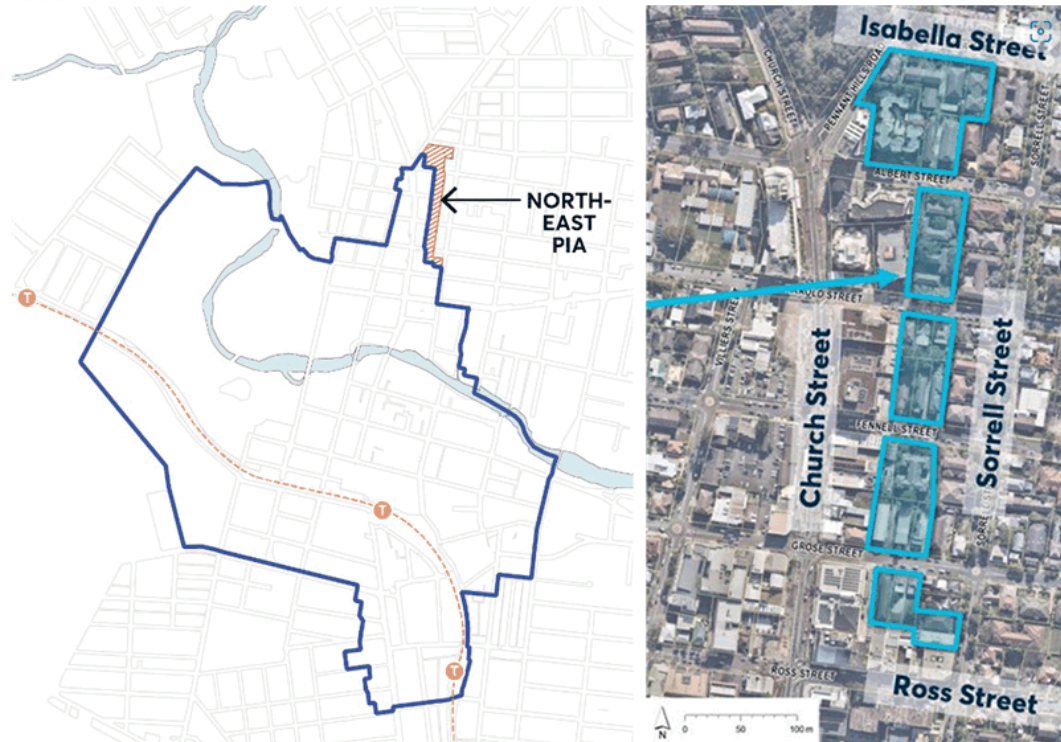
Council resolved to progress a phased work program to review the planning controls for the planning investigation areas that were excised from the CBD PP with this Planning Proposal forming the first phase to commence in early 2024.

PLANNING PROPOSAL – North-East Planning Investigation Area

The Area identified by this Planning Proposal

The subject area of this planning proposal is known as the North-East Planning Investigation Area identified in **Figure 2** which includes twenty-five (25) allotments in the suburb of Parramatta comprising of the following parcels of land shown below.

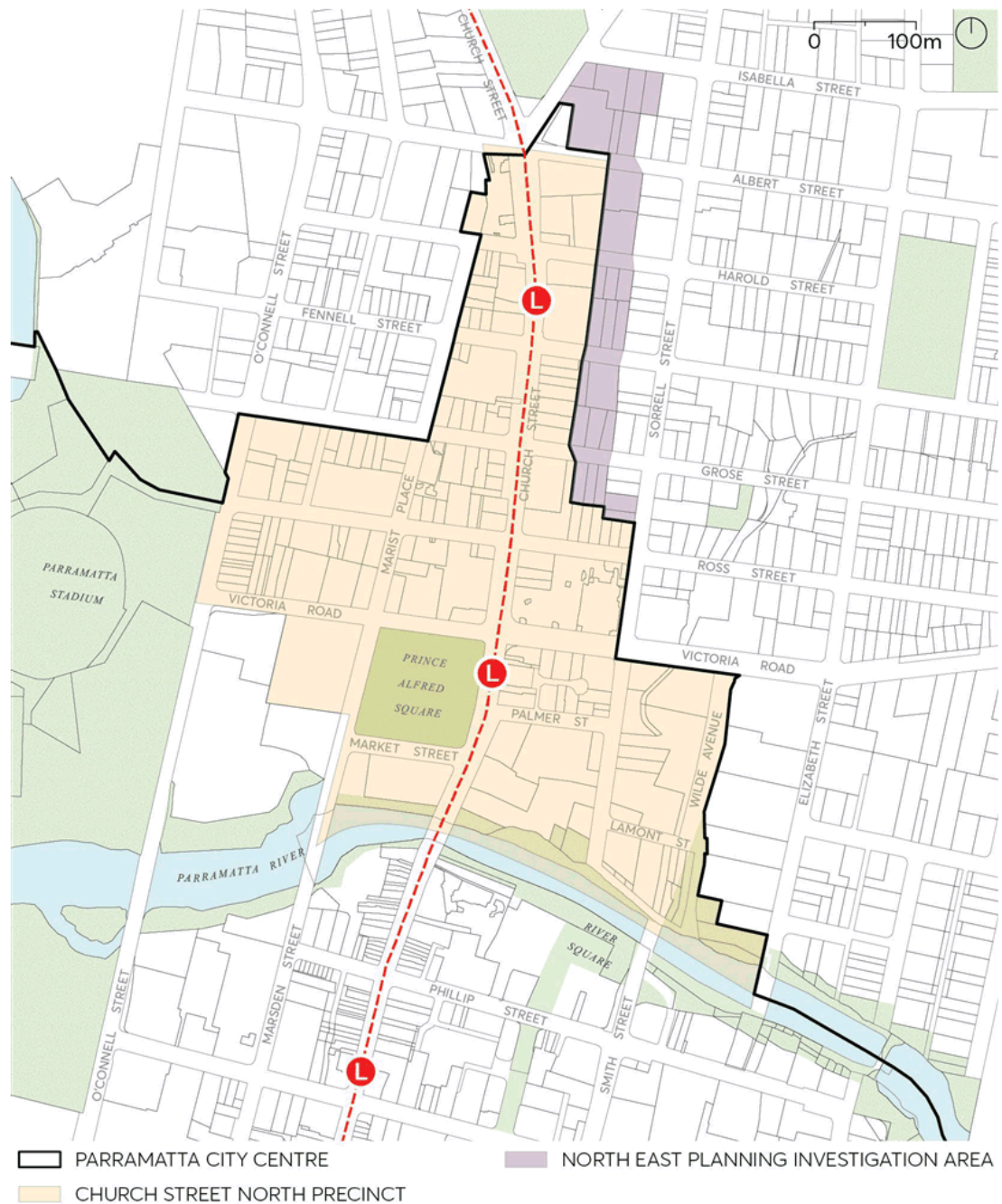
Figure 1: Left - The North-East Planning Investigation Area adjoins the Parramatta City Centre to the west and south; Right – The subject sites that form the North-East Planning Investigation Area



The sites included are,

- 17, and 36, 38 and 40 Albert Street
- 1, 9, 11 and 17 Isabella Street
- 20, 23, 25 and 27 Harold Street
- 32, 33, 34, 34A and 37 Fennell Street
- 35, 36, 37, 38, 39 and 40 Grose Street
- 25 and 29 Sorrell Street

PLANNING PROPOSAL – North-East Planning Investigation Area

Figure 2: Map showing the relationship between the NEPIA, CSN Precinct and City Centre Boundary

The properties making up the NEPIA are located between the land parcels fronting Church Street to the west and the Sorrell Street Heritage Conservation Area (HCA) (displayed in **Figure 3** below) and extends from Isabella Street in the north to Ross Street in the south.

As outlined above, in [June 2020](#), Council resolved to prepare a Planning Strategy for the NEPIA in response to a number of planning proposals that were submitted in the area.

PLANNING PROPOSAL – North-East Planning Investigation Area

In November 2020, the NEPIA Planning Strategy was endorsed by Council for exhibition which sought feedback from the community on six built form options for the area. Public exhibition of the Planning Strategy occurred from 16 March to 15 April in 2021 and an overview of submissions received, and Council's response is discussed in **Attachment 3** to the Local Panel Report.

A total of 194 submissions were received in response to the public exhibition with a stakeholder breakdown of:

- **Landowners, Residents and Individuals:** 181 Submissions
- **Planning Consultants:** 5 Submissions
- **Public Authorities, Institutions and Interest Groups:** 8 Submissions

Table 2: Submitter preferred NEPIA Planning Strategy Options

Option	FSR and height proposed in Option for the entire NEPIA	Number in support	Percentage
Option 1	(0.8:1, 11m)	94	46.1%
Option 2	(2:1, 28m)	17	8.3%
Option 3	(3:1, 40m)	6	2.9%
Option 4	(4:1, 54m)	1	0.5%
Option 5	(5:1, 67m)	4	2.0%
Option 6	(6:1, 80m)	34	16.7%
Not Indicated	N/A	48	23.5%
Total		204	100%

Note: The total number of preferred options (204) is larger than the number of submissions (194) due to recording submitters who expressed their support for more than one option.

Key themes in the submissions included heritage impacts, scale and density, infrastructure pressures, traffic/ parking, character and overshadowing. **Attachment 3** to the Local Planning Panel Report dated 16 April 2024 provides an analysis of the submissions and Council officer responses to the key themes.

The themes and issues raised in the submissions to this non-statutory exhibition were used to inform the key design aspects of the proposed changes to the NEPIA.

Current Planning Controls

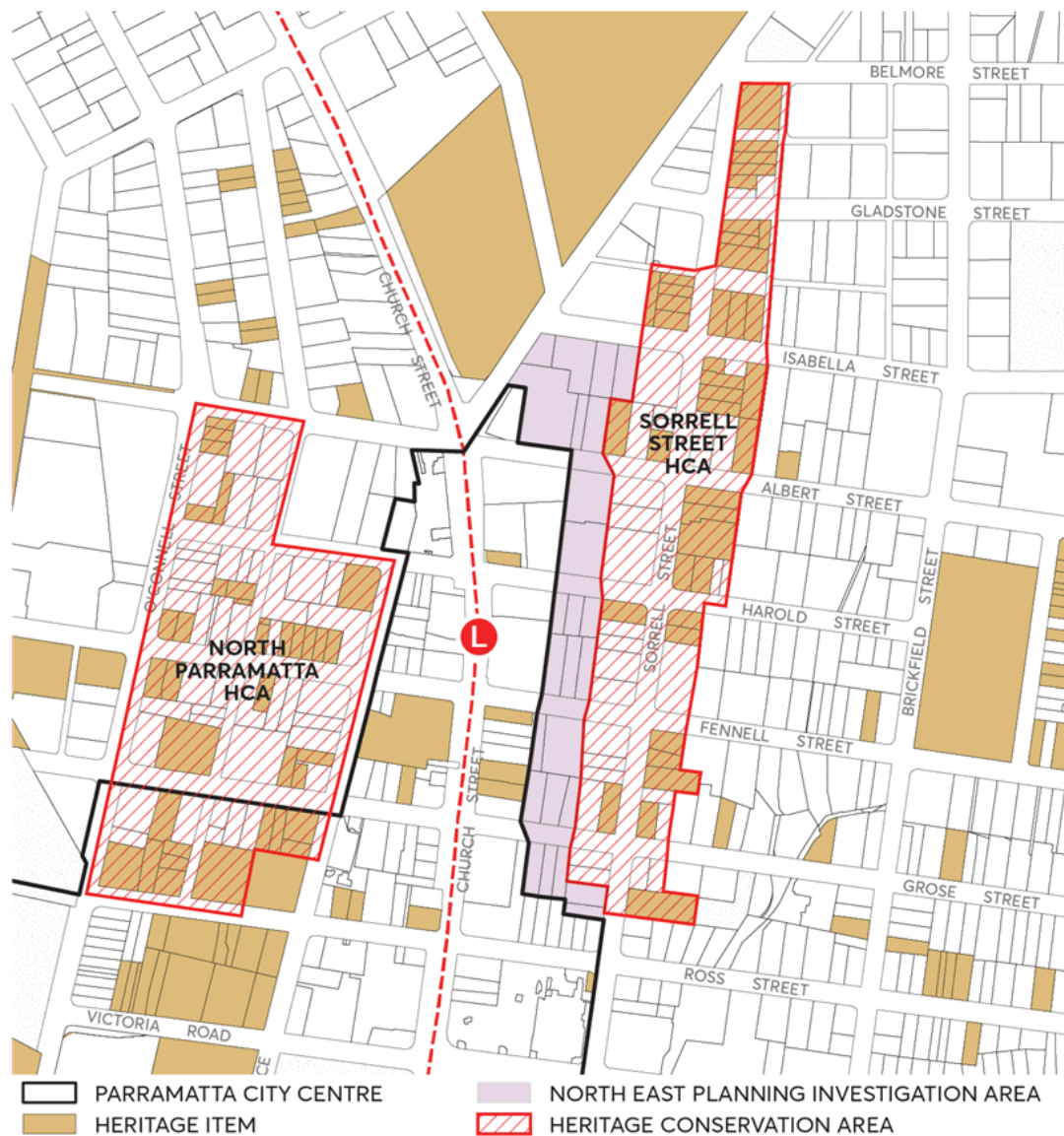
The following provisions of the *Parramatta Local Environmental Plan 2023* (LEP) apply:

- R4 High Density Residential zone;
- Maximum building height of 11 metres; and
- Maximum floor space ratio (FSR) of 0.8:1;

Heritage context and site surrounds

No sites within the NEPIA are heritage listed; however, as shown in **Figure 3** below, the NEPIA is adjacent to several heritage items and the Sorrell Street Heritage Conservation Area under Schedule 5 of the PLEP 2023.

PLANNING PROPOSAL – North-East Planning Investigation Area

Figure 3: NEPIA Heritage Relationships

Previous Council commissioned heritage studies (as discussed in the [NEPIA Planning Strategy](#)) are superseded by the SEPP process for the Church Street North precinct and the recommended principles and strategies in the Department's *Finalisation Report 2023* developed by specialist urban design and heritage input. For the NEPIA the relevant principles and strategies include responding to the adjoining HCAs and low scale residential uses by transitioning building heights downwards towards them and protecting view corridors.

PLANNING PROPOSAL – North-East Planning Investigation Area

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The objective of this Planning Proposal is to amend the *Parramatta LEP 2023* to provide for the North-East Planning Investigation Area the appropriate development standards that allows redevelopment to respond to CSN SEPP recently introduced by the State Government. The proposed changes to the development standards for the NEPIA align with the Department's *Finalisation Report for Church Street North 2023* and the outcomes from the NEPIA Planning Strategy exhibition, providing a transition in heights and density from the Church Street North Precinct to the Sorrell Street Heritage Conservation Area to the east.

The objectives of the Planning Proposal are to:

- Provide diverse and increased dwellings in high density residential apartments that are within walking distance of major transport infrastructure;
- Enhance heritage values by facilitating renewal and maintaining the existing character of North Parramatta;
- Integrate benefits to productivity and sustainability within North Parramatta and the wider LGA by proposing increased density alongside the Parramatta Light Rail and setting maximum rates for private vehicle parking;
- Provide dwellings closer to employment opportunities and services;

The intended outcomes of the Planning Proposal are to:

- Increase housing diversity and availability of housing within the precinct (approximately 540 dwellings);
- Expand the supply and offerings of housing within an existing high density residential zone;
- Reinforce the NEPIA as a distinct precinct that interfaces with key residential, commercial and heritage areas;
- Provide certainty around future development within the NEPIA and to ensure the impacts upon the surrounding built form and heritage are minimised;
- Respond to the Department's *Finalisation Report 2023* and related State Environmental Planning Policy (Church Street North Precinct)
- Complete 'Phase 1' of Council's Planning Investigation Areas phased work program.

The review of planning controls is in accordance Council's resolution from **November 2023**, a phased work program was reported to Council and subsequently endorsed a continuation of the Planning Investigation Areas which came out of the Parramatta CBD Planning Framework. The Planning Proposal forms part of 'Phase 1' of the work program.

The planning controls that should apply to the NEPIA have been a matter under consideration by Council since the inception of the Parramatta CBD Planning Review. The finalisation of the State Environmental Planning Policy (Church Street North Precinct) 2023 ('CSN SEPP') by the State Government and will commence on 1 July 2024 now allows Council to determine the appropriate transition between Church Street and the Sorrell Street HCA. The controls outlined in this planning proposal will respond to the surrounding area by emphasising the preservation of heritage conservation areas, view corridors, reducing bulk and creating appropriate transitions from Church Street down to the existing HCA.

The Planning Proposal seeks to achieve these intended outcomes through amendments to the LEP Floor Space Ratio Map and to the Height of Buildings Map as detailed below.

PLANNING PROPOSAL – North-East Planning Investigation Area

PART 2 – EXPLANATION OF PROVISIONS

This Planning Proposal seeks to amend *Parramatta Local Environmental Plan 2023 (LEP)* in relation to the height and floor space ratio controls for land known as the North-East Planning Investigation Area (NEPIA) which is a collection of 25 sites in the suburb of Parramatta (see **Figure 1** above).

In order to achieve the desired objectives, the following amendments to the *PLEP 2023* would need to be made:

1. The **Floor Space Ratio (FSR) Map** be amended from 0.8:1 to apply a range between 2:1 and 3.6:1. Refer to **Figure 10 & 15** in Part 4 of this Planning Proposal.
2. The **Height of Buildings (HOB) Map** be amended from 11m to apply a combination of heights of 24m and 40m which equate to approximately 6 and 12 storeys respectively. Refer to **Figure 11 & 16** in Part 4 of this Planning Proposal.

The increase in FSR and HOB is to facilitate an uplift in density in the NEPIA more suitable for the R4 High Density Residential zoning in proximity to transport infrastructure and the City Centre; and to provide a transition between the Sorrell Street HCA and the forthcoming LEP controls in the Church Street North Precinct.

Other relevant matters

Draft DCP

Amendments to the DCP are proposed to provide area specific controls for the NEPIA to be inserted into the existing DCP. These controls respond to the outcomes intended for the Church Street North precinct and site conditions exclusive to the NEPIA including heritage, flooding, traffic, parking and other matters guided through DCP provisions. The intention of this Planning Proposal is to amend Part 8 of the DCP by inserting a new section called 8.3.10 North-East Parramatta in 8.3 Neighbourhood Precincts.

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the Planning Proposal.

3.1 Section A - Need for the Planning Proposal

This section establishes the need for a Planning Proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

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

Yes

This Planning Proposal is an outcome from the Parramatta CBD PP planning framework and the State Environmental Planning Policy (Church Street North Precinct) (CSN SEPP). Finalisation report. The Planning Proposal interlinked with numerous Council resolutions, proponent-initiated Planning Proposals and State and Local strategic plans starting from 2015 through to 2023, see 'Introduction' above for more detail.

