

Statement of Environmental Effects

63-67 PINE STREET,
RYDALMERE

14 APRIL 2021



QUALITY ASSURANCE

PROJECT: Residential Flat Building x 35 Dwellings

ADDRESS: 63-67 Pine Street, Rydalmere

LOT/DP: Lots 10-12 Section 5 in DP977669

COUNCIL: City of Parramatta

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
February 2021	Client Review	Draft	SK	JW
14 April 2021	DA Lodgment Issue	Final	SK/JW	JW

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the amalgamation of 3 land parcels (Lots 10-12 Section 5 in DP977669), removal of identified trees and the demolition of all existing structures in-order to construct a 4 storey residential flat building pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009 at 63-67 Pine Street, Rydalmere.

The development comprises of 35 residential units over a basement level containing a total of 35 car parking spaces. It is noted that 971.56m² of GFA or 12 of the units will be dedicated as affordable housing and area to be used for a period of no less than 10 years as affordable dwellings as defined under the Affordable Housing SEPP. Furthermore, the development has allocated 4 adaptable units and a further 6 units will achieve a silver level standard.

The key aspects of the proposal are as follows:

Key Controls:

The key control are as follows:

- Height: >11m (11m)
- FSR: 1.16:1 (0.8:1 with FSR Bonus of 0.36:1)
- Affordable Units: 12 units or 36% of the GFA.
- Adaptable Units: 4 units or 11.4%
- Silver Level Unit: 6 units or 17.1%
- Communal Open Space: 462.5m² (20.06%)
- Deep Soil Zone: 344.5m² (15.0%)
- Landscaped Area: 806.3m² (35.0%)
- Solar Access: 74.2% of units achieve a minimum 2 hours of solar access
- Natural Ventilation: 22 out of 35 units or 63% of all units achieve natural cross ventilation

Residential Units:

A total of 35 dwellings with the following breakdown:

- 7 x 1 bedroom apartments;
- 24 x 2 bedroom apartments; and
- 4 x 3 bedroom apartments.

Parking:

A total of 35 residential carparking spaces including 4 adaptable parking spaces is provided within the basement level with a new double width vehicular crossover, driveway and graded ramp located towards the north-eastern corner of the site via Pine Street. The development also provides a total of 18 bicycle parking spaces, 3 motorbike parking spaces and a dedicated car wash bay.

The development site which currently comprises of 3 individual land parcels, once consolidated will consist of a large regular shaped land parcel with a frontage of approximately 50.32m to Pine Street and a total site area of 2,304.5m².

Bounding an industrial estate along its western boundary and a school to its south eastern boundary, the development site resides on the northern side of Pine Street, approximately 45m west from the intersection of Myrtle Street and Pine Street. The proposal is within walking distance to a local neighbourhood centre, ALDI Rydalmere, child care facilities and local parks. The locality is also serviced by public transportation including bus stop with regular services to Sydney, Ryde, West Ryde and Burwood within a 200m radius and Rydalmere Ferry Wharf located 1.1km south-east from the development site. The development site is also within close proximity to 2 light rail stops associated with the Parramatta Light Rail, which is expected to open in 2023.

The site is zoned R4 High Density under the Parramatta Local Environmental Plan 2011, with a maximum permitted FSR of 0.8:1 and a maximum height limit of 11m. 'Residential Flat Building' are permissible with consent within the R4 Zone. The State Environmental Planning Policy (Affordable Rental Housing) 2009 is applicable to the subject site, as it is located within an accessible area and is located within 400m of bus stops with regular services compliant with the SEPP ARH.

The SEPP allows Residential Flat Buildings an FSR bonus up to an additional 0.5:1 Floor Space Ratio to the existing FSR of 0.8:1, allowing the subject site a proposed FSR of 1.16:1. The development is seeking to utilise the ARH SEPP 2009 to provide 971.56m² of floor space (0.36:1) for affordable units resulting in the development having a potential maximum floor space ratio of 1.16:1.

Located within the bounds of East Rydalmere Precinct associated with the Parramatta Development Control Plan 2011, the proposed storey residential flat building has been designed to comply with key planning requirements including FSR (noting FSR bonus afforded under the ARH SEPP 2009), deep soil and landscaping. The proposal incorporates a minor variation to the delivery of communal open space and also with the maximum building height providing under the LEP. However as discussed further in this statement, the proposal provides private open space in accordance with the ADG whilst nearby parks ensure future residents have ample passive and recreational opportunities.

In regards to the non-compliance to the height controls, it is a function of the additional GFA permitted under the ARH SEPP and the additional height has merit and is worthy of support pursuant to Clause 4.6 of the PLEP 2011. Refer to Annexure 1 for detail.

The built form character within the subject residential block is dominated by buildings associated with St Marys Primary School and a recent constructed 3 storey residential flat building (DA/624/2014/A) with the remaining land uses are low density in nature, noting 44-46 Wattle Street is subject to a DA to redevelop as a modern residential flat building. With the block being zoned for higher density development by virtue of its R4 Zoning, and with an absence of heritage items and in-conjunction with the high demand for housing within Sydney, it is expected that the remaining stock of one and two storey residential dwellings will redeveloped for higher densities.

The development seeks to utilise the land in accordance with the zoning, and aims to present a strong interface to Pine Street and will set the tone and scale for future development within the residential block. The proposal will also contribute towards providing alternative residential accommodation opportunities within Rydalmere, by delivering a total of 35 residential units within the subject area including the delivery of 12 affordable units.

As detailed further in this statement the development concept is consistent with the planning principles applying to the site and represents an efficient use of well-located land. Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land; the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE & LOCALITY DESCRIPTION

Subject Site

Located within an established residential estate, the development site resides on the northern side of Pine Street, approximately 45m west from the intersection of Myrtle Street and Pine Street.

The development site which currently comprises of 3 individual land parcels, once consolidated will consist of a large regular shaped land parcel with a frontage of approximately 50.32m to Pine Street and a total site area of 2,304.5m².

Accommodating three older style single storey residential dwelling, the development site bounds R4 zoned dwelling house to the north, industrial land use to the west and a school to the east with Pine Street separating the site from single storey dwelling to the south. An aerial photograph is provided below for context of the subject site.

Figure 1: Aerial Map of Subject Site (Source: Six Map)