The most recent and relevant Council resolution resulting in the preparation of this Planning Proposal was the 20 November 2023 resolution to progress with a phased work program of the Planning Investigation Areas that were excised from the CBD PP. This Planning Proposal additionally builds upon the work that was exhibited in 2021 for the draft North-east Planning Investigation Area Planning Strategy.

This Planning Proposal is consistent with the planning changes that have occurred in the area adjacent to the NEPIA which were introduced by the State Government through the CSN SEPP. The heritage technical studies carried out for the CBD PP have been superseded by the studies carried out as part of the CSN SEPP process. The studies carried out to inform the CSN SEPP have informed this Planning Proposal.

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

Yes

This Planning Proposal is necessary to amend the HOB and FSR controls in the *Parramatta LEP 2023* and responds to Council's resolution from November 2023 to review the planning controls for the NEPIA as 'Phase 1' of the Planning Investigation Areas work program. It is also to ensure compatibility with the finalised controls of the CSN SEPP.

The finalisation of the CSN SEPP reinforces the built form outcomes approach for the NEPIA, which is to provide a 'transition' from the higher density Church Street Spine to the low-density Sorrell Street HCA. A Planning Proposal is required to amend the LEP to enable Council to guide the built form to respond appropriately to achieve the desired outcome. This provides certainty around future development within the NEPIA and also ensures the impacts upon the Sorrell Street HCA are minimised.

3.2. Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key

PLANNING PROPOSAL – North-East Planning Investigation Area

strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

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

This Planning Proposal has strategic merit with both State and local planning frameworks. Amending the controls in the NEPIA supports Parramatta as Greater Sydney's second city by leveraging recent infrastructure projects, such as the Parramatta Light Rail, Sydney Metro and the recent planning changes made to the Church Street North Precinct.

Housing Crisis

Recent communication from the State Government regarding the current 'housing crisis' identifies the need to factor housing delivery into planning decisions including when assessing Planning Proposals. The subject proposal will facilitate the delivery of an estimated 540 dwellings contributing toward the overall goal of housing delivery.

A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* ("the GSRP") a 20 year plan which outlines a three-city vision for metropolitan Sydney for the year 2036.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions that each contain potential indicators and, generally, a suite of objective/s supported by a Strategy or Strategies. This planning proposal is consistent with the vision and directions of the GSRP.

The controls proposed as part of this Planning Proposal address numerous Directions from the GSRP in relation to:

- Providing an increase in diverse dwelling supply in a high-density residential setting that is within walking distance of major transport infrastructure;
- Enhancing heritage values by facilitating renewal and maintaining the existing character of North Parramatta; and
- Integrating benefits to productivity and sustainability within North Parramatta and the wider LGA by proposing increased density alongside the Parramatta Light Rail and setting maximum rates for private vehicle parking.

The uplift that will be provided by this Planning Proposal will expand the supply and offerings of housing within an existing high density residential zone. It will additionally reinforce the NEPIA as a distinct precinct that interfaces with key residential, commercial and heritage areas proximate to the Parramatta City Centre.

Infrastructure and Collaboration

An assessment of the Planning Proposal's consistency with the GSRP's relevant Infrastructure and Collaboration objectives is provided in Table 3, below.

Table 3 – Consistency of Planning Proposal with relevant GSRP Actions – Infrastructure and Collaboration

PLANNING PROPOSAL – North-East Planning Investigation Area

Infrastructure and Collaboration Direction	Relevant Objective	Comment
A city supported by infrastructure	<p>O1: Infrastructure supports the three cities</p> <p>O2: Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p>O3: Infrastructure adapts to meet future need</p> <p>O4: Infrastructure use is optimised</p>	<p>The Planning Proposal aligns with these objectives by facilitating an increase in residential dwellings within proximity to transport infrastructure, employment opportunities and existing services in Parramatta City Centre.</p> <p>The resultant increase in density makes use of existing State Government infrastructure investment including the nearby Parramatta Light Rail with two stations within proximity to the NEPIA. Connections to the City Centre and alternative modes of transport allows for the NEPIA to easily access other town centres putting it in line with the Region Plan.</p> <p>The resultant development from the provision of higher FSR and HOB will be subject to the 'Outside CBD s7.11 Development Contributions Plan 2021 – Amendment No.1'. This will provide for the capacity to fund more local infrastructure in accordance with the Community Strategic Plan (CSP), ensuring the community continues to be serviced by an adequate level of infrastructure which supports the intended growth.</p>

Liveability

An assessment of the Planning Proposal's consistency with the GSRP's relevant Liveability objectives is provided in Table 4, below.

Table 4 – Consistency of Planning Proposal with relevant GSRP Actions – Liveability

Liveability Direction	Relevant Objective	Comment
A city for people	<p>O6: Services and infrastructure meet communities' changing needs</p> <p>O7: Communities are healthy, resilient and socially connected</p> <p>O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p>O9: Greater Sydney celebrates the arts and supports creative industries and innovation</p>	<p>The Planning Proposal enables utilisation of rapid transit that has been implemented as part of the Parramatta Light Rail. The Light Rail will provide residents with an efficient and accessible public transport option connected to key destinations such as the Westmead Health Precinct and the Parramatta CBD.</p> <p>Provisions are contained in the DCP to provide for Lot amalgamation and desirable lot configuration to facilitate opportunities for maximising open green space to residents.</p> <p>The changes proposed by this Planning Proposal are to enhance the liveability of North Parramatta with greater consideration to its existing character and its relationship with adjoining areas. The proposed amendments will promote heritage-compatible redevelopment to maintain the historic significance of North Parramatta.</p> <p>The NEPIA will contribute towards the urban renewal of the precinct which will provide a transition to the Sorrell Street HCA and provide a vibrant place for residents to live near a high level of services.</p>
Housing the city	O10: Greater housing supply	The Planning Proposal enables additional scale and density to be achieved whilst maintaining a transition to

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A city of great places	O11: Housing is more diverse and affordable	the Sorrell Street HCA and higher density spine on Church Street in North Parramatta. The proposed plan leverages the existing R4 High Density zoning making provisions for better built form outcomes of larger scale buildings to accommodate more dwellings within proximity to the City Centre. The proposal intends to provide approximately 540 residential dwellings within the precinct. Increasing the planning controls to 3:1 and 40m heights in general in conjunction with a DCP requirement for lot amalgamation will facilitate potential for increased dwelling numbers boosting housing supply. The proposed height and FSR controls will also increase the potential for creative designs and diverse housing.
	O12: Great places that bring people together	Parramatta Light Rail is within 80m to 350m walking distance from all sites within the NEPIA.
	O13: Environmental heritage is identified, conserved and enhanced	The Planning Proposal recognises the NEPIA's proximity to the adjoining Sorrell Street HCA and other key heritage listed sites. The importance of heritage to the NEPIA and North Parramatta is a consistent theme of this Planning Proposal informing the proposed controls. One of the primary objectives of this Planning Proposal is to emphasise the NEPIA's role as a transition area for the built form from Church Street to the Sorrell Street HCA and vice versa. Using the 'viewshed' approach detailed in the Department-commissioned consultant study that informed mapped building heights in the CSN SEPP, The Planning Proposal seeks to protect heritage views as well as maintaining views to sky above buildings providing a transition in height and protecting the setting of the heritage conservation area.

Productivity

An assessment of the Planning Proposal's consistency with the GSRP's relevant Productivity objectives is provided in Table 5, below.

Table 5 – Consistency of Planning Proposal with relevant GSRP Actions – Productivity

Productivity Direction	Relevant Objective	Comment
A well-connected city	O14: The plan integrates land use and transport creates walkable and 30 minute cities	Increases to density from this Planning Proposal aligns with the GSRP's objective of a 30-minute city. The NEPIA is within walking distance to the Parramatta Light Rail which will offer services between 7am to 7pm and there will be light rail every 7.5 minutes. Frequent light rail connections to and from the CBD will promote modal shifts from private vehicle use to public transport and improve connectivity to other economic corridors within Greater Sydney.
	O15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	Furthermore, these additional transport connections to heavy rail and the future Parramatta Metro station improve connectivity to other parts of Greater Sydney. Stage 2 of the Parramatta Light Rail will further improve connectivity to the eastern part of the LGA allowing for public connections to other major

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precincts such as Melrose Park, Wentworth Point and Sydney Olympic Park.

Sustainability

An assessment of the Planning Proposal's consistency with the GSRP's relevant Sustainability objectives is provided in Table 6, below.

Table 6 – Consistency of Planning Proposal with relevant GSRP Actions – Sustainability

Sustainability Direction	Relevant Objective	Comment
A city in its landscape	O28: Scenic and cultural landscapes are protected	The Planning Proposal seeks to provide a transition down in scale from the higher density on Church Street to the HCA and low-scale residential areas of North Parramatta by using the viewshed analysis described above, and a mapped skyline strategy as can be seen in Figure 5 . This approach mitigates environmental impacts on heritage items and the HCA and protects the existing character of North Parramatta.
	O31: Public open space is accessible, protected and enhanced	<p>The Planning Proposal aligns with this objective and maximises the use of existing open space. The NEPIA is located within 200-800m walking distance to</p> <ul style="list-style-type: none"> - The Parramatta River, which includes cycleway links east and west, - Doyle Ground which includes a play ground and sporting facilities - Rosslyn Blay Park which includes a children's play ground - Belmore Park which includes sporting facilities and amenities - Sherwin park which includes children's play ground, - CommBank Stadium which hosts major sporting events and has outdoor gym equipment and courts, <p>The proposed amendments through this Planning Proposal provide for more dwellings within established public open spaces, existing walking and cycling links, and sporting and recreational facilities.</p>

Implementation

An assessment of the Planning Proposal's consistency with the GSRP's relevant Implementation objectives is provided in Table 7, below.

Table 7 – Consistency of Planning Proposal with relevant GSRP Actions – Implementation

Implementation Direction	Relevant Objective	Comment
Implementation	O39: A collaborative approach to city planning	This Planning Proposal aims to facilitate carefully planned outcomes that are compatible with surrounding area and respond to the recent State Government led changes to the Church Street North Precinct. The Planning Proposal will take into consideration its proximity to heritage conservation areas, mass transit and the City Centre to deliver the goals of the '30-minute city' objective within the GSRP.

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Central City District Plan

In March 2018, the NSW Government released *Central City District Plan* which outlines a 20 year plan for the Central City District which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas.

Taking its lead from the GSRP, the *Central City District Plan* (“CCDP”) is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities that are each supported by corresponding Actions. Those Planning Priorities and Actions relevant to this Planning Proposal are discussed below.

Infrastructure and Collaboration

An assessment of the Planning Proposal’s consistency with the CCDP’s relevant Infrastructure and Collaboration Priorities and Actions is provided in Table 8, below.

Table 8 – Consistency of Planning Proposal with relevant CCDP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Planning Priority/Action	Comment
A city supported by infrastructure O1: Infrastructure supports the three cities O2: Infrastructure aligns with forecast growth – growth infrastructure compact O3: Infrastructure adapts to meet future need O4: Infrastructure use is optimised	PP C1: Planning for a city supported by infrastructure <ul style="list-style-type: none"> A3: Align forecast growth with infrastructure A4: Sequence infrastructure provision using a place based approach A6: Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes to reduce the demand for new infrastructure, supporting the development of adaptive and flexible regulations to allow decentralised utilities 	<p>The changes to the Church Street North Precinct by the NSW Government, which aims to increase the supply of housing that is supported by nearby public transit.</p> <p>This Planning Proposal would enable approximately 540 additional dwellings to access the newly developed Parramatta Light Rail infrastructure improving the areas access to both the Parramatta CBD and other locations along the railway line from Westmead to Carlingford through the Parramatta CBD and Camellia with a 2-way track spanning 12 kilometres.</p> <p>Local attractions and key sites such as the Parramatta CBD, Westmead Health Precinct, Parramatta Park and Western Sydney University will all be easily accessible for people utilising the Light Rail from the NE PIA.</p> <p>Additionally, the Sydney Metro West project which has recently resumed development by the NSW Government will accommodate the transport needs of people within the NE PIA.</p>

Liveability

An assessment of the Planning Proposal’s consistency with the CCDP’s relevant Liveability Priorities and Actions is provided in Table 9, below.

Table 9 – Consistency of Planning Proposal with relevant CCDP Actions – Liveability

Liveability Direction	Planning Priority/Action	Comment
A city for people O6: Services and infrastructure meet	PP C3: Provide services and social infrastructure to	<p>This Planning Proposal provides additional housing capacity for the City of Parramatta and is located within close proximity of the Parramatta Light Rail. This allows for people</p>

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communities' changing needs	<p>meet people's changing needs</p> <ul style="list-style-type: none"> • A8: Deliver social infrastructure that reflects the need of the community now and in the future • A9: Optimise the use of available public land for social infrastructure 	<p>of all ages and abilities to access public transport infrastructure in addition to being able to access their employment centres and other lifestyle amenity services.</p> <p>The minimisation of impacts on heritage are also essential to developing a City that values the retention of heritage and the character of the precinct.</p> <p>The urban design outcomes outlined in the Planning Proposal aim to preserve as much open space as possible which maintains tree canopy and green space as key forms of environmental and social infrastructure.</p> <p>This NEPIAs proximity to the Parramatta Light Rail reflects the delivery of infrastructure that provides for the needs of residents in North Parramatta.</p> <p>The Community Infrastructure Strategy outlines requirements for community infrastructure in Parramatta CBD that is provided within private developments, and ensures the infrastructure will support the needs of residents and help meet the demand for local community. The controls proposed as part of this PP aim to expand and maintain the existing green space and canopy cover existing within NEPIA and ensure adequate access to green spaces for residents.</p>
<p>O7: Communities are healthy, resilient and socially connected</p> <p>O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p>O9: Greater Sydney celebrates the arts and supports creative industries and innovation</p>	<p>PP C4: Working through collaboration</p> <ul style="list-style-type: none"> • A10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d). • A15: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places 	<p>This PP intends to provide walkable places at a human scale with an active street life and an appropriate response to the surrounding heritage context. It also prioritises opportunities for people to walk, cycle and use public transport due to its proximity to the Parramatta Light Rail and City Centre.</p> <p>The area subject to this PP was Identified as a potential extension of the Parramatta City Centre boundary and the initial intention was to include it as part of the City Centre and its resultant function as part of the CBD. As a result, this PP aims to continue this with a detailed approach to planning its relationship to the CBD, the Sorrell Street HCA and North Parramatta holistically.</p>
<p>Housing the city</p> <p>O10: Greater housing supply</p> <p>O11: Housing is more diverse and affordable</p>	<p>PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</p> <ul style="list-style-type: none"> • A16: Prepare local or district housing strategies that address housing targets [abridged version] 	<p>The Planning Proposal intends to amend the LEP for higher FSR and HOB controls. The majority of the NEPIA will experience an uplift in planning controls up to a maximum FSR of 3.6:1 and maximum height of 40m. Considering this higher development potential and desired lot amalgamation pattern Planning Proposal will also facilitate increases to housing diversity.</p> <p>In combination with the R4 zoning within the area, the capacity for new dwellings will increase provisioning for contributions to increased housing supply.</p>

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A city of great places

O12: Great places that bring people together

O13: Environmental heritage is identified, conserved and enhanced

PP C6: Creating and renewing great places and local centres, and respecting the District's heritage

- **A19:** Identify, conserve and enhance environmental heritage by (a-c)

There are no heritage listed sites within the NEPIA boundary. However, heritage is a primary consideration of this Planning Proposal due to its interface with the Sorrell Street HCA. The proposed controls will facilitate a 'transition' from the Church Street spine eastward to the Sorrell Street HCA and nearby heritage items.

Amendments to the Parramatta DCP 2023 will accompany this Planning Proposal to achieve appropriate built form outcomes to ensure compatibility between the NEPIA, the CBD and the Sorrell Street HCA. The DCP will contain controls relating to the minimisation of overshadowing to heritage sites.

Productivity

An assessment of the Planning Proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 10, below.

Table 10 – Consistency of Planning Proposal with relevant CCDP Actions – Productivity

Productivity Direction	Planning Priority/Action	Comment
A well-connected city O19: Greater Parramatta is stronger and better connected	PP C7: Growing a stronger and more competitive Greater Parramatta <ul style="list-style-type: none"> • A23: Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged] • A26: Prioritise infrastructure investment [abridged] 	<p>The Parramatta Light Rail allows for easy travel from North Parramatta to both the Westmead Health District and the Parramatta CBD. This reduces the use of private vehicles and creates opportunities for economic activity along the corridor.</p> <p>The Planning Proposal leverages the Light Rail as a key transport node improving connectivity across key centres of Parramatta. Stage 2 of the Parramatta Light Rail will further improve connectivity to the east towards precincts such as Melrose Park, Wentworth Point and Sydney Olympic Park.</p>
Jobs and skills for the city O15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive	PP C8: Delivering a more connected and competitive GOP Economic Corridor <ul style="list-style-type: none"> • A29: Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GOP Economic Corridor • A30: Prioritise transport investments that enhance access to the GOP between centres within GOP 	<p>The Planning Proposal intends to make use of the Parramatta Light Rail to connect priority precincts within the GOP.</p> <p>The NEPIA will be able to access the Parramatta Light Rail to travel to key destinations such as the Westmead Health and Education Precinct and the Parramatta CBD.</p> <p>Usage of the PLR will encourage modal shifts from private vehicles to public transport.</p>
O14: The plan integrates land use and transport creating walkable and 30-minute cities	PP C9: Delivering integrated land use and transport planning and a 30-minute city <ul style="list-style-type: none"> • A32: Integrate land use and transport plans to deliver a 30-minute city 	<p>The PLR Stage 1 provides an accessible method of public transport for people in the NEPIA to reach the Parramatta CBD within 30 minutes. The nearest Light Rail stations at Fennell Street and Prince Alfred Square are both within walking distance (within 400m) to all locations in the NEPIA.</p> <p>Furthermore, the PLR connects to major transport nodes with connections to Parramatta Railway Station and the Bus</p>

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Interchange. The future Parramatta Metro connection will further increase the NEPIA's connectivity in the 30-minute city.

Sustainability

An assessment of the Planning Proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 11, below.