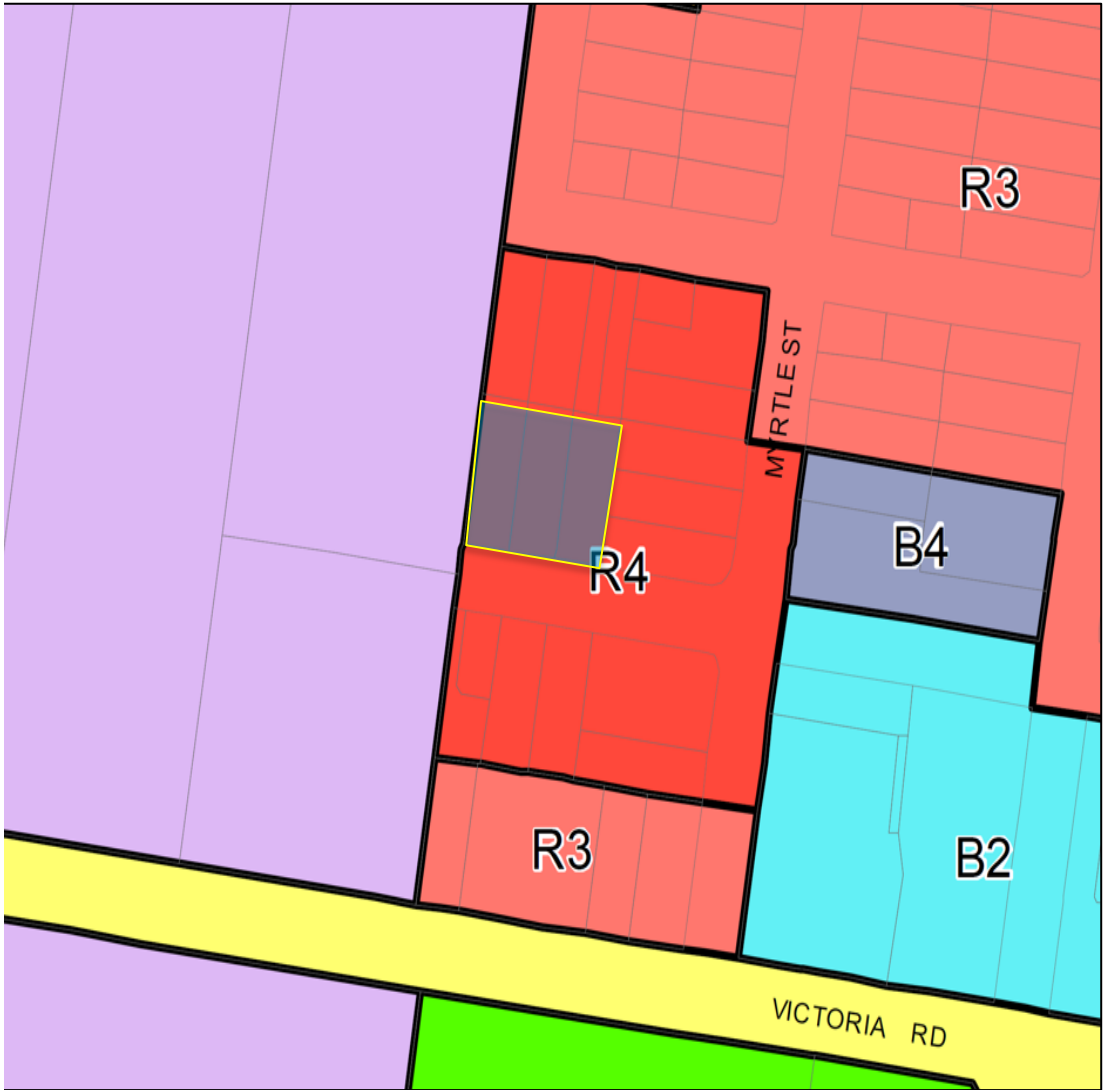
 Subject Site


The site experiences a cross-fall from the north-eastern corner of the site, falling towards the south-western corner of the site, a fall of approximately 2m, indicating that the site is suitable to accommodate the proposed residential flat building. It is also noted that the proposal has been designed to follow the natural contours of the site to minimise excessive cut and fill.

Zoning

As evident in the zoning map extract below, the subject site is zoned R4 – High Density Residential under the provision of the Parramatta Local Environmental Plan 2011. ‘Residential Flat Buildings’ are permissible with consent within the R4 zone with the subject site permitted a maximum building height of 17.5m.

Figure 2: Zoning Map Sheet LZN_014 Extract (Source: Parramatta LEP 2011)



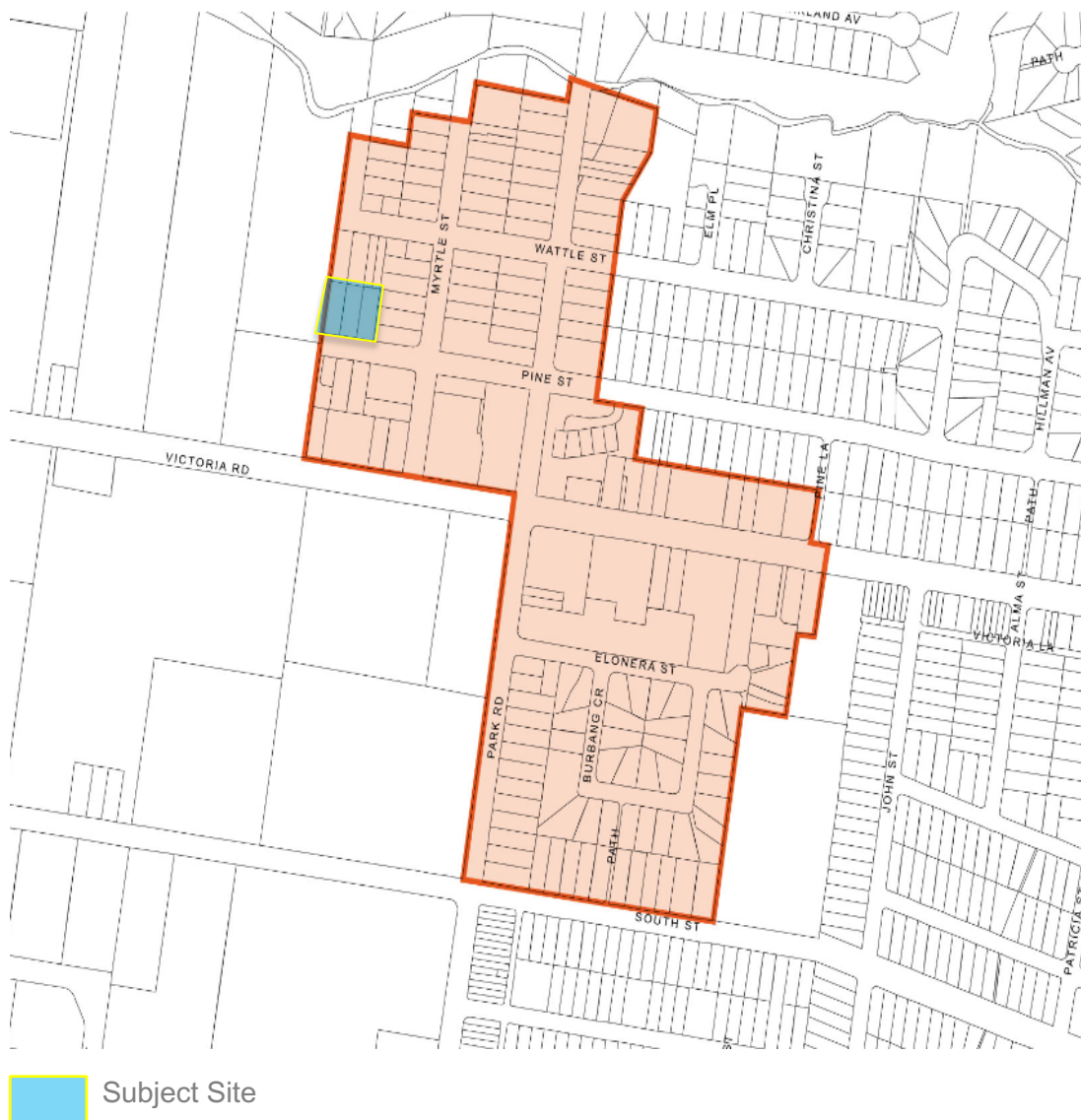
 Subject Site

The existing dwelling are in a reasonable condition, however they are significantly underutilising the site's full development potential given its R4 zoning which permits higher density residential developments including residential flat buildings up to 11m.