Table 11 – Consistency of Planning Proposal with relevant CCDP Actions – Sustainability

Sustainability Direction	Planning Priority/Action	Comment
A city in its landscape O27: Scenic and cultural landscapes are protected	PP C15: Protecting and enhancing bushland, biodiversity and scene and cultural landscapes <ul style="list-style-type: none"> • A66: Identify and protect scenic and cultural landscapes • A67: Enhance and protect views of scenic and cultural landscapes from the public realm 	<p>The Planning Proposal makes recommendations based on a comprehensive approach to transition as required by the Department that includes a combination of both building height and site planning.</p> <p>This includes maximising separation between towers where increased views to sky can be observed from the HCA and encouraging slender built forms and finer grain street wall typologies compatible with the lower scale context of North Parramatta. These proposed changes can protect and enhance scenic landscapes and views to the sky.</p>
A city in its landscape O30: Urban tree canopy cover is increased O32: The Green grid links Parks, open spaces, bushland and walking and cycling paths	PP C16: Increasing urban tree canopy cover and delivering Green grid connections <ul style="list-style-type: none"> • A68: Expand urban tree canopy in the public realm 	<p>The Planning Proposal seeks to retain vegetated corridors and encourage large tree plantings to improve canopy amidst the increase to density in the NEPIA.</p> <p>Design principles from the NEPIA DCP will introduce amalgamation patterns that maintain existing canopy cover and encourage tree plantings.</p>
O31: Public open space is accessible, protected and enhanced	PP C17: Delivering high quality open space <ul style="list-style-type: none"> • A71: Maximise the use of existing open space and protect, enhance and expand public open space by (a-g) [abridged] 	<p>The Planning Proposal and its amendments to the Parramatta DCP 2023 will provide controls to include open green space between lots following amalgamated development patterns.</p> <p>View lines are to be protected through the proposed planning controls at a human scale from HCAs and surrounding areas.</p>

3.2.2. Will the Planning Proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The following local strategic planning documents are relevant to the Planning Proposal.

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan (CSP) for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region.

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The Planning Proposal is considered to meet the strategies and key objectives identified in the plan including:

- Supporting the delivery of housing within Parramatta
- Connecting housing to well-designed integrated transport networks
- Enhancing connectivity within Parramatta to key destinations such as the CBD and Westmead Innovation Precinct
- Respecting and protecting the history and heritage of North Parramatta
- Promote modal shift from private vehicles to public transport

Parramatta Local Strategic Planning Statement

The Parramatta Local Strategic Planning Statement (LSPS) came into effect on 31 March 2020, becoming the primary strategic planning document for guiding and monitoring Council's long term vision for land use and infrastructure provision within the LGA. The LSPS outlines considerations for housing, economic growth, heritage protection, local character whilst ensuring sustainable growth within Parramatta and its role as Greater Sydney's Central City.

The progression of this Planning Proposal is consistent with the priorities described within the LSPS with particular focus on the following:

- Encouraging a more diverse range of housing, focusing on medium density housing for new growth and defining areas that meet the criteria to be a Housing Diversity Precinct.
- Provide for a diversity of housing types and sizes to meet community needs into the future.
- Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs.
- Protect and enhance our trees and green infrastructure to improve liveability and ecological health.

Parramatta Local Housing Strategy

The Parramatta Local Housing Strategy (LHS) was adopted by Council in July 2020 and approved by the Secretary of the Department of Planning, Industry and Environment on 29 July 2021.

The proposed controls as part of this Planning Proposal aims to target the LHS objectives in relation to:

- Encouraging a more diverse range of housing, focusing on medium density housing for new growth.
- Housing growth is supported by the local infrastructure needed to service that growth.
- The City of Parramatta's residential neighbourhoods retain their character, provide housing diversity and preserve future housing opportunity.

This Planning Proposal is consistent with the objectives of the LHS in addition to increasing housing supply by approximately 540 extra dwellings.

Parramatta CBD Planning Strategy

Council adopted the "Parramatta CBD Planning Strategy" at its meeting of 27 April 2015. The Strategy is the outcome of detailed technical studies which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The objectives of the Strategy are as follows:

1. To set the vision for the growth of the Parramatta CBD as Australia's next great city.

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2. To establish principles and actions to guide a new planning framework for the Parramatta CBD.
3. To provide a clear implementation plan for delivery of the new planning framework for the Parramatta CBD.

This Planning Proposal is a result of the Parramatta CBD Planning Strategy and its original identification of the Planning Investigation Areas with subsequent changes made to the PIAs through Council resolutions and the finalisation of the CBD PP.

The intended outcomes of this Planning Proposal are to finalise the planning work required from the identification of the PIAs in the Parramatta CBD Planning Strategy to determine appropriate planning controls for the NEPIA.

Parramatta CBD Planning Proposal (endorsed 20 November 2019)

On 20 November 2019, Council resolved to remove three areas zoned R4 High Density Residential from the Parramatta CBD Planning Proposal and that these areas be included in the future work on the 'Planning Investigation Areas' as per the Parramatta CBD Planning Strategy. This resolution removed the NEPIA from the City Centre boundary and was to be progressed as a separate Planning Proposal.

This Planning Proposal provides updated controls that respond to the current planning and environmental context. Progressing with this Planning Proposal is consistent with the objectives of the CBD PP and other related Council resolutions to plan for a key interface area between the Parramatta CBD and North Parramatta.

Parramatta CBD Planning Proposal (as finalised by DPE on 6 May 2022)

In finalising the CBD Planning Proposal (CBD PP) now formally known as Parramatta Local Environmental Plan 2011 (Amendment No 56), the Department removed the area north of the Parramatta River (known as the Church Street North Parramatta from the CBD PP to undertake a State-led planning process. The Department's finalisation report for the CBD PP cited the need for suitable controls that balance heritage values, the protection of open space and the proximity to the Parramatta Light Rail as the reasons for the removal of the CSN area.

As a result, the Council planning work for the NEPIA was put on hold and the controls for the NEPIA remained at a maximum FSR of 0.8:1 and the HOB control remained at a maximum of 11m. In December 2023, the Department finalised a State Environmental Planning Policy (Church Street North Precinct) ('CSN SEPP') for the land north of the river that was previously removed from the CBD PP. The NEPIA is not subject to planning work by the State Government and thus Council can re-commence planning and technical investigation for the NEPIA.

This PP proposes controls which are more akin to the R4 High Density Residential zone within proximity to a City Centre and suitable infrastructure to accommodate a higher density.

3.2.3. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

This Planning Proposal is consistent with the State and Regional strategic planning framework. Further discussion is provided below.

State Environmental Planning Policy (Church Street North Precinct)

The State Environmental Planning Policy (Church Street North Precinct) (CSN SEPP) was

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finalised in December 2023 and set to commence on 1 July 2024. The land associated with the NEPIA is not subject to the CSN SEPP, however it must respond appropriately to the changes proposed by the SEPP.

The CSN SEPP will change the maximum heights along Church Street to 63m and the floor space ratio at 5:1 with the possibility of additional bonuses to height and FSR. These controls will allow for relatively large built forms along Church Street in North Parramatta and has informed the design principles of this Planning Proposal for the NEPIA to function as a transition to the nearby Sorrell Street HCA.

3.2.4. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 12 below).

Table 12 – Consistency of Planning Proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP No 1 Development Standards	✓	This Planning Proposal does not contain provisions that contradict or would hinder the application of these SEPPs.
SEPP (Exempt and Complying Development Codes) 2008	✓	May apply to future developments on the site.
SEPP (Sustainable Buildings) 2022	✓	Detailed compliance with SEPP (Sustainable Buildings) will be demonstrated at the time of making a development application for any site facilitated by this Planning Proposal.
SEPP (Housing) 2021	✓	For developments that provide at least 10% of GFA as affordable housing, Chapter 2 of SEPP (Housing) will apply providing developments with additional FSR and HOB bonuses. Detailed compliance with Chapter 4 of SEPP (Housing) will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal. During the design development phase, detailed testing of the requirements in Chapter 4 and the Residential Flat Design Code was carried out, and the indicative scheme is capable of demonstrating compliance with the SEPP.
SEPP (Resilience and Hazards) 2021	N/A	Consistent. This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP. The existing residential zoned sites which make up the NEPIA are not mapped as contaminated sites.
SEPP (Industry and Employment) 2021	N/A	Not relevant to proposed amendment.
SEPP (Transport and Infrastructure) 2021	✓	May apply to future development of the site.
SEPP (Biodiversity and Conservation) 2021	N/A	Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.
SEPP (Planning Systems) 2021	✓	This Planning Proposal does not contain provisions that contradict or would hinder the application of the SEPP.
SEPP (Precincts – Central River City) 2021	N/A	Not relevant to the proposed amendments as the site is not contained in one of the precincts of the SEPP.

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3.2.5. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 Directions)

In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing Planning Proposals for new LEPs. The directions are listed under nine focus areas:

1. Planning Systems and Planning Systems – Place Based
2. Design and Place (This Focus Area was blank when the Directions were made)
3. Biodiversity and Conservation
4. Resilience and Hazards
5. Transport and Infrastructure
6. Housing
7. Industry and Employment
8. Resources and Energy
9. Primary production

The following directions are considered relevant to the subject Planning Proposal.

Table 13 – Consistency of Planning Proposal with relevant Section 9.1 Directions

Relevant Direction	Comment	Compliance
1. Planning Systems and Planning Systems – Place Based		
Direction 1.1 – Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The Planning Proposal applies to land within Sydney's Central City. The Planning Proposal is consistent with the goals, directions and actions contained in the Greater Sydney Region Plan as discussed in Section 3.2.1 and 3.2.2 of this Planning Proposal, respectively.	Yes
Direction 1.3 – Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 1.4 – Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal does not introduce any site specific provisions.	Yes
2. Design and Place		
This Focus Area was blank at the time the Directions were made.	This Direction was blank when made.	
3. Biodiversity and Conservation		
Direction 3.1 – Conservation Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal is consistent with this direction, in that it does not apply to environmentally sensitive areas or alter provisions for land in a conservation zone.	Yes

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Direction 3.2 – Heritage Conservation

The objective of this direction is to protect and conserve environmentally sensitive areas.

The new height of building and FSR controls in this Planning Proposal respond to the adjoining HCA and low scale residential uses by transitioning building heights downwards and protecting view corridors. This is consistent with the principles and strategies in the Department's Finalisation Report 2023 for the Church Street North precinct and were determined using the 'viewshed' approach detailed in the Department-commissioned consultant study that informed mapped building heights in the CSN SEPP.

New area specific site planning DCP controls for the NEPIA are also proposed in addition to building height to support a comprehensive approach to transition.

In this regard, the Planning Proposal is deemed to have minimal impact on the heritage significance of adjacent local and state heritage items and heritage conservation areas.

Yes

Direction 3.5 – Recreation Vehicle Areas

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

The Planning Proposal is consistent with this direction, in that it is not proposing to enable land to be developed for the purpose of a recreation vehicle area.

Yes

4. Resilience and Hazards**Direction 4.1 – Flooding**

The objectives of this direction are to:

- (a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) Ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

The current adopted flood maps indicate that the land within the NEPIA is not affected by the 100 year Annual Recurrence Interval (ARI) flood and the Probable Maximum Flood (PMF).

The draft Parramatta River Flood study 2023 shows that the majority of the NEPIA is unaffected by flooding except for a part of Fennell Street and Sorrell Street which are subject to increased risk of Probable Maximum Flood (PMF) and increased hazard risk, compared to current flood information.

Potential for lot amalgamation and existing access to public roads with rising access outside the PMF significantly reduces the impact of flooding within the NEPIA.

Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.

Impacts from flooding are to be mitigated through the application of Standard Clause 5.1 in PLEP 2023 and the provisions in Parramatta DCP 2023.

Yes

Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

- (a) Protect life, property and the environment from bush fire hazards, by

The land is not identified as bush fire prone land under Section 10.3 of the Environmental Planning and Assessment Act.

Yes

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- discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) Encourage sound management of bush fire prone areas.

Direction 4.4 – Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by Planning Proposal authorities.

The land is not within an investigation area within the meaning of the Contaminated Land Management Act 1997 and has not been subject to development as described in Table 1 of the contaminated land planning guidelines.

Yes

Direction 4.1 – Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The site is identified as Class 5 on the Acid Sulfate Soils Map in Parramatta Local Environmental Plan 2023. Acid sulfate soils are generally not found in Class 5 areas however this will be addressed further at the development application stage. In any event, PLEP 2023 cl. 6.1 appropriately addresses acid sulfate soils.

Yes

5. Transport and Infrastructure**Direction 5.1 – Integrating Land Use and Transport**

The objective of this direction is to ensure that development reduces dependence on cars, increases the choice of available transport and improves access to housing, jobs and services by walking, cycling and public transport.

The Planning Proposal is not directly providing any new development of infrastructure although it is located within proximity to the Parramatta Light Rail and frequent bus services.

Yes

The proximity to light rail infrastructure will provide an alternative mode of transport to private car usage and reduce the dependency on cars for access to housing, jobs and services with the residents being serviced by the stations Prince Alfred Square and Fennell Street.

The light rail will also be extended via the Parramatta Light Rail Stage 2 which will open up more transport and accessibility options across the LGA. The planning proposal is considered consistent with this Direction as it delivers integrated land use and transport outcomes.

Supporting DCP controls also include reduced car parking provision as part of development sites.

Direction 5.2 – Reserving Land for Public Purposes

The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations where the land is no longer required for acquisition.

The Planning Proposal does not require any identification of or removal of any land for the purposes of acquisition. It does not require the reservation of land for acquisition of any land for public purposes.

Yes

Direction 5.3 – Development Near Regulated Airports and Defence Airfields

This planning proposal is not next to any existing or proposed regulated airport or known defence airfield and does not include provisions which permit towers greater than 100m or more above ground.

Yes

The proposed controls do not provide for development that would need to be reported to Civil Aviation Safety Authority (CASA) as a 'tall

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structure' as per '[Reporting of tall structures](#)'
CASA advisory circular December 2021.

6. Housing

Direction 6.1 – Residential Zones

The objectives of this direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise the impact of residential development.

The Planning Proposal is consistent with this direction, in that it aims to retain the R4 High Density Residential zoning whilst increasing housing yield through increasing maximum FSR to 3.6:1 and HOB to 40m.

Yes

The area's proximity to the Parramatta Light Rail and connection to other forms of rapid transit (Sydney buses, Sydney Trains and Sydney Metro West) makes it well placed to utilise nearby infrastructure that will provide critical services for the population increase.

7. Industry and Employment – *not applicable*

8. Resources and Energy – *not applicable*

9. Primary Production – *not applicable*

3.3. Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

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

No, the site is located within a highly urbanised environment, and is not mapped to contain critical habitat or threatened species, populations or ecological communities, or their habitats. The site is unlikely to impact on any threatened flora or fauna species or threatened habitats. The NEPIA site does not coincide with any land identified as "Biodiversity" on the Natural Resources Map in the PLEP 2023.

3.3.2. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

- Heritage impacts
- Urban Design and Built Form
- Flooding
- Transport, Traffic, Accessibility and Parking

Heritage impacts

Previous heritage studies commissioned by Council for the CBD PP that at the time included the NEPIA have been superseded by the SEPP process for the Church Street North Precinct. The Department's *Finalisation Report 2023* recommended strategies and principles developed by input from urban design and heritage specialists. For the NEPIA the relevant principles and strategies include responding to the adjoining HCAs and low scale residential uses by transitioning building heights downwards towards them and protecting view corridors.

The recommendations that have been applied by this Planning Proposal are based on a comprehensive approach to transition as required by the Department using a combination of height of building and FSR controls in the LEP and site planning controls in the (draft) DCP controls for the precinct. Stepped building heights and building alignment controls are utilised to provide for a design method to maintain and enhance existing heritage values. Furthermore, the NEPIA will enhance surrounding heritage value through framing the Sorrell Street HCA with large deep soil zones and vegetated setbacks to accommodate canopy tree plantings and allowing the landscape to act as a backdrop to heritage buildings.

Design Response and Built Form

The Planning Proposal seeks an amended to the LEP Height of Buildings Map and to the Floor Space Ratio Map to provide an increase in height from 11m to a range of 24m to 40m and an increase in FSR from 0.8:1 to a range of 2:1 to 3.6:1. The proposed increase is considered an appropriate transition in the context of concentrated height on Church Street towards the Sorrell Street HCA.

The recommended height of building controls for the NEPIA were determined using the 'viewshed' approach detailed in the Department-commissioned consultant study that informed mapped building heights in the CSN SEPP; as well as a mapped skyline strategy and acknowledgement of sites within the CSN precinct north of Harold Street that are unlikely to redevelop due to large 6- to 8-storey residential strata subdivisions.

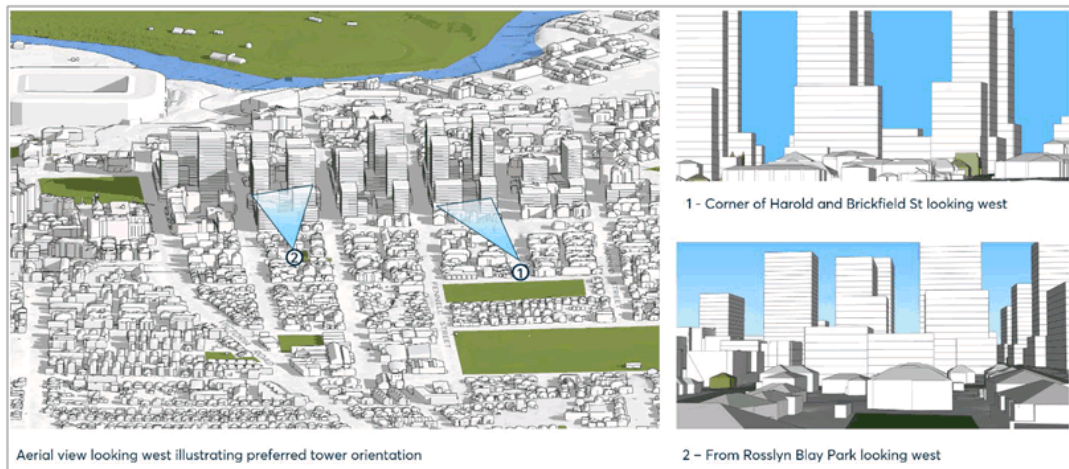
The recommended FSR controls for the NEPIA are based on achieving workable FSRs that align with the proposed height of building controls and creating workable residential floor plates within a slender tower form and podium, with space for deep soil and communal open space.

The recommended FSR and height limit for the site at 23-27 Harold Street, Parramatta (which is currently subject to a rezoning review), was determined using the same built form principles and outcomes-based approach for the NEPIA. The maximum FSR of 3.6:1 and a 40m height limit is proposed for the site noting this slightly higher FSR reflects the efficiencies of a smaller sized site.

Figure 4: Council officer modelling showing how the stepped height of buildings as well as the inter building separation with views to sky creates the transition between the Church Street North precinct and the sites within the NEPIA. Note that sites on Church Street North have been modelled to include potential design excellence and place based bonuses. View 1 and 2 are taken from the public domain using 60 degree human view cone and illustrate that when bonuses are applied, the tops of towers can no

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longer be perceived. This reinforces the importance of combining principles of height transition with other methods of transition in the NEPIA.



Associated Development Control Plan (DCP)

To support the proposed amendments to the LEP outlined above, amendments are proposed to Part 8, Section 8.3 Neighbourhood Precincts in Parramatta DCP 2023.