(East) Rydalmere Precinct

The development site is located within the (East) Rydalmere Precinct associated with the Parramatta Development Control Plan 2011 as illustrated by the (East) Rydalmere Precinct Map extract below.

Figure 3: Aerial Map of Subject Site (Source: City of Parramatta)

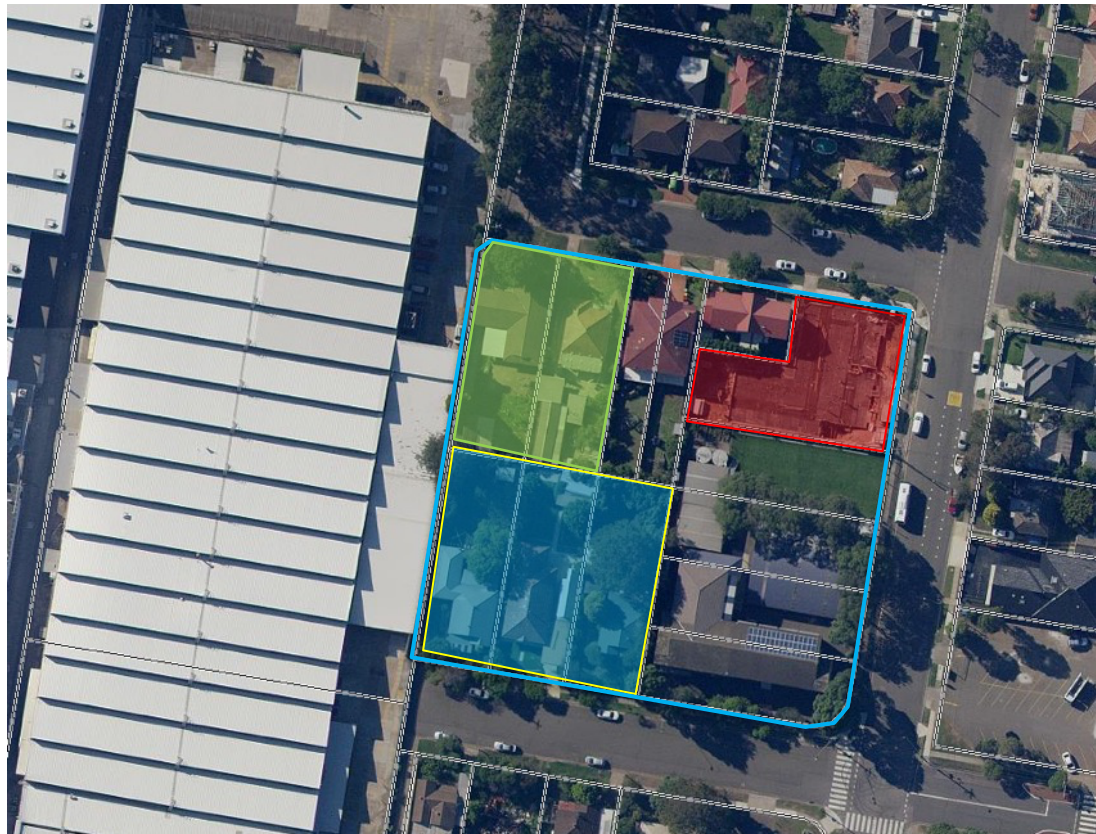






The development is consistent with the objectives of the Precinct as it will deliver higher density residential development whilst increasing the housing stock within Rydalmere by 32 additional units or a total of 35 units.

Subject Residential Block

As illustrated by an aerial map extract below, the development site resides within a small R4 zoned residential block bounded by Wattle Street to the north, Myrtle Street to the east, Industrial zoned land parcel to the west and Pine Street to the south.

Figure 4: Subject Residential Block Map Extract (Source: Six Maps)



-  Subject Residential Block
-  Subject Site
-  Residential Flat Building Recently Constructed
-  Approved Residential Unit Development

Currently, the built form character within the subject residential block is dominated by buildings associated with St Marys Primary School and a recent constructed 3 storey residential flat building (DA/624/2014/A) with the remaining land uses are low density in nature, noting 44-46 Wattle Street is subject to a DA to redevelop as a modern residential flat building.

With the block being zoned for higher density development by virtue of its R4 Zoning, and with an absence of heritage items and in-conjunction with the high demand for housing within Sydney, it is expected that the remaining stock of one and two storey residential dwellings will be redeveloped for higher densities.

The development seeks to utilise the land in accordance with the zoning, and aims to present a strong interface to Pine Street and will set the tone and scale for future development within the residential block.

The proposal will also contribute towards providing alternative residential accommodation opportunities within Rydalmere, including affordable units.

Broader Locality Analysis

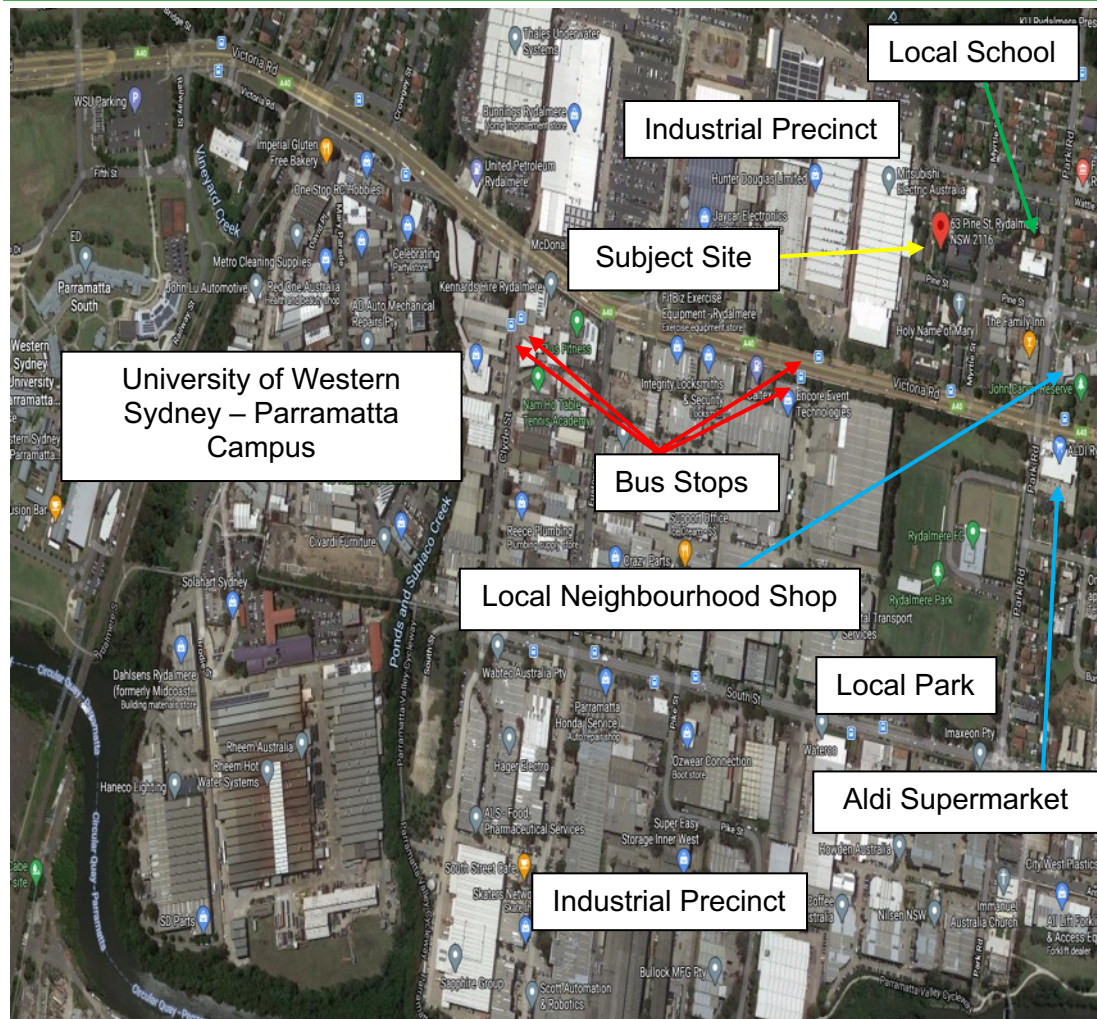
The Metropolis of Three Cities Strategy, the regional strategy for the Sydney Region supports higher residential development in strategic locations to accommodate future population growth, and Council has zoned the subject block including the subject site R4, which permits higher density residential development.