Area specific DCP controls are considered necessary for the NEPIA primarily due to the heritage sensitivities and need to provide transition between the HCA and forthcoming new LEP controls for the Church Street North precinct. This new section of the Parramatta DCP is recommended to include objectives and controls for:

- The desired future character of the area, with consideration for existing context and how this precinct will redevelop incrementally over time,
- Minimum site requirements and preferred site amalgamation to ensure the objectives of future development in the area can be met,
- Heritage transition achieved through specified setbacks, street wall heights and building orientation,
- Deep soil and landscaping requirements for future amenity and to create a vegetated heritage setting,
- Consistent street setbacks that maintain heritage items as the dominant features of the streetscape and enable large canopy tree planting within the front setback zone,
- Tower separation to enable views to sky when observed from the Sorrell Street HCA (east), and
- Bespoke car parking rates that respond to the proximity to the City Centre and light rail infrastructure (see further discussion below).

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Figure 5: Area specific DCP controls are proposed to achieve the Structure Plan for the North East PIA (buildings coloured red) and part of the Church Street North precinct (buildings coloured yellow).



Given the NEPIA consists only of R4 High Density Residential zoned land, the following Parts of the DCP will continue to apply in addition to the new site specific provisions proposed in Part 8: Part 2: Design in Context, Part 3: Residential Development, Part 5:

Environmental Management, Part 6: Traffic and Transport and Part 7: Heritage and Archaeology.

Design Context

The design process for the NEPIA has been carried out concurrent with the drafting of DCP controls for part of the Church Street North precinct where new LEP controls will soon take effect. Consequently, these precincts and their surrounds have been treated as a whole to determine a recommended outcome. Based on a spatial analysis of the area, several key design objectives have been established to guide the design approach. These are related to:

- Creating continuity between the City Centre from south of the river, northwards along the Church.
- Considering a more residential focus for future development outcomes in North Parramatta.
- Providing transition to heritage conservation areas to be achieved through both stepped building heights and space between buildings through setbacks and building separation.
- Maintaining the highly vegetated character of North Parramatta for tree canopy within street setbacks and rear gardens at mid-block.
- Establishing building alignments that respond to the prevailing alignment of heritage items in the area.
- Responding to the landscape and river setting with a skyline that follows the topography along the ridge.

Although the design objectives and principles were developed for the whole area, the proposed LEP and DCP controls for the NEPIA are drafted so that they apply independently of the CSN SEPP area.

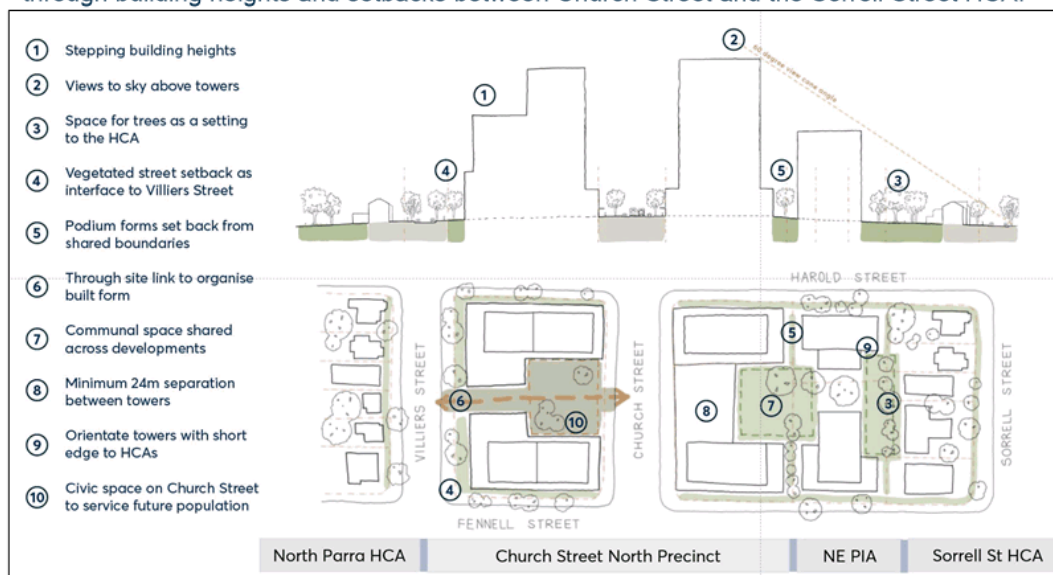
The recommendations for NEPIA are based on **comprehensive approach to transition** as required by the Department in the Church Street North SEPP Finalisation Report that includes a combination of both building height and site planning. The method for transition includes stepping in building height from Church Street properties to the Sorrell Street HCA, but also includes:

- Utilising detached buildings to mediate between perimeter block, podium tower development along Church Street and existing apartments and houses within the HCA,
- Locate vegetated setbacks and communal open space on the ground to provide landscape space as a frame/backdrop to heritage buildings and the HCA,
- Supporting deep soil zones on development sites, which enables canopy tree planting to be a setting to heritage,
- Ensuring any future development is setback from the prevailing heritage alignment on the street and that front setback zones support large canopy tree planting,
- Orientating the short edge of towers towards the HCA to minimise the bulk of towers perceived from the HCA,
- Maximising separation between towers where it can increase views to sky when observed from the HCA, and
- Encouraging slender tower forms and finer grain street wall typologies to tie into the surrounding lower scale context of North Parramatta.

This multifaceted approach to transition that has been applied to NEPIA sites is illustrated in **Figure 6** below.

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Figure 6: Methods for achieving transition and unifying development across the precinct through building heights and setbacks between Church Street and the Sorrell Street HCA.



Flooding

Preparation of this Planning Proposal has considered the current adopted flooding maps for the NEPIA, and the Council endorsed exhibition draft of the Parramatta River Flood Study (2023).

The current adopted flood maps indicate that the land within the NEPIA is not affected by the 100 year Annual Recurrence Interval (ARI) flood and the Probable Maximum Flood (PMF).

The draft Parramatta River Flood study shows that the majority of the NEPIA is unaffected by flooding except for a part of Fennell Street and Sorrell Street which are subject to increased risk of Probable Maximum Flood (PMF) and increased hazard risk (see Figure 7), compared to current flood information as shown in Section 4.1.

Any future development on the site will need to respond to the Flood Risk Development Manual and the relevant controls contained within the PLEP 2023 and the Parramatta Development Control Plan 2023.

Figure 7: Extract of the NEPIA consolidation/structure plan showing the sites under the draft Parramatta Flood Study 2023 affected by the PMF and the hazard affectation.

PMF	Hazard
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Transport, Traffic, Accessibility and Parking

Preparation of this Planning Proposal has considered Council's Integrated Transport Plan 2021 (ITP) which at the time included the NEPIA. The ITP considered growth as a result of the CBD PP and modelled residential parking rates delineating the difference between locations that are within 800m or a 10-minute walk approximately from Parramatta train station (Category A) and other locations at the CBD fringes considered remote from heavy rail (Category B) as shown in **Figure 8**.

At the time of writing, a separate Planning Proposal is being prepared to request a Gateway to implement the recommendations of the ITP, and specifically applying the 'Category B' parking rates as outlined in **Table 14** to part of the adjacent Church Street North precinct.

While not within the 'City Centre' boundary, the Category B car parking rates are recommended by Council to be applied to the NEPIA via an area specific DCP control for the following reasons:

- the areas proximity to the City Centre and existing and future public transport and generally subject to the same traffic conditions as the Church Street precinct; and
- anticipated development typology (tower and podium with basement car parking) is the same as Church Street.

There are no other transport, traffic, accessibility and parking issues as a result of this Planning Proposal.

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Figure 8: Parramatta Residential Parking Rate Categories (Source: [Parramatta Integrated Transport Plan 2021](#)), the NEPIA is within the red circle.



Table 14: Comparison of number of car parking space requirements

Residential Parking Rate	Parramatta DCP current general controls that apply to the NEPIA – Minimum required number of spaces	ITP 'Category A' controls in PLEP 2023 Part 7 City Centre – Maximum required number of spaces	ITP 'Category B' recommended controls for inclusion in PDCP 2023 Part 8 precinct controls for the NEPIA– Maximum required number of spaces (proposed)
Studio	0.6	0.1	0.2
1 bedroom	0.6	0.3	0.4
2 bedroom	0.9	0.7	0.8
3+ bedroom	1.4	1.0	1.1

3.3.3. Has the Planning Proposal adequately addressed any social and economic effects?

Council's Community Infrastructure Strategy identifies a new community hub to be delivered as part of redevelopment of the area to service the north of the Parramatta CBD, close by to a light rail stop, including approximately 1,500m² of multi-purpose community space that can be used for a range of programs and activities.

City of Parramatta's Development Contributions Plan will be used to manage any required contributions as part of any future development for the delivery of any community infrastructure. Increased dwelling numbers will assist with improved social outcomes providing people with housing and access to public transport, education services, open space, health services, community services, employment and recreational facilities.

3.4. Section D – State and Commonwealth Interests

3.4.1. Is there adequate public infrastructure for the Planning Proposal?

The PIA is within proximity to the Parramatta Light Rail Stage 1 with the closest stations being Prince Alfred Square and Fennell Street.

Additional connections from Parramatta's CBD to Sydney Olympic Park via Camellia, Rydalmere, Melrose Park and Wentworth Point will be delivered through the Parramatta Light Rail Stage 2 which has recently been expedited to begin construction in 2025.

The State Government has recommitted to the Sydney Metro West, a 24km underground railway that will connect Greater Parramatta and the Sydney CBD with stations confirmed at Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock, The Bays, Pyrmont and Hunter Street in the Sydney CBD. After a recent independent review into Sydney Metro, scoping studies were prepared for up to two potential stations locations west of Sydney Olympic Park including one at Rosehill Gardens.

Both projects will further increase the site's accessibility via public transport from the Sydney CBD to Greater Parramatta.

The PIA is also within walking distance from local schools, shopping centres and public open space.

3.4.2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the State and Commonwealth public authorities will be undertaken once the gateway determination has been issued.

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PART 4 – MAPS

This section contains the mapping for this Planning Proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals. **Existing controls**

The following section illustrates the current *PLEP 2023* controls which apply to the site. The following maps are provided:

- Land Use Zoning Map
- Floor Space Ratio Map
- Height of Buildings Map
- Heritage Map
- Acid Sulfate Soils Map
- Flooding

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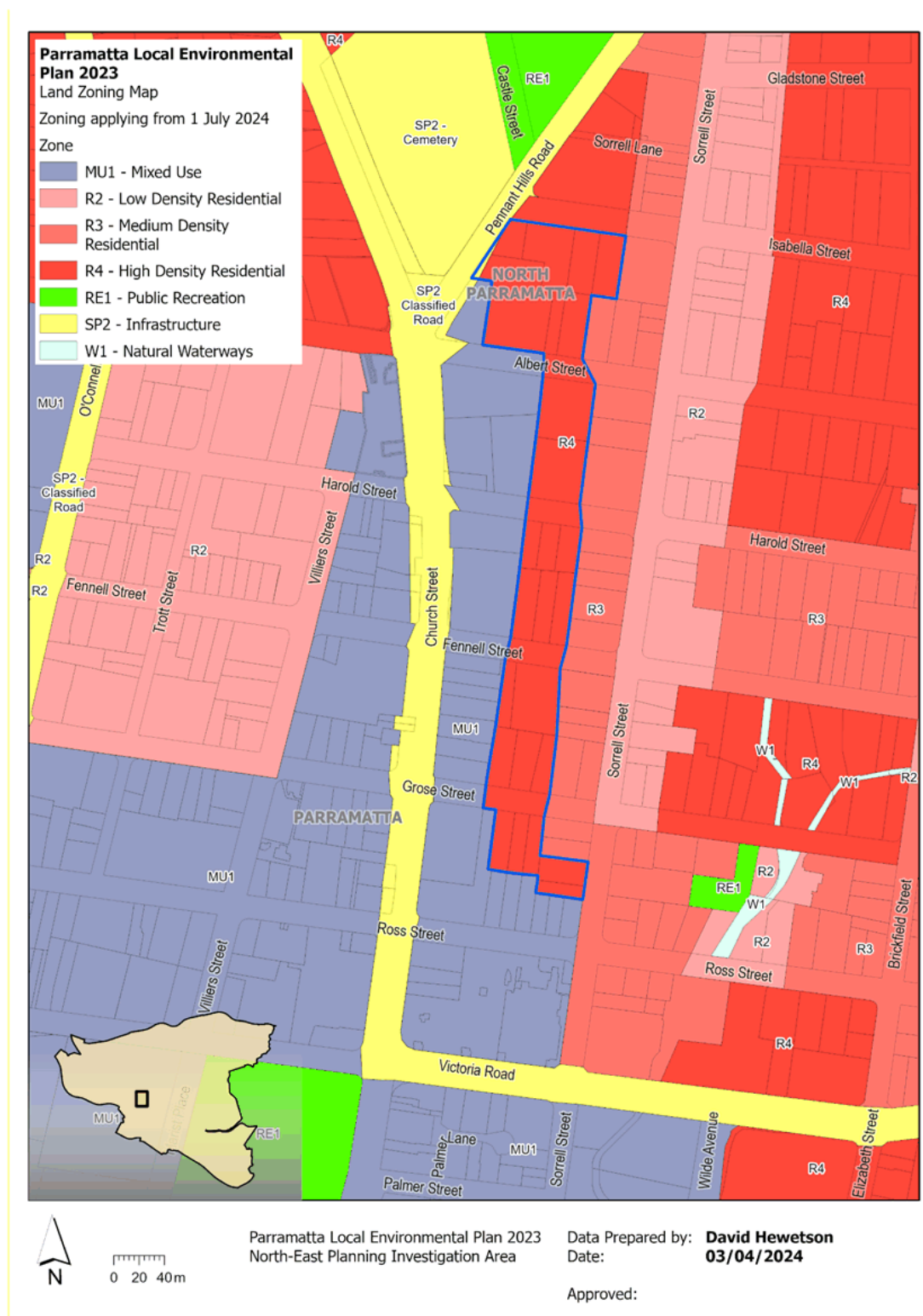


Figure 9 illustrates the existing Land Use Zoning controls for the NEPIA, the map includes zoning changes to the Church Street North Precinct which will apply from 1 July 2024.

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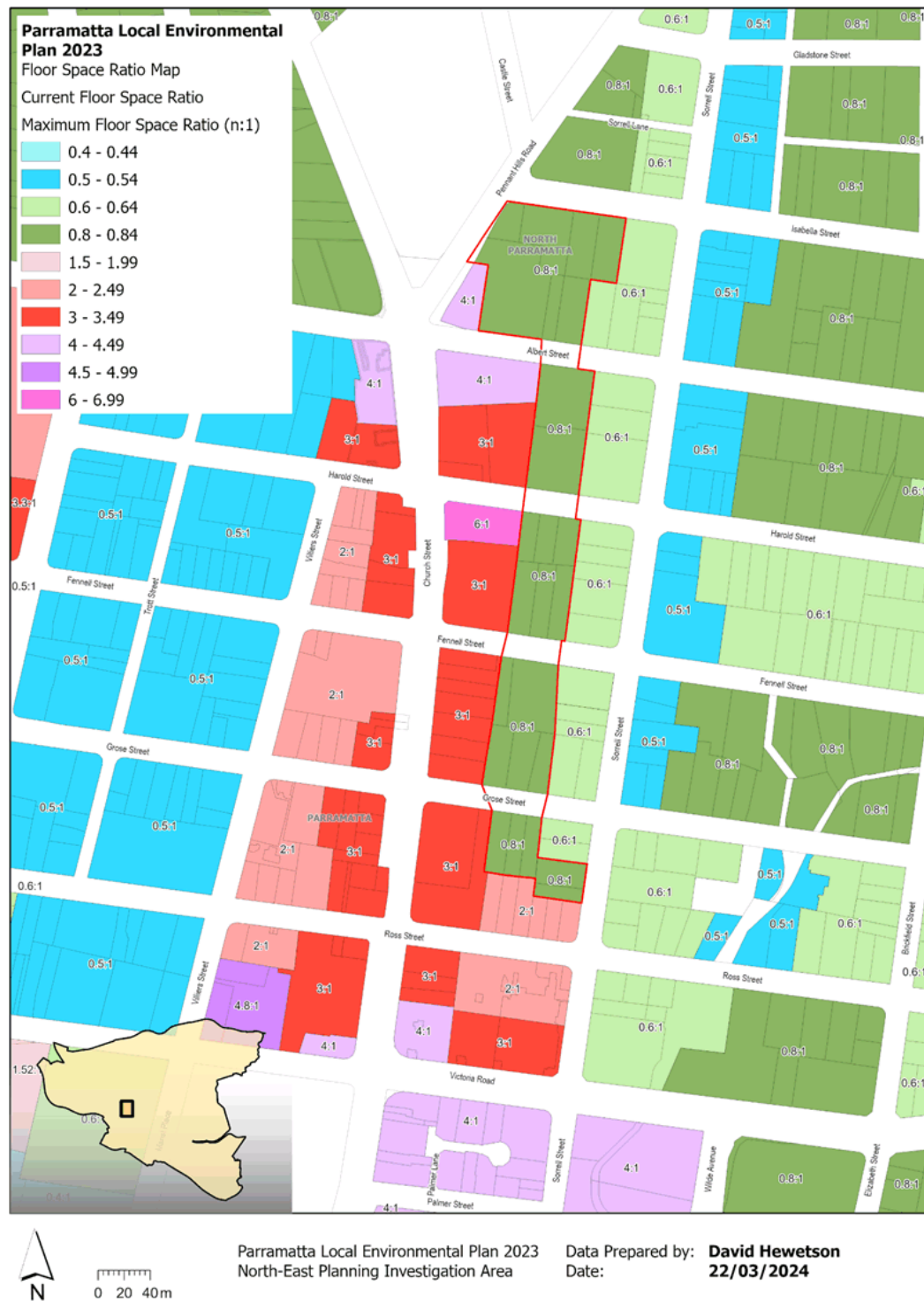
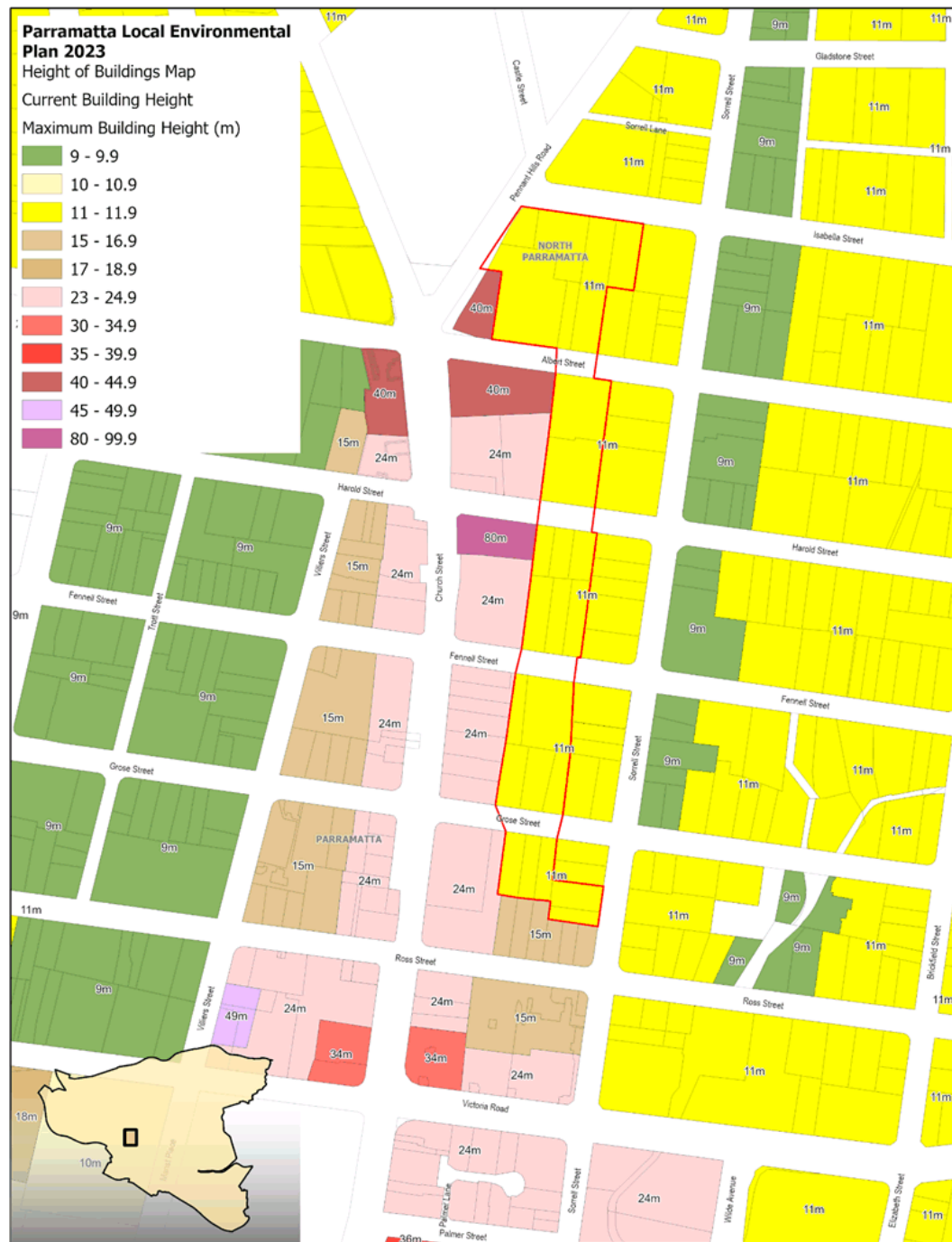


Figure 10 illustrates the existing Floor Space Ratio (FSR) controls for the NEPIA with a consistent 0.8:1 across the site.

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0 20 40m

Parramatta Local Environmental Plan 2023
North-East Planning Investigation Area

Data Prepared by: **David Hewetson**
Date: **22/03/2024**

Approved:

Figure 11 illustrates the existing Height of Buildings (HOB) control for the NEPIA with a consistent 11m across the site.

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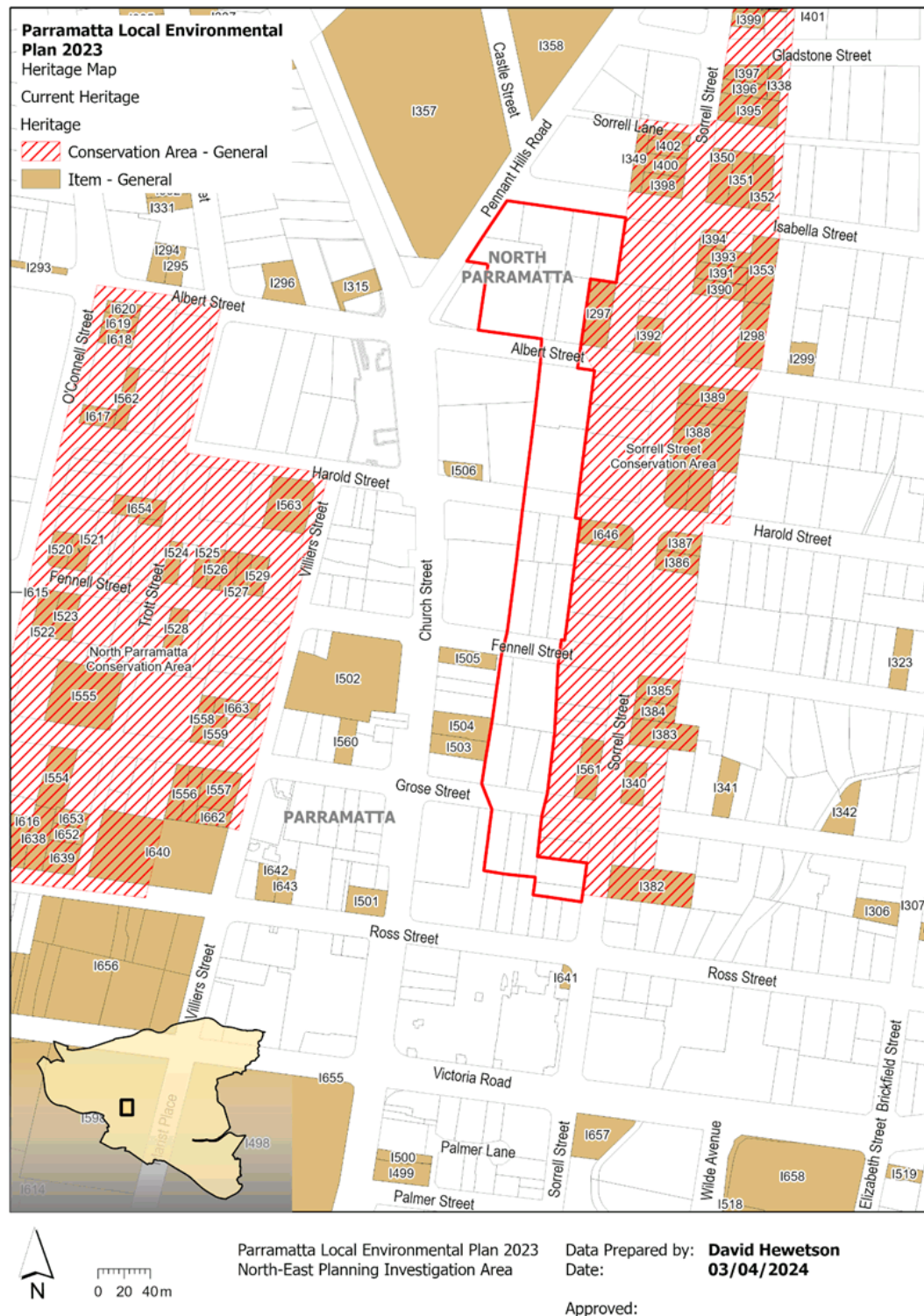


Figure 12 illustrates the existing Parramatta LEP 2023 heritage items and conservation areas in and proximate to the NEPIA.

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Figure 13 illustrates the existing Acid Sulfate Soils classification for the NEPIA with a consistent Class 5 of land across the site.

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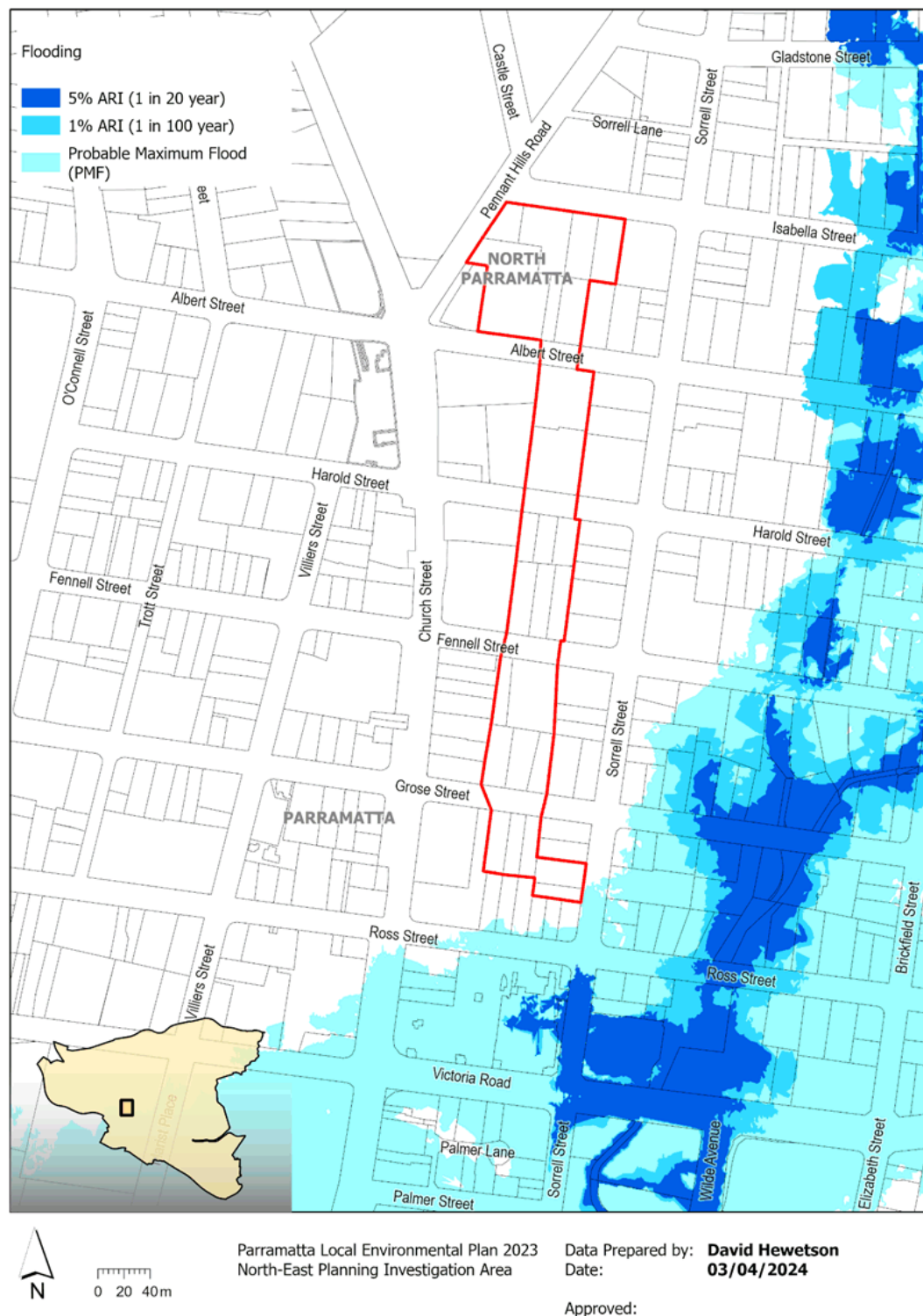


Figure 14 illustrates Council's existing flood mapping for the NEPIA displaying the affected areas for 5% and 1% Average Recurrence Intervals and the Probable Maximum Flood.

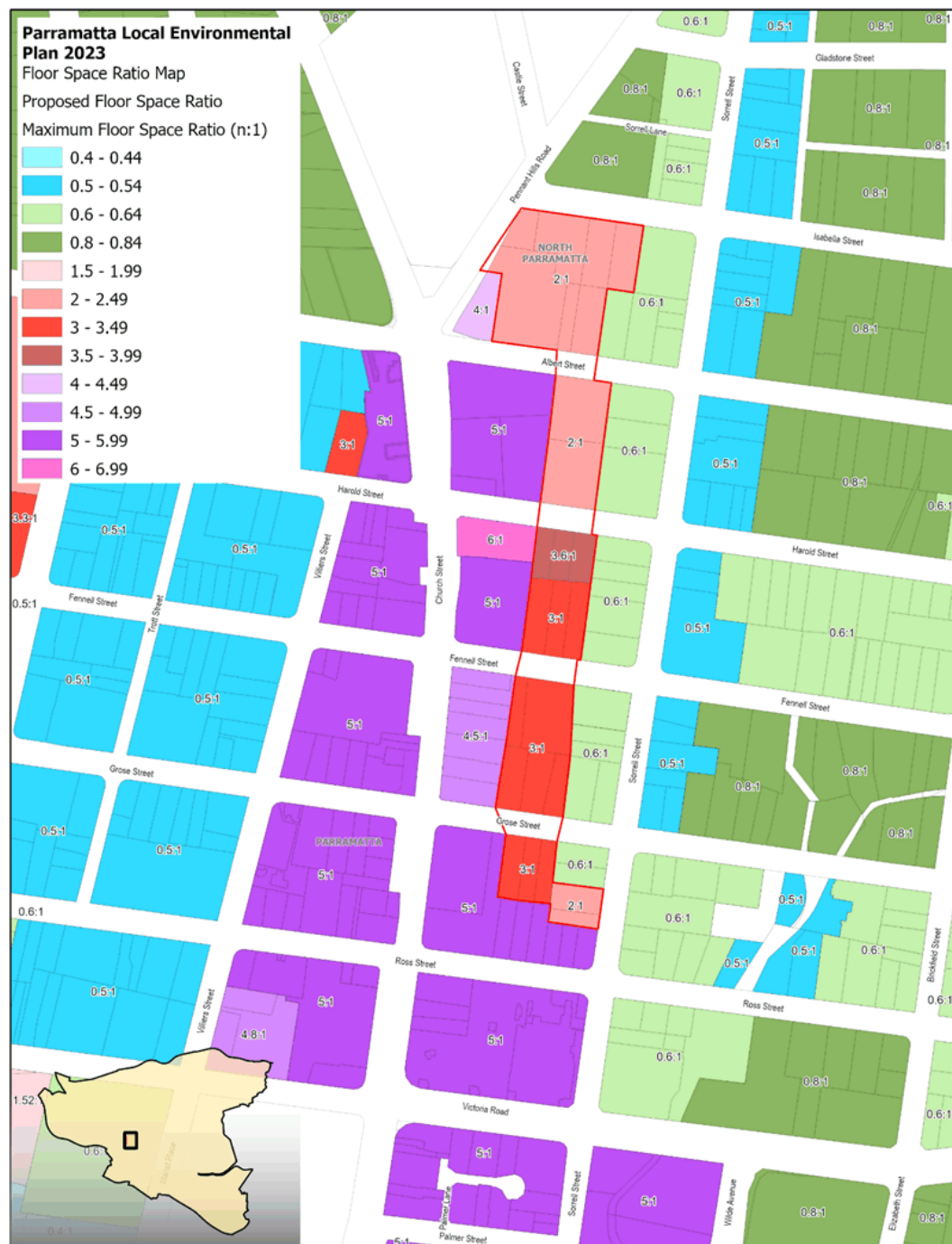
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4.2 Proposed controls

The figures in this section illustrate the proposed amendments to the following maps:

- Floor Space Ratio Map
- Height of Buildings Map

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0 20 40m

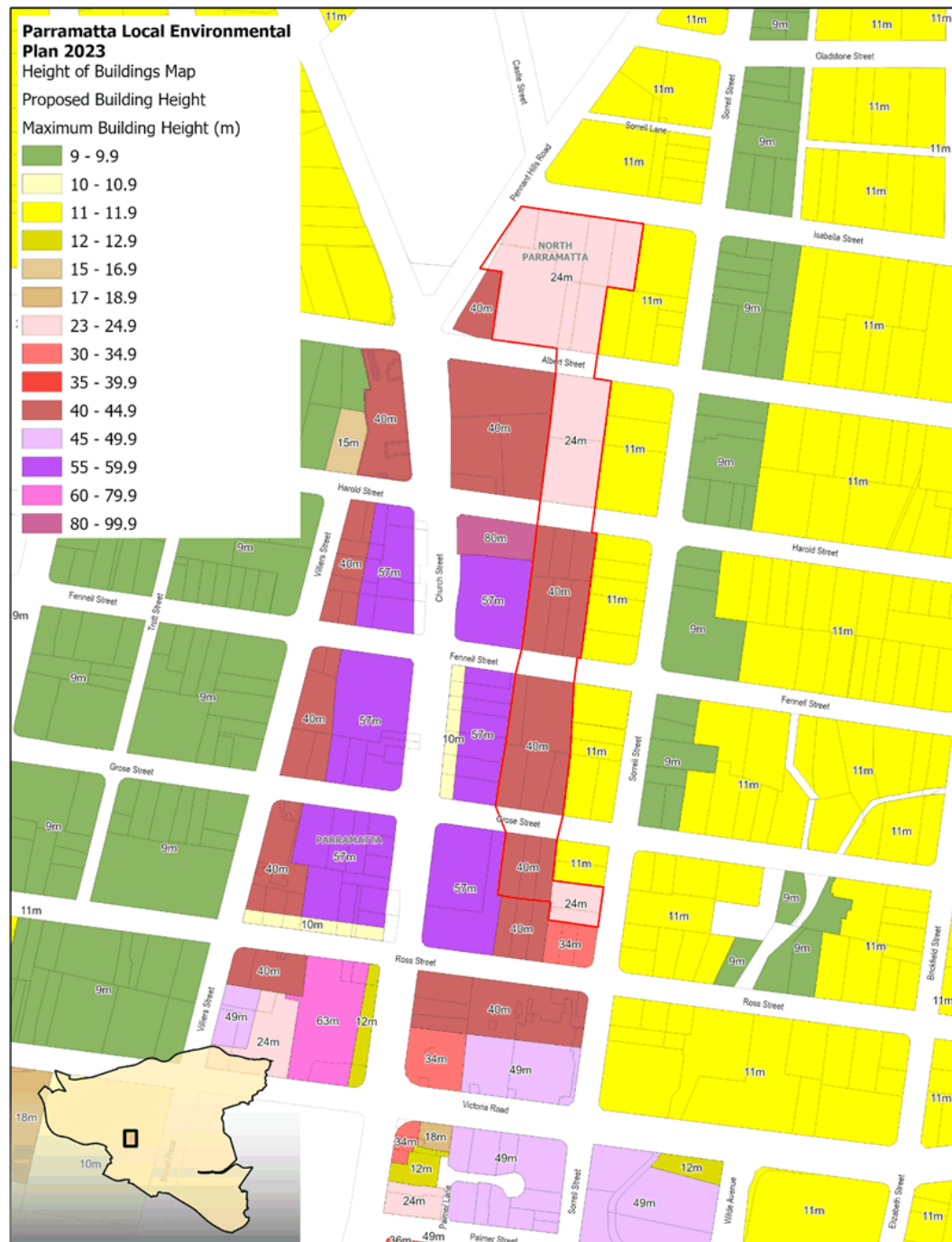
Parramatta Local Environmental Plan 2023
 North-East Planning Investigation Area

Data Prepared by: **David Hewetson**
 Date: **22/03/2024**

Approved:

Figure 15 illustrates the proposed Floor Space Ratio (FSR) controls as recommended for the NEPIA from this Planning Proposal.