Furthermore, the subject area is ideal for future urban intensification as it is within close proximity to a local school, child care facilities, places of public worship and services within the local neighbourhood shops and a ALDI Supermarket.

The locality is also serviced by public transportation including bus stop with regular services to Sydney, Ryde, West Ryde and Burwood within a 200m radius and Rydalmere Ferry Wharf located 1.1km south-east from the development site. The proposal is also within proximity to future Parramatta Light Rail stops (Stop 13 Rydalmere and Stop 14 Dundas).

Furthermore, the University of Western Sydney – Parramatta Campus is within a short car trip from the development site, as shown on the broader locality map extract provided in the following page.

Figure 5: Broader Locality Map Extract (Source: Google Maps)



The proposed high density residential flat building will align with the principles of urban consolidation which seek to ensure the efficient use of community infrastructure by providing higher density development at strategic locations.

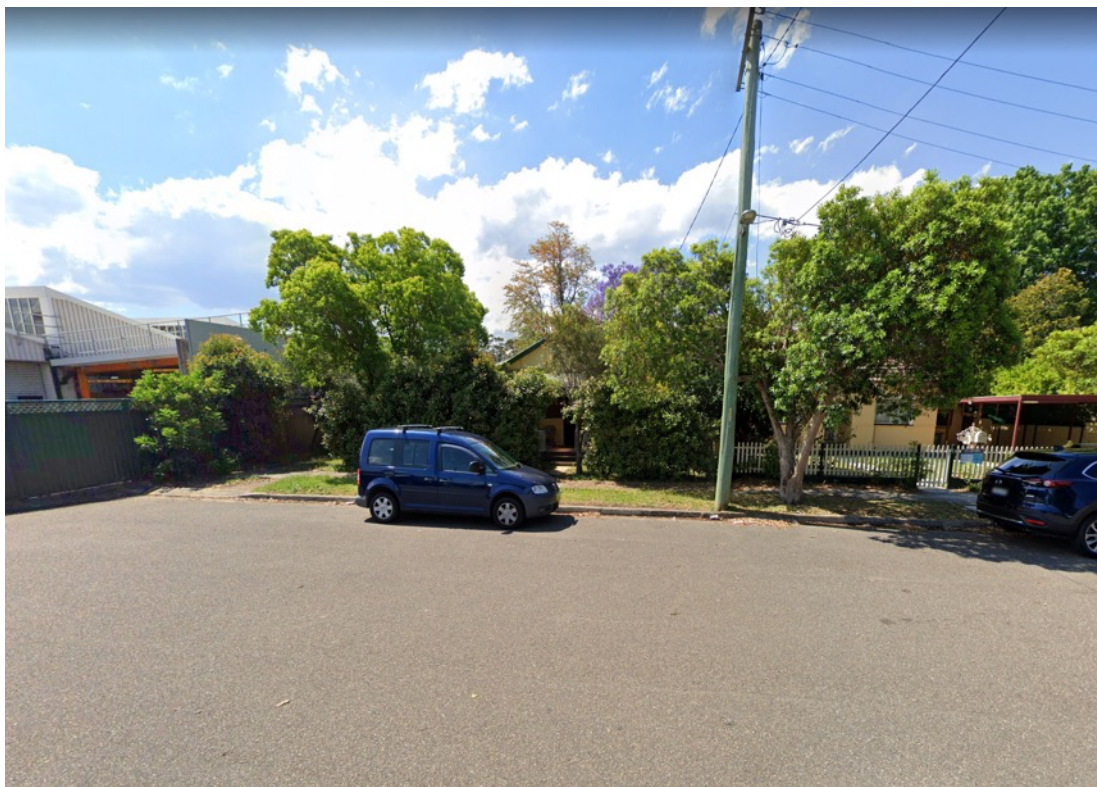
The proposal will positively contribute towards increasing the housing choice and housing stock within Rydalmere by 32 additional dwelling or a total of 35 dwellings.

Photographs are provided in the following page that give context to the locality and also the relationship of the development site with adjoining developments.

Photograph 1: Shows 63 Pine St & adjoining school as viewed from Pine St



Photograph 2: Shows 65-67 Pine St & adjoining industrial land as viewed from Pine St



Photograph 3: Shows existing streetscape along Pine St, looking westwards



Photograph 4: Shows existing streetscape along Pine St, looking eastwards



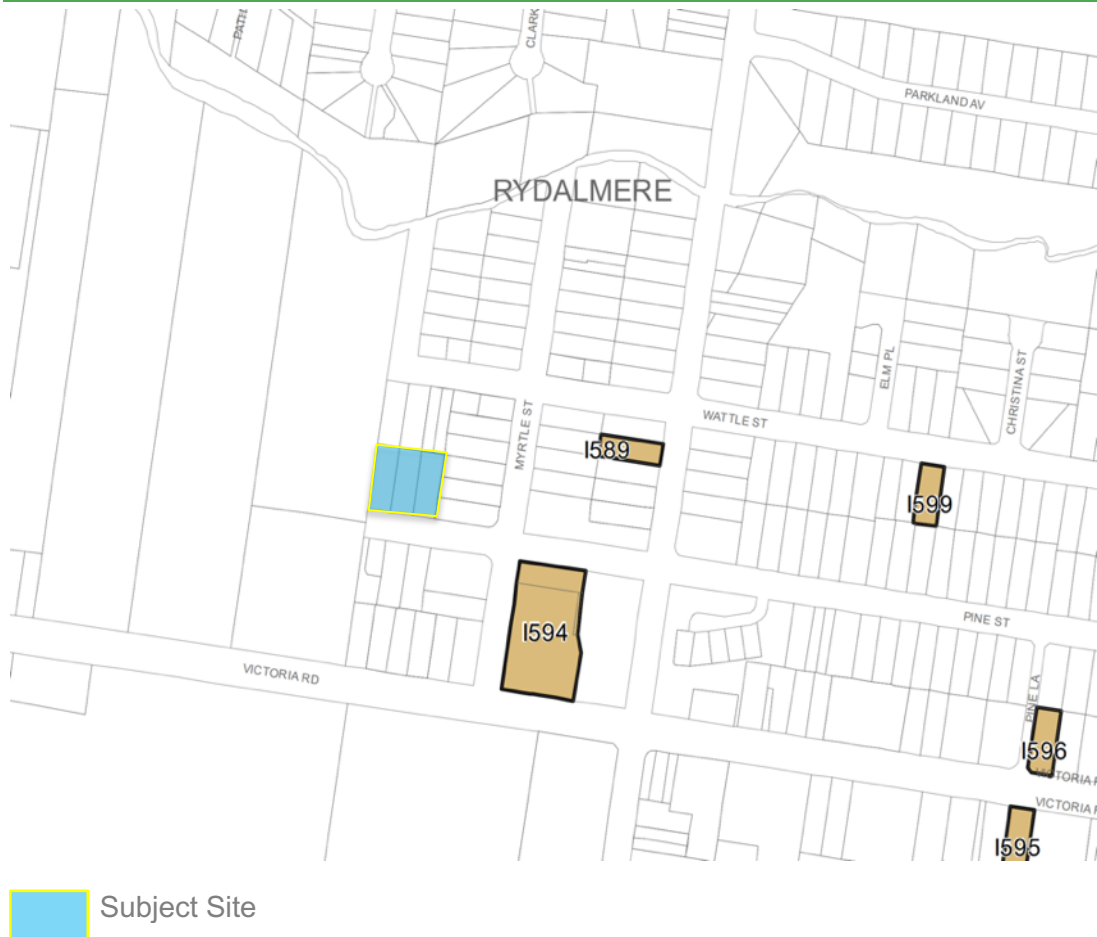
Photograph 5: Shows a recently constructed residential flat building at 16-18 Myrtle St, as viewed from Myrtle St looking westwards