PLANNING PROPOSAL – North-East Planning Investigation Area



0 20 40m

Parramatta Local Environmental Plan 2023
 North-East Planning Investigation Area

Data Prepared by: **David Hewetson**
 Date: **22/03/2024**

Approved:

Figure 16 illustrates the proposed Height of Buildings (HOB) controls as recommended for the NEPIA from this Planning Proposal.

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PART 5 – COMMUNITY CONSULTATION

The Planning Proposal (as revised to comply with the Gateway determination) is to be publicly available for community consultation.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to affected landowners.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the Planning Proposal including those with government agencies.

Consistent with sections 3.34(4) and 3.34(8) of the *EP&A Act 1979*, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

PART 6 – PROJECT TIMELINE

Once the Planning Proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the Planning Proposal's process.

Table 15 below outlines the anticipated timeframe for the completion of the Planning Proposal.

Table 15 – Anticipated delivery of the Planning Proposal

Milestone	Anticipated Timeframe
Report to LPP on the assessment of the PP	April 2024
Report to Council on the assessment of the PP	May 2024
Referral to Minister for review of Gateway determination	May 2024
Date of issue of the Gateway determination	June 2024
Commencement and completion dates for public exhibition period	July 2024
Consideration of submissions	July - August 2024
Consideration of Planning Proposal post exhibition and associated report to Council	September 2024
Submission to the Department to finalise the LEP	October 2024
Notification of instrument	November 2024

Attachment 2 - Council report on the Draft DCP for the North-East Planning Investigation Area

The purpose of this Attachment is to illustrate the proposed amendments to Section 8.3 of Parramatta Development Control Plan 2023

Parramatta Development Control Plan 2023, Part 8: Centres, Precincts, Special Character Areas & Specific Sites

cityofparramatta.nsw.gov.au/sites/council/files/2023-12/PDCP-2023-Part-8.pdf

Section of the DCP being amended	Changes
Section 8.3 Neighbourhood Precincts	Amendment to Land Application Map
Section 8.3.10 North-East Parramatta	New controls

NEIGHBOURHOOD PRECINCTS

Explanatory note: Amend diagram 8.3.1 Neighbourhood Precincts in Part 8.3 to include North-East Planning Investigation Area as below.

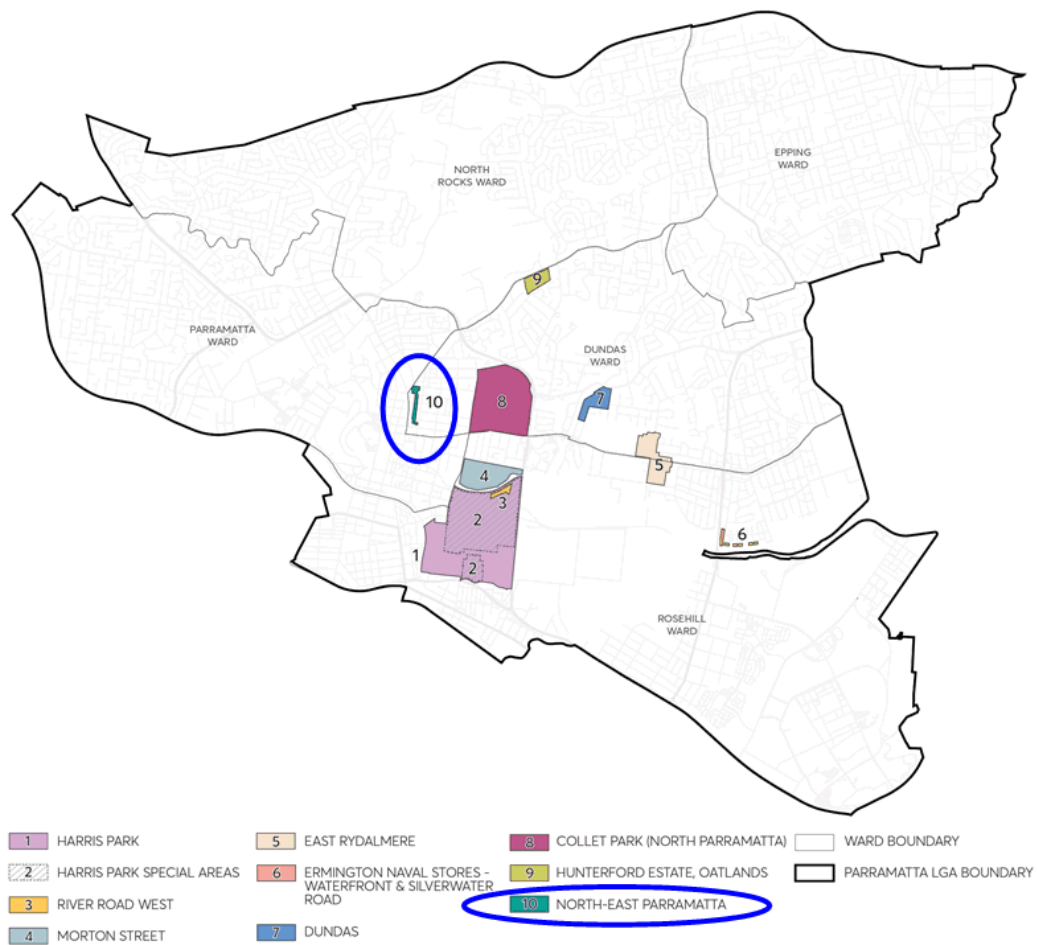


Figure 8.3.1 – Neighbourhood Precincts

NORTH-EAST PARRAMATTA PRECINCT

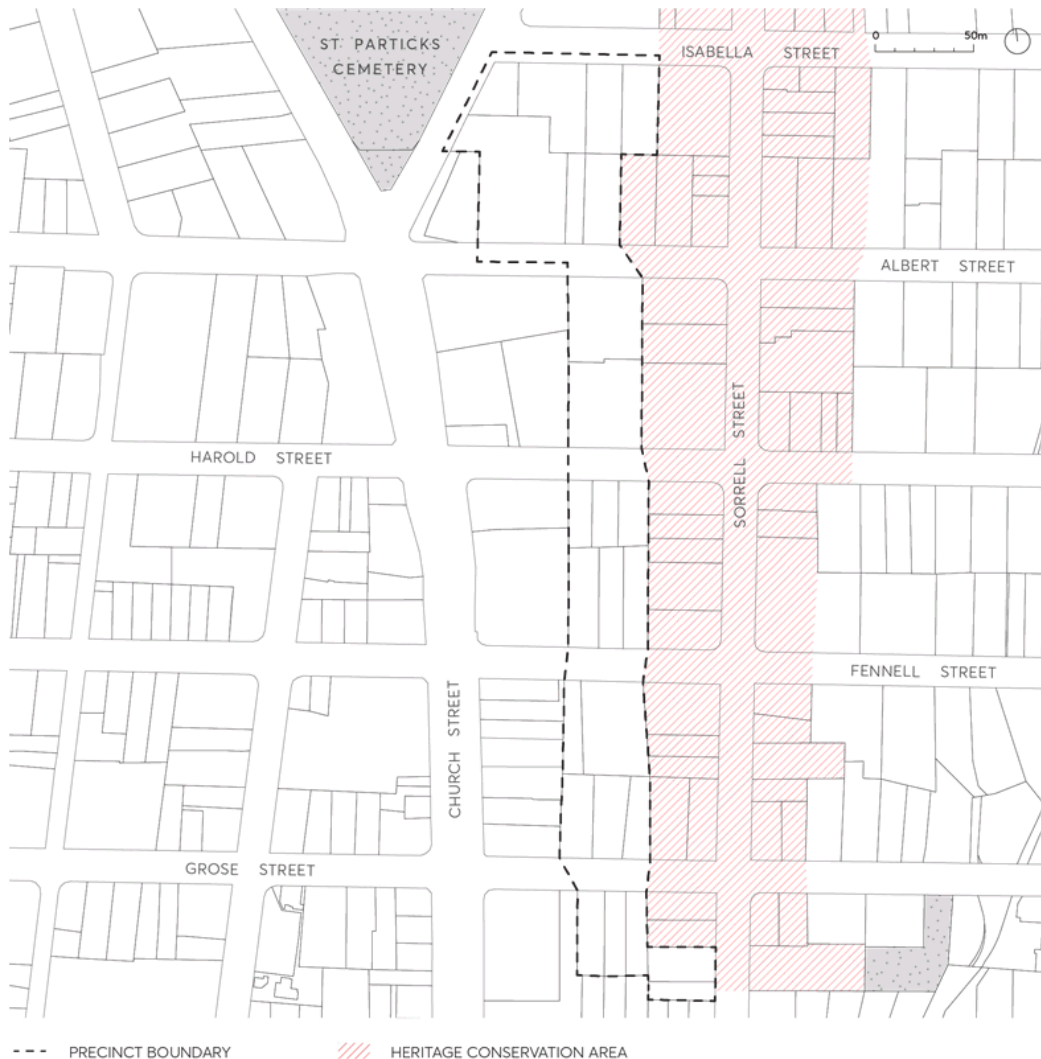


Figure 8.3.10.1 – North-East Parramatta Precinct

8.3.10.1 DESIRED FUTURE CHARACTER

The North-East Parramatta Precinct applies to land that sits between the northern periphery of the Parramatta City Centre and Sorrell Street Heritage Conservation Area (HCA). The adjacent Sorrell Street HCA is a residential precinct comprised mainly of 3- to 4-storey apartment buildings interspersed with smaller heritage houses. Established streetscapes where apartments have greater street setbacks and often mature tree planting, frame views of smaller heritage houses along the street. Historic buildings exist mostly on corners and in rows, with an important role in marking intersections and permitting views west up to the ridge of Church Street. Future development in this precinct is to respond to this prevalent heritage siting by ensuring that no building is built forward of well-established heritage alignments.

Future development within the North-East Parramatta Precinct will play a critical part in creating a transitional edge between larger scale development along the Church Street spine and the Sorrell Street HCA. Methods for transition include a combination of stepped building height, mid-block courtyards with tree planting, mid-block views to sky between towers along Church Street and upper-level setbacks in proximity to Sorrell Street properties. Transition ensures future built form is in response to both the existing and potential future context. The materiality and definition of podiums contribute to the streetscape, create human scale street edge and frame lower scale heritage buildings.

The wider context of North Parramatta is characterised by mature, large canopy trees within both the private and public domain. Future development should enhance this vegetated character and preserve trees on site as a priority.

The following controls acknowledge this is a precinct with a well-established residential character that will change over time. Controls are designed to recognise the potential higher density residential development within the North-East Parramatta Precinct and maximise opportunities for communal courtyards at ground that are collocated with deep soil, tree planting and increased canopy cover. Building podiums and towers are proportioned for residential uses with generous tower separation.

The specific objectives and controls for this precinct detailed below are to be applied in conjunction with the general objectives and controls in Part 2, 3, 5, 6 and 7 of this DCP. Where there is any inconsistency with any other part of the DCP, the objectives and controls of this section will prevail.

Objectives

- O.01 Transition building forms and types to mediate between the future context of towers along the Church Street spine and the low scale residential neighbourhood within the Sorrell Street Heritage Conservation Area.
- O.02 Define the visual setting of the heritage conservation area by ensuring views of sky from Sorrell Street over buildings within the North-East Parramatta Precinct and between towers.
- O.03 Orientate building forms to create consistent spacing between towers that align with tower development along Church Street increasing views to sky.
- O.04 Utilise building materiality and form to accentuate the lower levels of buildings in proximity to heritage buildings and along streets.
- O.05 Enhance the vegetated character of North Parramatta through consistent setbacks that preserve existing trees and enable further large canopy tree planting in the street, front setback, and rear setback zones.
- O.06 Ensure deep soil spaces with large canopy trees are delivered in a location where they also function as a background setting to the Sorrell Street Heritage Conservation Area.
- O.07 Allow heritage items to be the dominant features of the streetscape, forward of any future development.
- O.08 Support detached residential apartment buildings with good amenity.



Figure 8.3.10.2 – North-East Parramatta Precinct Setbacks & Built Form

NOTE: The building envelopes are indicative only and will be subject to further analysis and design refinement relating to flooding, overshadowing, heritage transition and the like.

8.3.10.2 MINIMUM SITE REQUIREMENTS

Objectives

- O.01 Ensure sites are of sufficient width to achieve:
- The necessary standard of amenity in relation to privacy, solar access, ventilation, outlook, deep soil, and landscaped area,
 - Desired tower alignment and orientation to create space between buildings and views to sky,
 - Adequate building separation in accordance with this section of the DCP,
 - A sense of address and passive surveillance of the street, and
 - Safe and efficient access and servicing.
- O.02 Ensure development does not isolate or compromise the amenity or development potential on adjacent sites.

Controls

- C.01 Site consolidation must comply with **Figure 8.3.10.3 – Preferred Lot Amalgamation for Redevelopment** to meet all of the objectives of the **8.3.10 North-East Parramatta Precinct**.



Figure 8.3.10.3 – Preferred Lot Amalgamation for Redevelopment

- C.02 A development lot must have a minimum site frontage width of 40 metres, except for development lots identified as site 04 and site 12 in Figure 8.3.10.3 – Preferred Lot Amalgamation for Redevelopment.
- C.03 Lots identified as site 04 and site 12 in Figure 8.3.10.3 – Preferred Lot Amalgamation for Redevelopment must have a minimum site frontage width of 24 metres.
- C.04 Where a site has the minimum frontage width or more, it must nonetheless be demonstrated that objective O.01 and O.02 of this control can be satisfied.

8.3.10.3 THE BUILDING ENVELOPE

Objectives

- O.01 Provide space for landscape amenity and canopy tree planting that also contributes to the public domain.
- O.02 Align and orientate future development in a way that creates space between towers that align with tower development along Church Street and enables views to sky when observed from the Sorrell Street Heritage Conservation Area.
- O.03 Provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.
- O.04 Ensure building form achieves comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale and mitigation of urban heat and wind effects of tower buildings.
- O.05 Utilise building form and site layout to achieve a transitional relationship between Church Street properties and properties within the Sorrell Street Heritage Conservation Area.

Controls

BUILDING SETBACKS

- C.01 Development within the precinct must comply with the setbacks and envelope controls specified in Figure 8.3.10.2 – North-East Parramatta Precinct Setbacks and Built Form.
- C.02 All building setbacks must be measured perpendicular to the boundary and extend to the outer faces of the building including balconies, sunscreens and the like.
- C.03 For sites with a 40m height limit as per the Parramatta LEP 2023, buildings must be set back a minimum of 6 metres from the street boundary as shown in Figure 8.3.10.4. Tower setbacks must comply with Figure 8.3.10.2 – North-East Parramatta Precinct Setbacks and Built Form.
- C.04 For sites with a 40m height limit, the street wall must be designed to be of predominantly masonry character and articulated with depth, relief and shadow on the street façade. Where no upper level setback is required by Figure 8.3.10.2 – North-East Parramatta Precinct Setbacks and Built Form, the lower 4 storeys of the development must still be designed with the same materiality and character as the street wall, and be clearly distinct from the tower element.

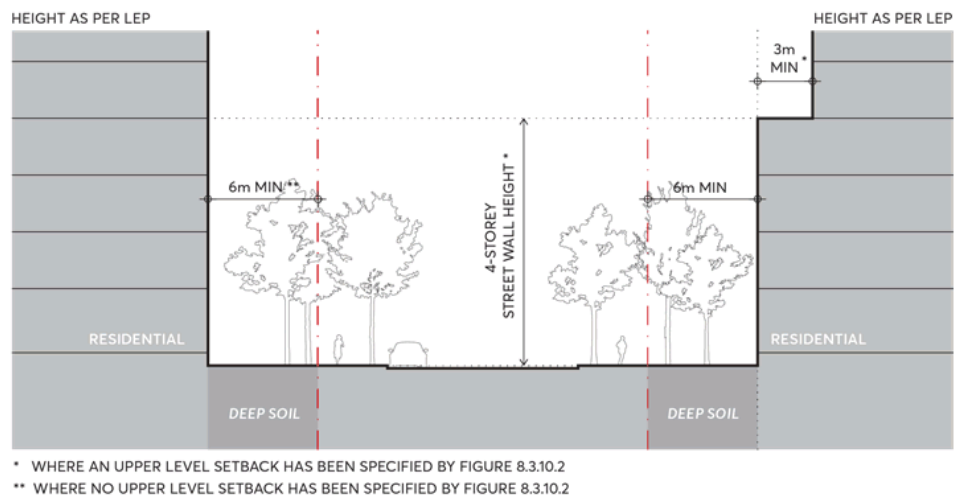


Figure 8.3.10.4 – Street setbacks and street wall height for sites with a 40m height limit

- C.05 For sites with a 24m height limit as per the Parramatta LEP 2023, buildings must be set back a minimum of 6 metres from the street boundary, and upper level set back a minimum of 3m from the street wall, as shown in **Figure 8.3.10.5**. The lower 5 storeys must be designed to be of predominantly masonry character and articulated with depth, relief and shadow on the street façade.

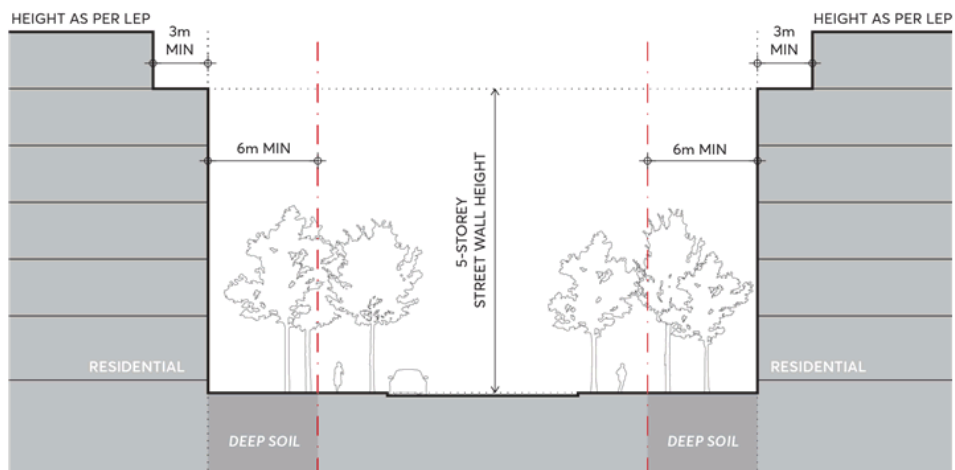


Figure 8.3.10.5 – Street setbacks and street wall height for sites with a 24m height limit

- C.06 A 1 metre articulation zone is permitted forward of the street setback, in which building elements may occupy a maximum of one third of the area of the façade. Services or lift shafts are not permitted in the articulation zone.
- C.07 For sites with a 40m height limit, buildings must provide a minimum 4.5 metres setback from the common boundary shared with any lot in the Sorrell Street Heritage Conservation Area and towers set back a minimum of 9 metres from the common boundary, as per Figure 8.3.10.6.

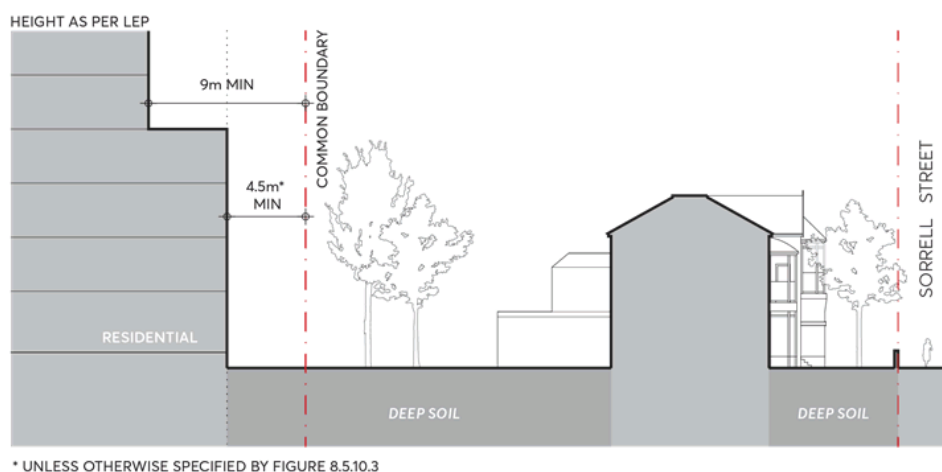


Figure 8.3.10.6 – Setback to properties within the Sorrell Street Heritage Conservation Zone

- C.08 Buildings on site 05, site 06 and site 12 must provide a minimum 6 metres setback from the common boundary shared with any lot in the Sorrell Street Heritage Conservation Area and the upper level must be set back a minimum of 9 metres from the common boundary.
- C.09 Buildings on site 01, site 02 and site 04 must provide a minimum 4.5 metre setback from side boundaries and the upper level must be set back a minimum of 9 metres from side boundaries.
- C.10 Development site 05, site 06, site 09 and site 10 must provide a minimum of 6 metres setback from the common boundary shared with lots fronting Church Street, as per Figure 8.3.10.7. Towers/upper levels must be set back a minimum of 3 metres from the podium, subject to building separation requirements.

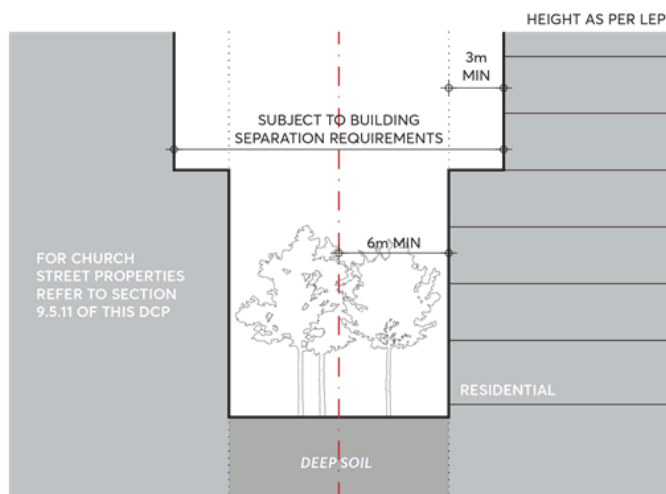


Figure 8.3.10.7 – Setbacks and separation with properties fronting Church Street (site 05, site 06, site 09, and site 10)

- C.11 Development on site 07, site 08, and site 11 must provide a minimum of 4.5 metre setback from the common boundary shared with lots fronting Church Street, as per **Figure 8.3.10.8**.

Towers must be set back a minimum of 4.5 metres from the podium, subject to building separation requirements.

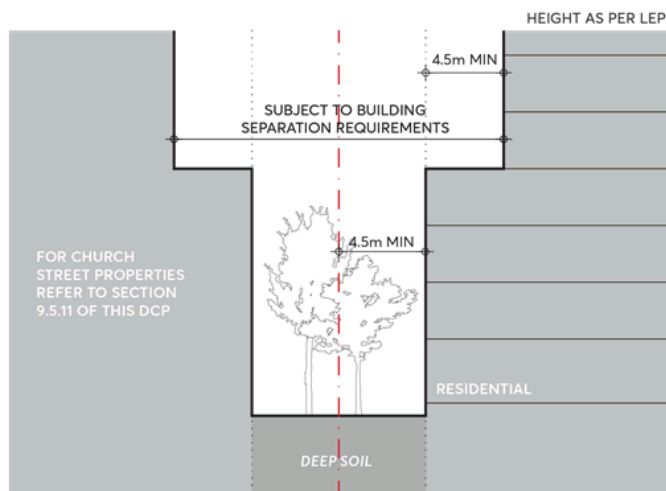


Figure 8.3.10.8 – Setbacks and separation with properties fronting Church Street (site 07, site 08 and site 11)

- C.12 The rear setback to any part of the building up to 4 storeys must be a minimum of 6 metres. For any part of the building above 4 storeys, the rear setback must be a minimum of 20% of the site length or 12 metres, whichever is greater.
- C.13 Only one step in the built form between the street wall and tower is permissible.
- C.14 Basements must be contained within the building envelope and not encroach into minimum setback zones.

BUILDING SEPARATION

- C.15 For all sites with a 40m height limit as per the Parramatta LEP 2023, towers must have a minimum separation of:
 - a) 18 metres between lots in the North-East Parramatta Precinct and lots on Church Street for any part of the development over 4 storeys.
 - b) 24 metres between lots in the North-East Parramatta Precinct for any part of the development over 4 storeys.

Refer to Figure 8.3.10.9 – Tower Separation.
- C.16 Any existing adjacent building, including heritage listings, cannot be used to justify reduced separation or setbacks.
- C.17 Separation between each of the buildings should enable generous views to sky from the Sorrell Street Heritage Conservation Area towards Church Street, as per Figure 8.3.10.10 and Figure 8.3.10.11.

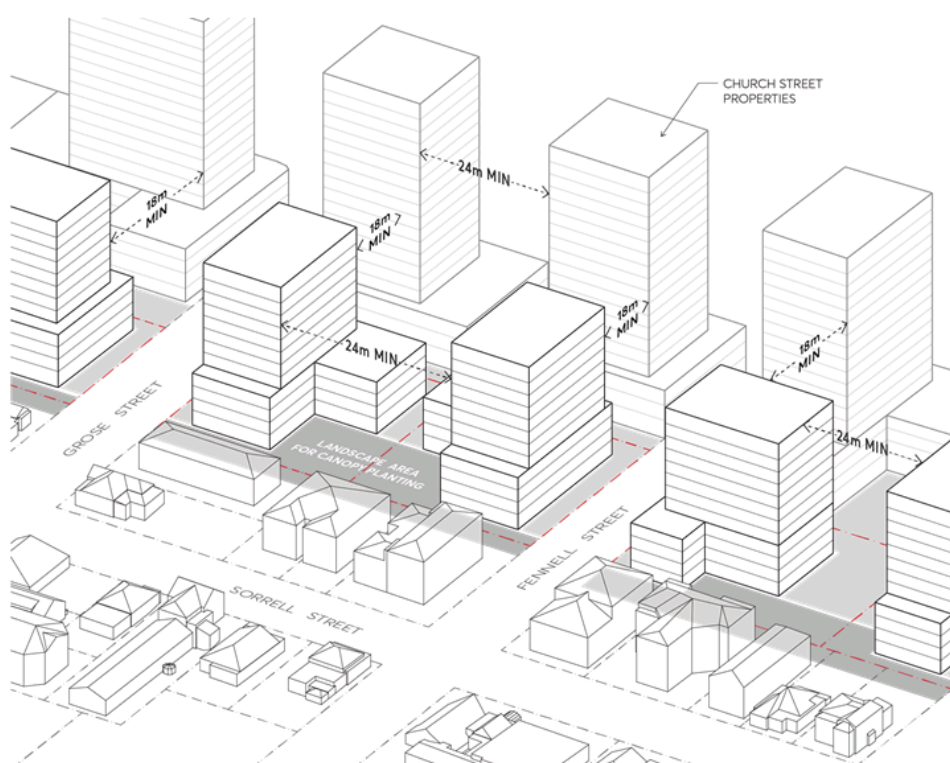


Figure 8.3.10.9 – Tower Separation

BUILDING PROPORTION AND HEIGHT

- C.18 Height of new buildings are to ensure positive and cohesive relationships with other buildings both on the site and off the site and are to respond to the scale and character of the Sorrell Street Heritage Conservation Area.
- C.19 The maximum number of storeys permitted within the height limit specified by the Parramatta LEP 2023 must be consistent with the table below:

Height in metres	Height in storeys
24 metres	6 storeys
40 metres	12 storeys

- C.20 The maximum floorplate length for any tower must be 35 metres and maximum floorplate area for any tower must be 800 square metres.
- C.21 Where possible, buildings should be designed so that the short edge of towers may be orientated to the Sorrell Street Heritage Conservation Area to create generous views to sky between towers when observed from the HCA, as per Figure 8.3.10.10 and Figure 8.3.10.11.



Figure 8.3.10.10 – Aligned spaces between towers to enable views to sky

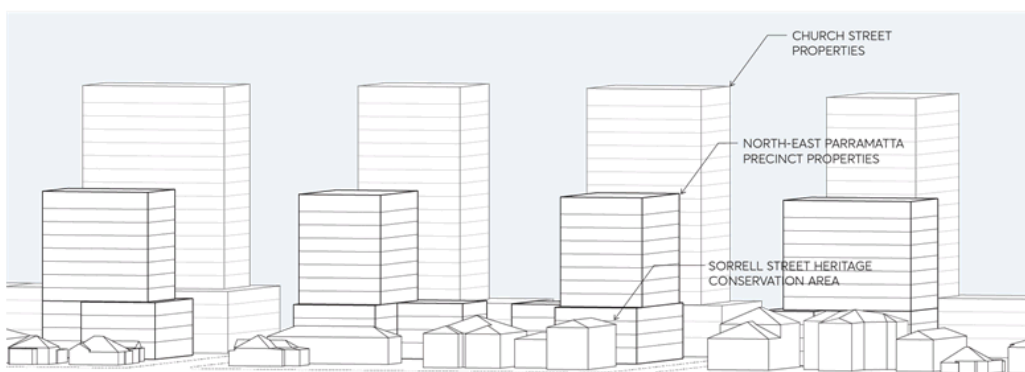


Figure 8.3.10.11 – Views to sky between towers

8.3.10.4 RESIDENTIAL APARTMENT DESIGN QUALITY

Objectives

- O.01 Provide for the amenity, interest and liveliness of the street environment.
- O.02 Appropriately define and design the street edge and setback area to achieve amenity and privacy for residents as well as engagement with and passive surveillance of the street.
- O.03 Ensure development achieves good amenity standards for residents in relation to daylight, ventilation, outlook, and privacy.

Controls

- C.01 Buildings are to be designed to ensure that solar access and cross ventilation requirements of the Apartment Design Guide and Part 3: Residential Development of this DCP are achieved for residential development both on and off the site.
- C.02 Solar access must be reasonably provided and retained within the existing and future public domain areas and on adjoining sites.
- C.03 The minimum floor to floor height must be 3.5m for the ground floor level and 3.1m for any level above the ground floor level as per Figure 8.3.10.11 – Ground floor interface and floor to floor heights.
- C.04 High level windows must not be used as the primary source of light, ventilation and outlook for habitable rooms.
- C.05 Daylight and natural ventilation must be provided to all common circulation spaces and windows must be visible from any lift core, as well as the ends of corridors.
- C.06 To balance privacy and street activation, ground floor apartment levels must be a minimum of 500mm and maximum of 900mm above footpath level as per Figure 8.3.10.11 – Ground floor interface and floor to floor heights.

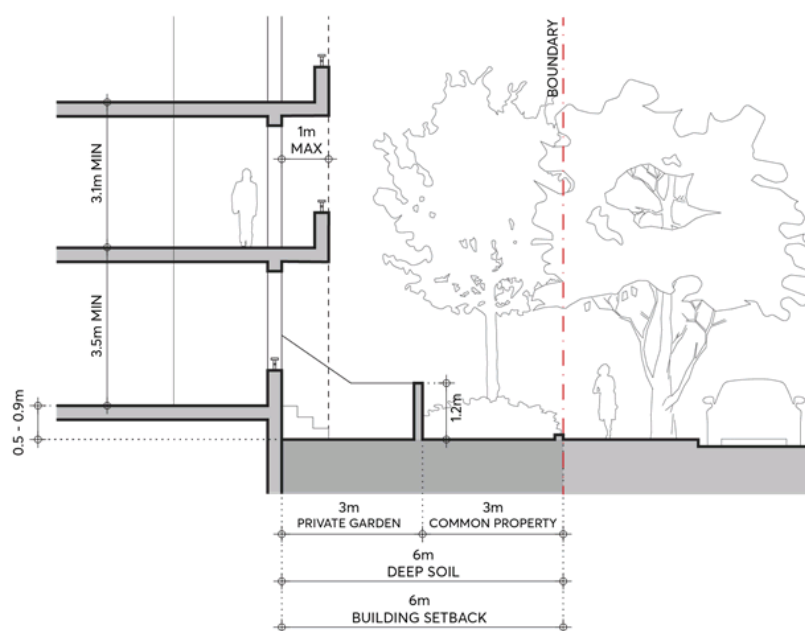


Figure 8.3.10.11 – Ground floor interface and floor to floor heights

- C.07 The setback area must allocate the front 3 metres adjacent to the footpath as common property for landscaping. Canopy trees must be planted in this area, a minimum 3.5 metres from any structure, to enable a tree with greater than 13 metres mature height and spread, at the rate of 1 canopy tree for every 15 lineal metres of frontage.
- C.08 A wall set back 3 metres from the street boundary must articulate the front areas in private ownership. The wall must be a maximum 1.2 metres high and of masonry construction, integrated with dividing masonry walls for private open spaces.
- C.09 Where individual apartment entries from the street serve as a primary address, a ground floor balcony space between the entry and private garden, and a hinged front door with a distinct entry space within the apartment, must be provided. Sliding glass doors for ground floor apartments fronting the street are discouraged. If the entries are only for the use of residents they must be understated, with post boxes and street numbers located at the common entry.
- C.10 All stairs and ramps providing access to lobbies must be internalised where necessary to ensure the street interface is not compromised.
- C.11 A fully illustrated and co-ordinated ground floor design, showing all the necessary levels and detail, must accompany development applications. Drawings must include:
- C.12 A detailed ground level plan and sections as part of the architectural submission which 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.
- C.13 Any required services must be discreetly integrated into the design.
- C.14 The architectural drawings must be fully co-ordinated with the landscape and hydraulic drawings.

- C.15 Elevations and sections at minimum 1:50 scale of all built elements in the setback area must be provided.

8.3.10.5 DEEP SOIL AND LANDSCAPING

Objectives

- O.01 Provide space for landscape amenity and canopy tree planting that also contributes to the public domain.
- O.02 Ensure communal open spaces facilitate opportunities for recreational and social activities, passive amenity, landscaping, and deep soil planning.
- O.03 Create contiguous deep soil networks across lots to support large canopy tree communities and unobstructed groundwater movement.

Controls

- C.01 A minimum 30% of the total site area is to be provided as deep soil. All deep soil zones must have a minimum dimension of 4 metres x 4 metres.
- C.02 Where green coloured areas are shown in Figure 8.3.10.2 – North-East Parramatta Precinct Setbacks and Built Form, these areas be used as a courtyard and/or landscaped area.
- C.03 Buildings must provide communal open space to meet the requirements of Section 3D of the Apartment Design Guide, and should be located to be:
- a) Highly visible and directly accessible to the maximum number of dwellings, and
 - b) Integrated with deep soil to provide a landscape setting with opportunities for large and medium size tree planting.
- C.04 Roof gardens may be permitted on top of podiums; however, these must provide adequate visual and acoustic privacy to other buildings within the development and on adjoining sites.
- C.05 Impervious surface at ground level must be minimised on the site.

8.3.10.6 HERITAGE RELATIONSHIPS AND TRANSITION

Objectives

- O.01 Ensure new development is situated alongside heritage listed sites in a way that is respectful, appropriate and will enhance the heritage values of the place.
- O.02 Protect and enhance the setting of heritage items and conservation areas, including the contribution of items to the broader context including views, immediate setting and heritage value.
- O.03 Create appropriate relationships between new development, heritage items and the Sorrell Street Heritage Conservation Area.

Controls

- C.01 C.01 Development must not be designed to step away from heritage buildings like a zigurat but have vertical walls that create well defined space around a heritage item.

- C.02 The parts of development that form the backdrop to a heritage item must be designed so the visual prominence of a heritage item is retained and enhanced.
- C.03 A deep soil area adjoining the common boundary of a lot containing a heritage building must be delivered to allow canopy tree planting to form an immediate backdrop to heritage items.
- C.04 Development must not adversely affect the amenity of buildings within the Sorrell Street HCA, such as overlooking or overshadowing.

8.3.10.7 PARKING DESIGN AND VEHICULAR ACCESS

Objectives

- O.01 Minimise the impact of on-site parking on the design quality of the building and the public domain.
- O.02 Minimise the amount of vehicular traffic generated in relation to development.

Controls

- C.01 The maximum number of car parking spaces, including any existing car parking spaces, must be consistent with the following rates:
 - a) 0.2 space for each studio apartment
 - b) 0.4 space for each 1-bedroom apartment
 - c) 0.8 space for each 2-bedroom apartment
 - d) 1.1 space for each apartment with 3- or more bedrooms
- C.02 The following rates may be provided, in addition to the rates contained in C.01 above, as maximum visitor parking spaces (calculated cumulatively):
 - a) For each dwelling up to 30 dwellings – 0.167 spaces
 - b) For each dwelling more than 30 and up to 70 dwellings – 0.1 spaces
 - c) For each dwelling more than 70 dwellings – 0.05 spaces
- C.03 Bicycle parking spaces must be provided at a rate of 1 space per dwelling.
- C.04 All car parking is to be provided at basement level to ensure that the visual appearance of car parking structures does not dominate the street frontage or impact the ability to provide landscape at ground level.
- C.05 Pedestrian and vehicle conflict are to be minimised with limited vehicle crossings to the public domain. Design must demonstrate compliance with Council's 'Public Domain Guidelines'.
- C.06 Provision of loading bays or service vehicle areas, building service/plant areas, and building services (such as substation) must be adequately screened from any public domain areas, including the street or through site links.

8.3.10.8 FLOODPLAIN RISK MANAGEMENT

Objectives

- O.01 Allow development in the floodplain that is appropriate to the flood hazard and risk at a particular location.
- O.02 Ensure early site planning and consideration of flood conditions to achieve an integrated flood response that manages flood risk and provides optimum development design outcomes to provide adequate amenity on and off site, and interface with the public domain.