Heritage

The site is not identified as a heritage item or is it located within a heritage conservation area, however there are local heritage item within the broader locality, as illustrated by a heritage map extract below.

Figure 6: Heritage Map Sheet HER_014 Extract (Source: Parramatta LEP 2011)



The development site is sufficiently separated from the local heritage items with existing road networks and urban development's provides adequate buffer and therefore the proposal will have no impact on the curtilage associated with the heritage items.

With the proposal being consistent with the future built form envisioned by Council and considering the adequate separation to heritage items, a detailed 'Heritage Impact Statement' is not required.

As such the development site is not subject to any heritage restrictions.

DESCRIPTION OF PROPOSAL

This Development Application proposes to amalgamate three separate land parcels (Lots 10-12 Section 5 in DP977669), remove identified trees and demolish all existing structures in-order to construct a 4 storey residential flat building pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009 at 63-67 Pine Street, Rydalmere.

The development comprises of 35 residential units over a basement level containing a total of 35 car parking spaces. It is noted that 971.56m² of GFA or 12 of the units will be dedicated as affordable housing and area to be used for a period of no less than 10 years as affordable dwellings as defined under the Affordable Housing SEPP.

Furthermore, the development has allocated 4 adaptable units and a further 6 units will achieve a silver level standard.

The key aspects of the proposal are as follows:

Key Controls:

The key control are as follows:

- Height: >11m (11m)
- FSR: 1.16:1 (0.8:1 with FSR Bonus of 0.36:1)
- Affordable Units: 12 units or 36% of the total unit yield
- Adaptable Units: 4 units or 11.4%
- Silver Level Unit: 6 units or 17.1%
- Communal Open Space: 462.5m² (20.06%)
- Deep Soil Zone: 344.5m² (15.0%)
- Landscaped Area: 806.3m² (35.0%)
- Solar Access: 74% of units achieve a minimum 2 hours of solar access
- Natural Ventilation: 22 out of 35 units or 63% of all units achieve natural cross ventilation

Residential Units:

A total of 35 dwellings with the following breakdown:

- 7 x 1 bedroom apartments;
- 24 x 2 bedroom apartments; and
- 4 x 3 bedroom apartments.

Parking:

A total of 35 residential carparking spaces including 4 adaptable parking spaces is provided within the basement level with a new double width vehicular crossover, driveway and graded ramp located towards the north-eastern corner of the site via Pine Street. The development also provides a total of 18 bicycle parking spaces, 3 motorbike parking spaces and a dedicated car wash bay.

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Basement Level	<p>Access</p> <p><u>Vehicle</u> Access to the basement is via a graded ramp from the ground floor.</p> <p>The basement level includes internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.</p> <p>Parking</p> <p>A total of 35 residential carparking spaces including 4 adaptable parking spaces is provided within the basement level.</p> <p>The development also provides 18 x bicycle parking spaces, 3 motorbike and a dedicated car wash bay also within the basement level</p> <p>Waste Management</p> <p>Waste bin room including 12 x 240L waste bins and 6 x 240L recycling bins with also direct access to a separate bulky waste room.</p> <p>The bin tug storage room is located adjacent to the waste bin room.</p> <p>Service</p> <ul style="list-style-type: none">- Comms room- Meter room- Pump room- Plant room <p>Residential</p> <p>Residential storage room.</p>

	Lift core and stairwell.
Ground	<p>Access</p> <p><i>Vehicle Access:</i></p> <p>Access to the basement is via a new vehicle cross-over, driveway and graded ramp located towards the south-eastern portion of the site via Pine Street.</p> <p><i>Pedestrian Access:</i></p> <p>Primary pedestrian access from Pine Street including a ramp access to the primary entry point to the building.</p> <p>The development also provides direct private access from Unit G04 & G05 via its courtyards.</p> <p>Development also provides access to the rear communal open space via two pathway running along the site's western and eastern boundaries.</p> <p>Centrally located internal walkway providing access to gardens, ground floor residential units, stairwell exit points and lift core.</p> <p>Residential Unit</p> <p>A total of 8 residential within the ground floor with each unit provided with a kitchen, laundry, living area, dining area and courtyard accessed from living areas.</p> <p>The development provides the following unit breakdown:</p> <ul style="list-style-type: none"> - 1 x 1 bedroom unit; - 3 x 2 bedroom unit; and - 4 x 3 bedroom unit. <p>All 8 ground floor units have been allocated as affordable units with Unit G04 designed as an adaptable unit</p> <p>344.5m² or (15%) of deep soil zone</p> <p>806.3m² or (35%) of landscaped area including planter boxes</p> <p>292.5m² or (12.7%) of communal open space</p> <p>Access to the lift core and stairwells including egress stairwell from the basement level from the internal walkway.</p>

<p>Level 1</p>	<p><u>Access</u> <i>Central Walkway:</i></p> <p>Centrally located walkway providing access to all residential units within level 1, stairwells and a lift core.</p> <p>The walkway also includes planter boxes.</p> <p>Residential Unit</p> <p>A total of 10 residential within Level 1 with each unit provided with a kitchen, laundry, living area, dining area and courtyard accessed from living areas.</p> <p>The development provides the following unit breakdown:</p> <ul style="list-style-type: none"> - 2 x 1 bedroom unit; and - 8 x 2 bedroom unit. <p>Unit 101 – 104 have been allocated as affordable units with Unit 104 has been designed as an adaptable unit with Units 101 & 102 also designed to achieve a silver level.</p> <p>Access to the lift core and stairwells from the internal walkway.</p>
<p>Level 2</p>	<p><u>Access</u> <i>Central Walkway:</i></p> <p>Centrally located walkway providing access to all residential units within level 2, stairwells and a lift core.</p> <p>The walkway also includes planter boxes.</p> <p>Residential Unit</p> <p>A total of 10 residential within Level 2 with each unit provided with a kitchen, laundry, living area, dining area and balcony accessed from living areas.</p> <p>The development provides the following unit breakdown:</p> <ul style="list-style-type: none"> - 2 x 1 bedroom unit; and - 8 x 2 bedroom unit. <p>Unit 204 has been designed as an adaptable unit with Units 201 & 202 designed to achieve a silver level.</p> <p>Access to the lift core and stairwells from the internal walkway.</p>
<p>Level 3</p>	<p><u>Access</u> <i>Central Walkway:</i></p>

Centrally located walkway providing access to all residential units within level 3, communal open space, stairwells and a lift core.