Controls

- C.01 Site consolidation patterns outlined in **Figure 8.3.10.2** – *Preferred Lot Amalgamation for Redevelopment* must be achieved to ensure access and egress to buildings is maintained without transversing public roads affected by the Probable Maximum Flood (PMF) level, where access to a road not affected by the PMF is accessible.
- C.02 Development must comply with the requirements in Part 5.1.1 Flooding and Part 9.7 Flood Risk Management to Council's satisfaction.



North-East Planning Investigation Area Draft Planning Strategy

Community Engagement Report

April 2024

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1. Introduction

1.1. Purpose of this Report

This Community Engagement Report has been prepared to summarise and respond to themes raised in feedback received during the public exhibition of the draft North-East Parramatta Investigation Area Planning Strategy (Planning Strategy).

The Engagement Report is an attachment to a report for the Parramatta Local Planning Panel (LPP) seeking their advice on amendments to the planning controls for the North-East Planning Investigation Area (NEPIA). At the time of writing, this report was scheduled for the LPP meeting on 16 April 2024. The Engagement Report is also an attachment to a Council report on the same proposed planning amendments scheduled for 13 May 2024 at the time of writing.

1.2. Background

On 9 November 2020, Council resolved to endorse a draft Planning Strategy for the purposes of public exhibition to seek feedback from the community and stakeholders on six built form options for the NEPIA presented in the Planning Strategy.

The draft Planning Strategy for the NEPIA was exhibited for 31 days in 2021 commencing on March 16 and ending on 15 April as part of a non-statutory exhibition process. The six built-form options are summarised in **Table 1** below. A webpage link to the Planning Strategy is [here](#).

Since this time the Department of Planning, Housing and Industry (the Department) led a review of planning controls in the wider area of North Parramatta. This work was finalised in December 2023 with the State Environmental Planning Policy (Church Street North Precinct) 2023 ('CSN SEPP') being made. A webpage link to the CSN SEPP is [here](#).

The changes to the planning controls by the Department for the Church Street North Precinct did not include the NEPIA; however, in the [Department's Finalisation Report](#) to the CSN SEPP opportunity for the NEPIA to provide a transition in scale from the higher density tower forms from the Church Street North Spine to the lower density dwellings in the Sorrell Street Heritage Conservation Area (HCA) to the east was recognised.

Table 1: The Floor Space Ratio's and building heights of the six (6) built form options in the exhibited draft Planning Strategy for the NEPIA

Option	Building height	Maximum Height achievable with Design Excellence	Floor space ratio (FSR)
Option 1 'No change'	11m (as per current height in PLEP 2023*)	N/A	0.8:1 (as per current FSR in PLEP 2023*)
Option 2	28m (8 storeys)	N/A	2:1
Option 3	40m (12 storeys)	46m (14 storeys)	3:1 plus Design Excellence
Option 4	54m (17 storeys)	62.1m (20 storeys)	4:1 plus Design Excellence
Option 5	67m (20 storeys)	77.1m (23 storeys)	5:1 plus Design Excellence
Option 6	80m (25 storeys)	92m (29 storeys)	6:1 plus Design Excellence

Note. When the Planning Strategy was being exhibited, the relevant planning instrument was Parramatta LEP 2011. This has now been superseded by Parramatta LEP 2023 (LEP); but the LEP and FSR controls for the NEPIA did not change.

2. How did we consult?

The Planning Strategy was exhibited for a four-week period from 16 March to 15 April 2021. Whilst there is no statutory requirement under the *Environmental Planning and Assessment Act 1979* and *Environmental Planning Regulations 2021* to exhibit a Planning Strategy, its exhibition is consistent with the community participation requirements contained in Council's Community Engagement Strategy.

2.1. Engagement mechanisms

The following community engagement mechanisms were utilised for the purposes of the exhibition of the Planning Strategy consistent with the resolution of Council (weblink available [here](#)).

- Notification letters to landowners and occupiers (including owners and occupiers of individual apartments within strata buildings) inside the NEPIA boundary and landowners and occupiers within a 200m buffer of the NEPIA boundary.
- Participate Parramatta [webpage](#).
- Exhibition material included:
 - Frequently Asked Questions
 - Draft Planning Strategy
 - Community Flyer
 - Background documents:
 - Council Report 9 November 2020;
 - Council Resolution of 9 November 2020;
 - Corresponding Heritage Study (2015) by Urbis;
 - Corresponding Heritage Study of Interface Areas (2017) by Hector Abraham Architects
 - Peer Review of Heritage Interface Area (2018) by GML
 - NEPIA - Map
 - Video comprising a narrated slideshow on the project website
 - Hard copy of exhibition documents made available at Council's Customer Service Centre and Parramatta Library
- Online submission portal.
- Project email address to receive submissions.
- Consultation with Council's Heritage Advisory Committee.
- Consultation with relevant public authorities, including the (then) Department of Planning, Industry and Environment (DPIE), Transport for NSW and the NSW Heritage Office
- Public notice on City of Parramatta's corporate website and Participate Parramatta portal.
- Phone-a-planner sessions during the period of exhibition.

3. Feedback from the exhibition of the Planning Strategy

A total of **194 submissions** were received during the exhibition period which was received via the project email address or the online submission portal.

Submitters fall into one of the following categories:

- **Landowners, Residents and Individuals:** 181 submissions which represents 93.3% of the total submissions received. Of the 181 submissions, 111 submissions came from residents within the Parramatta LGA which represents 94% of the total submissions received.
- **Planning Consultants on behalf landowners:** 5 Submissions which represents 2.6% of the total submissions received.
- **Public Authorities, Institutions and Interest Groups:** 8 Submissions which represents 4.1% of the total submissions received, from Heritage NSW, Transport for NSW, School Infrastructure NSW, Parramatta Female Factory Friends, North Parramatta Residents Action Group, National Trust of Australia, Parramatta Heritage Advisory Committee and Urban Taskforce.

As the proposed LEP and DCP amendment progresses (as detailed in the LPP and Council Report), the community, stakeholders and public agencies that provided submissions on the draft Planning Strategy will again be consulted. Consultation will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning Regulations 2021* as well as with the community participation requirements contained in Council's Community Engagement Strategy and any conditions of a Gateway determination issued by the Department (should Council resolve to seek this).

The feedback received during the public exhibition period for the Planning Strategy in 2021 is provided to ensure there is a complete record of the consultation; and to show how the feedback has informed the recommended planning controls in the Planning Proposal, DCP and Council Report, as well as the changing planning position.

4. Review of submissions

4.1. Overview of submissions

The preferred option from nearly half of respondents (46.1%) indicated support for option 1 which is that no change should occur to the existing planning controls. This means maintaining the current 11 metre building height (3 storeys) and 0.8:1 FSR.

The second most preferred option representing 16% of respondents was for option 6 which proposed an 80 metre building height and a 6:1 FSR (excluding a design excellence bonus).

24.7% of respondents did not explicitly indicate a preference for any of the six (6) options presented in the Planning Strategy. However, these respondents indirectly indicated their preference in their written comments.

- 13.9% of respondents were concerned at the introduction of “high density residential flat building development” into the area. The current zoning for the NEPIA in the LEP is R4 High Density Residential and the controls permit three storey residential flat buildings. Therefore, it is assumed that these submitters preference lies with option 1 ‘No change to the existing controls’.
- 2% of respondents indicated a preference for high-rise development. Since options 2 to 6 include higher density forms (ie greater than 3 storeys), it is assumed that these submitters’ preferences lie with options 2 to 6.
- 8.8% of respondents did not provide sufficient commentary for Council Officers to ascertain a preferred option or option range.

Table 2: Summary of submissions on preferred option

Preferred Option	Number of submitters	Percentage
Option 1 - ‘No change’	94	46.1%
Option 2	17	8.3%
Option 3	6	2.9%
Option 4	1	0.5%
Option 5	4	2.0%
Option 6	34	16.7%
Not Indicated	48	23.5%
Total	204	100%

Note: The total number of preferred options (204) exceeds the number of submissions received (194) due to some submitters expressing their support for more than one option.

4.2. Key themes identified in the feedback

Respondents concerned at the high-rise density options (who leaned towards options 1 or 2) tended to raise issues which cover the following themes:

- Heritage, overshadowing and character
- Scale & density
- Local infrastructure
- Traffic and parking and public transport
- Environmental

Respondents supporting the high-rise density options (who leaned towards option 6 as well as options 2 to 5) tended to raise issues which cover the following themes:

- Development feasibility and design quality
- Previous resolved position of Council

4.3. Examination of key themes and Council Officer responses

Detailed discussion of these themes and a response is provided below. This response includes a comment about how the recommended new draft controls seek to address each theme. The draft controls are detailed in Attachments 1 and 2 of the LPP and Council reports (see Section 1.1 above).

1. Heritage, overshadowing and character

Seventy-six submissions (76) out of the ninety-four (94) that supported option 1 expressed concern with the built form options and the potential impact on heritage. These submissions raised concerns that related to bulk, scale and density in that high-rise buildings would negatively impact the adjoining heritage areas. Submitters also raised concerns that high-rise buildings would overshadow heritage sites and the HCA. The retention of the heritage character as a defining aesthetic factor was a key reason for support for option 1.

Submitters also shared concerns with high-rise development forms being incompatible with the character of surrounding area and the potential for tall buildings to overtake the current environmental context of the NEPIA. These notions were categorised under loss of character.

Transitioning down in height from the higher-density built form in Church Street North to the Sorrell Street HCA was suggested by some submitters.

Alternative views to the above were expressed from respondents supporting the higher density options. These views came from both residents and a planning consultant. For instance, some submitters were of the view that the area's heritage could be retained through the careful use of materials, interface treatments, setbacks and appropriate transitions from towers to heritage areas/items. Additionally, a planning consultancy representing seven (7) landowners within the NEPIA argued that a 'hard' transition from tall towers to low scale heritage sites would emphasise and reinforce the heritage precinct.

In its submission, Heritage NSW saw that any new planning controls for the NEPIA *considers the protection of the cultural significance and heritage values of state and locally listed heritage items and the locally listed Sorrell Street HCA.*

Council Officer response: The Department's Finalisation Report for the CSN SEPP included principles and strategies for responding to the adjoining HCAs and low scale residential uses by transitioning building heights downwards towards them and protecting view corridors. The recommended height controls for the NEPIA in the LPP and Council Reports are based on the 'viewshed' approach detailed in the consultant study commissioned by the Department (refer to Section 1.2 of the [Church Street North Urban Design Study](#), p. 60). This design approach is to protect the setting of Sorrell Street Heritage Conservation Area.

The principle of transition is also recommended to be applied to 'space' between buildings through setbacks, building separation and orientation. Orientating the short edge of towers towards the HCA and requiring vegetated seeks to minimise the bulk of towers perceived from the HCA and provide landscape space as a frame/backdrop to heritage buildings and the HCA. Maximising separation between towers where it can increase views to sky when observed from the HCA and encouraging slender tower forms and finer grain street wall typologies to tie into the surrounding lower scale context of North Parramatta also aim to achieve a transition and unify development across the precinct. The proposed DCP controls (Attachment 2 to the Local Planning Panel Report) requires new development consider overshadowing with specific reference to impacts on the adjacent Sorrell Street HCA (e.g. proposed control **C.04** in **Section 8.3.10.6**). The Department discusses alternative controls as part of the CSN SEPP in contrast to the CBD Planning Proposal's controls to limit the impacts of overshadowing on surrounding heritage sites.

Mitigation of overshadowing impacts are also proposed to be addressed through design principles established for the CSN SEPP via stepped building heights, space between buildings through setbacks and building separation. The draft DCP controls for the NEPIA

define how the Church Street North Precinct design principles will be upheld.

Controls related to heritage relationships and transition can be found in **Section 8.3.10.6** of Attachment 2 to the Local Planning Panel Report, the draft amendments to the Parramatta DCP 2023.

2. Scale and density

Impacts on heritage, overshadowing and loss of character from the scale and density were key concerns respondents that supported maintaining the current controls were concerned that the attractiveness and values of North Parramatta would be affected negatively by larger scale and more dense development, particularly around:

- Visual impacts and liveability
- Sorrell Street's "charm"
- Increase overshadowing impacts on both North Parramatta and Sorrell Street HCAs
- Impact on street trees (lack of space for plantings and overshadowing)
- Impacts on heritage with strong contrasts between the zones
- Incompatibility with the surrounding area

These submitters also shared a desire to maintain the unique quietness and existing amenity of the precinct in line with low-scale density provided by the existing built environment. However, supporters of the higher density options, including option 6 saw higher densities aligning with the principles of growth for the area's proximity to the City Centre.

Council Officer response: See above response to '1. Heritage, overshadowing and character'.

3. Local infrastructure

Some submitters were concerned that overdevelopment of the area with high-rise buildings would place unreasonable demands on local infrastructure, particularly open space areas and parks, schools and sports facilities.

Transport for NSW suggests in its submission that Council could amend its Local Infrastructure Contributions Plan by including public work improvements to existing active transport paths, connections and crossing facilities to encourage use of active transport modes.

Council Officer response: New development will be subject to the 'Outside CBD s7.11 Development Contributions Plan 2021 – Amendment No.1'. This will provide for the capacity to fund more local infrastructure in accordance with the Community Strategic Plan (CSP), ensuring the community continues to be serviced by infrastructure which supports the intended growth. New development resulting from the recommended planning controls will also make use of State infrastructure including the Parramatta Light Rail and Sydney Metro. With regards to school infrastructure, Schools Infrastructure NSW's submission of April 2021 expressed concerns on the potential impacts on the operation of Parramatta North Public School, Bayanami Public, Northmead Creative and Performing Arts High School from the proposed options, particularly the high-rise options and the potential population increases. It proposed additional consultation be undertaken prior to finalisation of the draft Strategy. Schools Infrastructure will be consulted on the Planning Proposal (if endorsed by Council).

4. Traffic and parking and public transport

Traffic was raised as an issue, predominantly from residents within the NEPIA with any increases in

density being perceived to compound the effect of traffic and parking issues that exist in the area.

However, supporters of the higher density options (including option 6) see the State Government's investment in transport infrastructure in the area, such as Sydney Metro and the Parramatta Light Rail, being aligned with the higher density options. Reference was also made in some submissions to a site-specific proposal in Harold Street proposing at that time a maximum height of 80 metres and an FSR of 6:1. These submitters were of the view that these controls could be applied across the NEPIA as a logical and viable future for the precinct and owing to the area's proximity to the Parramatta Light Rail and Sydney Metro rail system.

A number of respondents (approximately 11% of total respondents) were of the view that because the NEPIA has proximity to the Parramatta Light Rail, this was sufficient justification for increases to densities in the range of Options 3 to 6.

As a principle, Transport for NSW supports high density development that has proximity to public transport. However, Transport for NSW recommends transport impact assessment be undertaken prior to the finalisation of the Planning Strategy to identify the potential impacts to the traffic and transport network from the proposed built form options (1 – 6), including the ability of the adjacent networks to adequately accommodate the trip demand of the built forms and identify any potential negative impacts to the light rail journey time along Church Street.

Council Officer response: In May 2021, after the exhibition of the Planning Strategy, the Department took over the planning process for the Church Street North Precinct. As part of that process, the Department undertook its own consultation with key State agencies and other parties including Transport for NSW, some 18 months after Council received Transport for NSW's submission on the Planning Strategy. It means that the currency of Transport for NSW's submission on the Planning Strategy may be somewhat outdated. This process led to the forthcoming CSN SEPP which will introduce new LEP controls for the Church Street spine and as described above the Department's view of the NEPIA being a transition between the higher density on Church Street and the HCA's low scale residential areas.

The Department's Finalisation Report for the CSN SEPP also states, *In light of the evolving housing crisis...the department has...prepared a rezoning to provide certainty and accelerate housing delivery along the Parramatta Light Rail corridor* (p. 4).

The NEPIA is generally subject to the same traffic conditions as the Church Street North Precinct and its proximity to existing public transport makes use of State infrastructure, services and facilities in the City centre and wider area.

Access to public transport options will encourage a mode shift from private vehicles and this is being further supported by recommended new car parking rates for future development.

Proposed parking rates in the DCP controls for the NEPIA (contained in Attachment 2 to the Local Planning Panel Report) are maximum rates to mitigate parking overflow and reduce dependencies on kerbside parking. These respond to the Integrated Transport Plan (ITP) undertaken for the CBD Planning Proposal which established parking rates for Parramatta City Centre and are being recommended as a framework for determining parking rates within the NEPIA. The NEPIA's anticipated development typology (podium and tower with basement) is further justification for the application of maximum parking rates.

Adopting these recommendations are a response to the key points raised in the submissions regarding parking. Applying *maximum* parking rates for the NEPIA will address car dependency and demand for parking spaces. These controls can be found in **Section 8.3.10.7** of the draft DCP.

5. Environmental matters

- Some respondents expressed concern about potential environmental impacts such as wind tunnelling and heat stress from hard surfaces and removal of trees associated with extending high-rise building forms from the Church Street spine into the NEPIA.

Council Officer response: The recommended draft LEP and DCP controls for the NEPIA allow for 'viewsheds' which provide for a break between buildings extending from the Church Street sites to the NEPIA area. These also enable blue sky views from Sorrell Street. As well, the recommended building footprints in the draft DCP controls seek to provide larger contiguous deep soil areas for planting large trees, which will assist with mitigating wind tunnelling and heat stress impacts.

6. Economic viability and design quality of buildings

Ten (10) (approximately 5%) of respondents expressed that the 6:1 FSR option was the only economically viable option that could adequately fund the turning over of existing development in the NEPIA. These respondents were concerned that where existing buildings provide for less density, these will need to be demolished and replaced with denser buildings that 'make better use' of sites that are proximate to transport infrastructure and the City Centre.

Council Officer response: The respondents of this position did not support their submissions with any economic evidence, the issue of proximity to the city and transport is addressed above.

7. Council endorsement of option 6

Some submitters raised that because Council had previously endorsed a 6:1 FSR for the NEPIA (on 25 November 2019) and because this is a formal position of Council, that it is sufficient for this FSR to be formalised through an LEP amendment.

Council Officer response: Since the exhibition of the Planning Strategy in 2021, further technical urban design and policy work (SEPP) has been undertaken by the Department which is summarised in the Department's Finalisation Report for the CSN SEPP. This work has identified that the NEPIA should form a transition area between the higher density Church Street spine situated within the Parramatta City Centre to the west, and to the Sorrell Street HCA and corresponding R3 Medium Density Residential and R2 Low Density Residential zoned land situated to the east, with the 'viewshed' approach determining this transition height.

Conclusion

As the proposed LEP and DCP amendment progresses (as detailed in the LPP and Council Report), the community, stakeholders and public agencies that provided submissions on the draft Planning Strategy will again be consulted. Consultation will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning Regulations 2021* as well as with the community participation requirements contained in Council's Community Engagement Strategy and any conditions of a Gateway determination issued by the Department (should Council resolve to seek this).