The walkway also includes planter boxes.

Residential Unit

A total of 7 residential within Level 3 with each unit provided with a kitchen, laundry, living area, dining area and balcony accessed from living areas.

The development provides the following unit breakdown:

- 2 x 1 bedroom unit; and
- 5 x 2 bedroom unit.

Unit 304 has been designed as an adaptable unit with Units 301 & 302 designed to achieve a silver level.

170m² or (7.4%) of communal open space including an outdoor gym, outdoor lounge, garden and WC.

Access to the lift core and stairwells from the internal walkway.

The proposal also incorporates a number of ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans. A number of key trees are to be retained as detailed in the submitted Arborist Report.

The relevant architectural plans for the proposal have been prepared by Architex, while supporting reports have been prepared by relevant specialist consultants.

The design of the proposed Residential Flat Buildings is based on contemporary architectural aesthetics that reflects the higher density built form envisioned by Council. Design consideration has been given to the scale; size and form of the proposal in relation to the unique characteristics of the site and recently approved developments within the subject block.

Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties. In particular the proposal has been designed to focus living areas towards the street or rear of the site, with limited west and east facing living spaces/balconies to ensure there is limited impact to the existing industrial land use to the west and public school to the east. The proposal also incorporates separation to the east and also landscape plantings along the common boundary with the school.

The design of the proposed development incorporates contemporary architectural aesthetics that is consistent with residential flat buildings envisioned by SEPP 65 and the associated Apartment Design Guide.

The proposal complies with key planning requirements as discussed further and addressed in this report.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy BASIX
- State Environmental Planning Policy No. 55 – Contaminated Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and Apartment Design Guide
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Sydney Regional Environmental Plan – Sydney Harbour Catchment
- Parramatta Local Environmental Plan 2011

POLICY CONTROLS

The applicable policy control documents are: -

- Parramatta Development Control Plan 2011
- The Apartment Design Guide

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

STATE ENVIRONMENTAL PLANNING POLICY BASIX

Introduced on 1 July 2004, BASIX is an integral part of the NSW planning system. It assists in reducing potable water consumption and greenhouse gas emissions from new homes built in NSW.

The application has been assessed and is accompanied by a complying BASIX certificate that demonstrates how the dwellings will utilise 40% less energy and water than a typical dwelling pre Basix.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – CONTAMINATED LAND

Clause 7 of SEPP 55 provides:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Given the historical use of the site for residential purposes, land contamination is not likely. Kat

Council can be satisfied that the provisions of Clause 7 of the SEPP is satisfied as there is no change in the underlying category of use of the land (i.e. residential to residential).

If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development site is not located on a classified road and as a result it is not necessary to consider the provisions of Clause 102, and 104 of the SEPP.

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'.

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.

STATE ENVIRONMENTAL PLANNING POLICY – (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The development proposes to remove identified vegetation in-order to accommodate the proposed residential flat building noting that the site does not contain any significant vegetation.

Appropriate replacement and landscape embellishment works are to be undertaken within a high residential context in-accordance with the Landscape Plan.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT AND THE APARTMENT DESIGN GUIDE

The development application is accompanied by a design verification statement verifying that the architect (Robert Del Pizzo) has directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

A description of compliance with the applicable development facets and guidelines such as setbacks, building heights etc. is provided in the local planning controls discussion and tables below.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Apartment Design Guide can be found below, noting that a number of these provisions are embodied within the Parramatta Local Environmental Plan 2011 and supporting Parramatta Development Control Plan 2011.

Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street	The proposed flat building has been designed to address its frontage, with passive surveillance opportunities provided from primary living areas and balconies that overlook Pine Street. Direct pedestrian and vehicle access is to be provided to Pine Street.	Yes
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by >20%	Not applicable.	N/A
3C Public Domain Interface	Terraces, balconies should have direct street entry, where appropriate	Units G04 & G05 are provided with direct street entry to Pine Street with a graded pedestrian pathway via the internal walkway providing direct street access to the remaining ground floor units.	Yes
			Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	Mail boxes should be located in lobbies, perpendicular to the street alignment	Mail boxes are appropriately located.	Yes
	Substation, pump room, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	Majority of service rooms including the garbage room are to be located within the basement level, with the substation to be relegated to the south-western corner of the site and to be surrounded by landscaping to minimise its impact to the streetscape.	Yes
3D Communal and Public Open Space	<p><u>Design Criteria:</u></p> <p>Communal open space has a minimum area equal to 25% of the site</p>	<p>576m² (25.0%) required and 462.5m² (20.06%) provided with 292.5m² provided at the ground floor and 170m² provided within Level 3.</p> <p>It is worth noting that John Carver Reserve is within a 300m walking radius from the development site and Rydalmere Park also within walking distance which will ensure that all future residents will have access to active and passive recreational opportunities and therefore the non-compliance to the minimum communal open space is considered satisfactory and worthy of Council support.</p> <p>John Carver Reserve includes a children's playground, seating areas and picnic tables whereas Rydalmere Park boasts considerable open space facilities including large sports field, a bigger children's playground, a basketball court and netball court.</p> <p>The development however does provide a principal communal open space in accordance with the DCP which requires a minimum of 10m² of communal area per dwelling or 350m². It is also noted that the</p>	Variation

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		communal open space area will receive a minimum of 50% of direct sunlight for a minimum of 2 hours at mid-winter.	
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	Complies	Yes
	<u>Design Criteria:</u>		
	Minimum dimension of 3m	The common open space area has a width > 3m. Complies	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Proposal ensures that direct, equitable access in line with relevant Australian Standard is provide to communal open space areas from common circulation areas, entries and lobbies.	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	Common open space area is provided on the ground floor and also within Level 3.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:	Noted	Yes
	<ul style="list-style-type: none"> • seating for individual or groups • barbecue areas • play equipment or play area • swimming pools, gyms, tennis courts or common rooms 		
	Communal open space and the public domain should be readily visible from habitable room and private open space areas while maintaining privacy	The proposed RFB has been designed with the orientation of balconies and windows to maximise passive surveillance to the communal open space areas on the	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		ground floor and to the public domain.	
	Public open space should be well connected with public street along at least one edge	Direct access to the ground floor communal open space is via dedicated side pathways from Pine Street. See attached plans for detail.	Yes
3E Deep Soil Zones	<u>Design Criteria:</u>		
	A deep soil zone equivalent to 7% of the site must be provided	161.3m ² (7%) required with a total of 344.5m ² or 15% of the site area is dedicated for deep soil zones.	Yes
	If the site is between 650m ² to 1500m ² then the DSZ must have minimum dimension of 3m. If over 1,500m ² then minimum dimension of 6m	Minimum dimension of 3m	Yes
3F Visual Privacy			
Buildings separation up to 4 storeys (up to 12m)	12m between habitable rooms (6m) 6m between non-habitable rooms (3m)	The development is compliant with the principles of building separation with a side setback of between 6m-6.6m from the primary building line.	Yes
		The development provides complying building separation to the rear boundary	
		A handful of balconies encroach upon the prescribed building separation provision under the ADG relative to the west which is industrial land and hence there are no unreasonable privacy impacts to this area and the departure has merit given the remaining parts of the building are fully compliant.	Variation to West to Industrial interface

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
3G Pedestrian Access and Entries	Buildings entries should be clearly identified, and communal entries should be clearly distinguished from private areas	The proposal provides appropriate entries to the 4 storey building designed to be clearly identified and visible from the street level.	Yes
3H Vehicle Access	Car park access should be integrated with the building's overall façade	Vehicle access point to the car parking are integrated with the proposal building's overall façade	Yes
	Car park entry and access should be located on secondary streets or lanes where available	N/A. The development only has one frontage.	N/A
	Adequate separation distance should be provided between vehicle entries and street intersection.	The location of the vehicle driveway is sufficiently separated from the street intersection.	Yes
	Garbage collection, loading and service areas are screened	Garbage room is located within the basement level and is not visible from the street level.	Yes
	Clear sight lines should be provided at pedestrian and vehicle crossing	Clear sight lines are provided at pedestrian and vehicle crossing to ensure safety of pedestrians.	Yes
3J Carparking	<u>Design Criteria:</u> Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of: >20 units <u>Metropolitan Sub-Regional Centres</u> 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom units. 1 space per 5 units (visitor parking)	As the current application is pursuant to the Affordable Rental Housing SEPP, the parking rates under the SEPP apply to the current proposal.	N/A

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	<u>Design Guidelines:</u>		
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	Secure undercover covered bicycle parking spaces are provided within the basement level and have been located to be easily accessible from future residents.	Yes
Part 4 – Designing the Building			
4A Solar Access	<u>Design Criteria:</u>		
	Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	A total of 26 units out of 35 units (74% of units) achieve the required 2 hours of solar access at mid-winter.	Yes
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	The proposal has 9 units with no direct solar access due to the lot orientation and the southern boundary being the street frontage such that it is preferred to orient them to the street to maximise streetscape presentation and obtain a northern orientation to the COS. The departure is considered reasonable given the lot orientation in this instance.	Variation
4B Naturally Ventilation	<u>Design Criteria:</u>		
	60% of units are cross ventilated in a building up to 9 storeys	>60% are cross-ventilated. See DVS and cross-ventilation diagrams for full detail.	Yes
	Overall width of cross over or cross through apartments is < 18m	Complies	Yes
	<u>Design Guidelines:</u>		
	The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	Development delivers a mix of dual aspect apartments and corner apartments. See attached architectural plans for detail.	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
4C Ceiling Height	<u>Design Criteria:</u> 2.7m for habitable and 2.4m for non-habitable	Complies.	Yes
4D Unit Sizes	<u>Design Criteria:</u> 1 bed 50m ² 2 bed 70m ² 3 bed 90m ² +5m ² for each unit with more than 1 bathroom	All units comply with many unit exceeding, see attached plans for detail. Refer to unit configuration table for further detail.	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% <u>Design Criteria:</u>	Every habitable room is provided with a window.	Yes
Habitable Room Depths	Limited to 2.5m x Ceiling Heights	Despite the noncompliance with object 4D-2, Figure 4D.3 indicates that an 8.1m depth (3 x ceiling height) is ok for open plan apartments.	Yes
Bedroom sizes			
Master	10m ²	Comply	Yes
Normal	9m ²	Comply	Yes
Living room/dining areas have a minimum width of:			
3.6m	Studio/ 1 br	Comply	Yes
4m	2br / 3br	Comply	Yes
Open plan layouts that include a living, dining room and kitchen	8m to a window	Comply	Yes
4E Private Open Space			
Balcony Sizes			
1 bed	8m ² & 2m depth	Comply	Yes
2 bed	10m ² & 2m depth	Comply	Yes
3 bed	12m ² & 2.4m depth	Comply	Yes
	15m ² & 3m depth	Comply	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Ground level / podium apartments			
4F Common circulation and space	<u>Design Criteria:</u>		
Common circulation units per plate	8 – 12 unit per plate	<p>Development provides a lift core with a maximum of 10 units per plate per level having access to a lift core. This varies the 8 units however the ADG provides:</p> <p>- Objective 4F-1- Design Criteria 1: <i>The maximum number of apartments of a circulation core on a single level is eight.</i></p> <p>The ADG then goes on to state in the design guidance:</p> <p>- <i>Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:</i></p> <ul style="list-style-type: none"> - <i>Sunlight and natural cross ventilation in apartments;</i> - <i>Access to ample daylight and natural ventilation in common circulation spaces;</i> - <i>Common areas for seating and gathering</i> - <i>Generous corridors with greater than minimum ceiling heights;</i> - <i>Other innovative design solutions that provide high levels of amenity.</i> <p>Where Design Criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level;</p> <p>Therefore the ADG acknowledges that strict compliance with the 8 units is not always necessary, and up to 12 can be provided in situations where alternate lobby designs are</p>	Variation

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		<p>proposed- as is the case with the current proposal.</p> <p>The proposal satisfies the ADG provisions in the design guidance as follows:</p> <ul style="list-style-type: none"> - The lobby area comprises of a centrally located walkway surround a central void that permits the entry of natural light and air to the lobby; - The proposal exceeds the minimum requirements for solar access and cross ventilation; - The void space gives a feel of significant vertical height to the lobby areas much greater than a typical fully enclosed void; <p>Therefore given the high quality design of the lobby areas the proposal satisfies the ADG noting the lobby and circulation areas are significantly improved over a typical fully enclosed lobby space.</p>	
4G Storage	<u>Design Criteria:</u>		
	1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³ Minimum 50% of required storage is within the apartment	<p>The proposal provides:</p> <p>1 bed: >6m³ 2 bed: >8m³ 3 bed: >10m³</p> <p>This is provided within the ground floor parking and within the units themselves, and where appropriate a minimum of 50% of storage is to be provided within each individual unit.</p> <p>The development is considered to offer storage space that aligns with the provision of the ADG.</p>	<p>Yes</p> <p>Yes</p>
4H Acoustic Privacy	<u>Design Criteria:</u>		
	Adequate building separation is provided within the development	Development has provided adequate separation from neighbouring buildings/properties	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	and from neighbouring buildings/adjacent uses	in-line with 3F Visual Privacy – design criteria above.	
	Windows and door openings are generally orientated away from noise source	Where appropriate windows and door openings are orientated away from noise sources.	Yes
	Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.	Yes
4K Apartment Mix	<u>Design Guidelines:</u> A variety of apartment types is provided	Dwelling diversity provided with the development providing the following unit mix: <ul style="list-style-type: none"> ○ 7 x 1 bedroom unit; ○ 24 x 2 bedroom unit; and ○ 4x 3 bedroom unit. <p>The proposed unit mix will offer a variety of housing choice. The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p>	Yes
4M Facades	<u>Design Guidelines:</u> Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements. Overall the proposed facade is considered a quality design outcome that is compatible with other comparable modern residential	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		developments within the broader locality whilst aiming to set the tone and scale for future comparable RFB within (East) Rydalmere Precinct.	
4O Landscape Design			
Site Area			
850m² to 1500m²	1 large tree (12m) or 2 medium trees (8m – 12m) per 90m ² of DSZ	Complies – refer to attached Landscape Plan.	Yes
4Q Universal Design			
20% of the total apartments	Achieve Liveable Housing Guidelines silver level universal design features	Proposal complies with Parramatta DCP requirements for adaptable unit, noting that the development provides 4 adaptable units (11.4%) and a further 6 units (17.1%) achieve silver level.	Yes
4U Energy efficiency			
20% of the total apartments		The application is accompanied by a BASIX Certificate that confirms that the units will be 40% more energy efficient than the average NSW home pre-BASIX.	Yes
4V Water management and conservation	<u>Design Guidelines:</u> Reduce mains consumption, and reduce the quantity of stormwater runoff	The residential development has been provided with BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4W Waste Management	<u>Design Guidelines:</u> Supply WMP Allocate storage area	Provided. Appropriate waste storage areas are provided within the basement level.	Yes Yes
4X Building Maintenance	<u>Design Guidelines:</u>		Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	To ensure long life and ease of maintenance for the development	The proposed material is considered durable which may be easily cleaned.	

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 was introduced in July 2009 as a response to the ongoing issue of housing affordability within NSW. This section of the Statement addresses the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The aims of Statement Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) are:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) to support local business centers by providing affordable rental housing for workers close to places of work,*
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

This proposal complies with these aims as it:

- Provides an opportunity for the creation of affordable housing dwellings;
- Ensures that key workers, students and retirees in the Rydalmere area can access affordable housing; and
- Facilitates the creation of useable housing that meets the demands for this market.

Part 2 New Affordable Rental Housing: Division 1 In-Fill Affordable Housing

Clause 10- Development to which Division Applies

The SEPP applies as residential flat buildings are permitted within the R4 Zone with consent under the PLEP 2011 and the development site is within an accessible area.

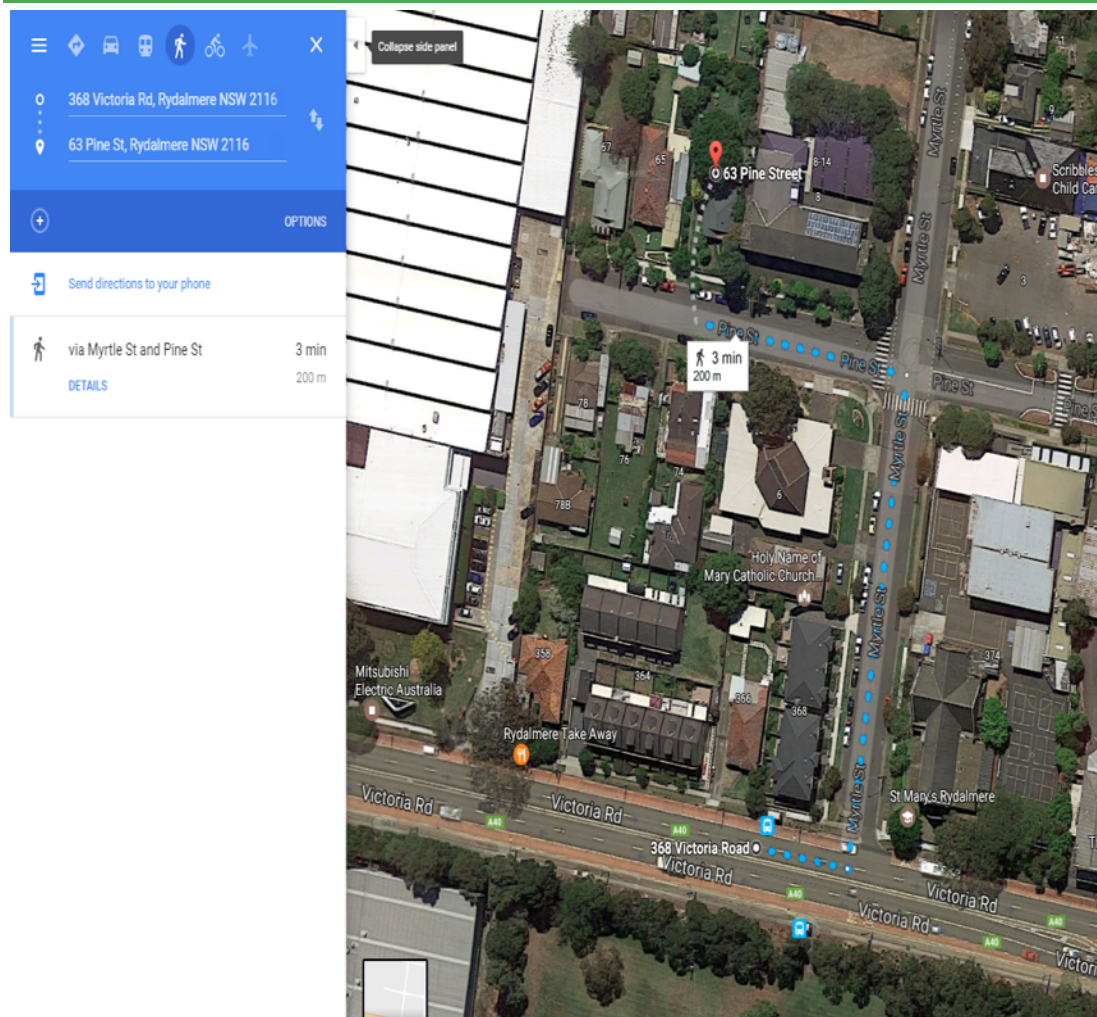
In the case of this development site an accessible area, means land that is within:

(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station,

The SEPP applies as residential flat buildings are permitted within the R4 Zone with consent under the Parramatta Local Environmental Plan 2011, with bus stops with extensive services to Sydney, Burwood, West Ryde, Ryde and Parramatta located within a 400m walking radius of the subject site. This is illustrated by a route map in the following page.

It is also noted that the subject site is within a 1.3km walking distance from Rydalmere Train Station and a 1.1km walking distance from Rydalmere wharf. Furthermore the proposal is also within proximity to future Parramatta Light Rail stops (Stop 13 Rydalmere and Stop 14 Dundas)

Figure 7: Walking distance to Wansey Road Light Rail Stop (source Google maps)



As well the site can be considered to be accessible as it satisfies the requirements for bus services that is outlined below:

400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

Clause 13- Floor Space Ratios (FSR)

A maximum floor space ratio of 0.8:1 is identified for the site under the Parramatta Local Environmental Plan 2119 Floor Space Ratio Map Sheet FSR_014.

The percentage of gross floor area associated with the affordable dwellings will be required to be at least 20%, and up to an additional 0.5:1 Floor Space Ratio to the existing FSR of 0.8:1, allowing the subject site a proposed FSR of 1.3:1.

The development is seeking to utilise the ARH SEPP 2009 to provide 36% or 971.56m² of floor space for affordable units resulting in the development having a potential maximum floor space ratio of 1.16:1.

Clause 14- Standards that cannot be used to refuse consent

The SEPP prescribed a number of standards that cannot be used to refuse consent. They are summarised within the table overleaf:

Control	Numerical Requirement	Proposed Development	Complies
Site Area	450m ²	2,304.5m ²	Yes
Landscaped Area	30% of site area	Required 691.35m ² . The proposal provides a total of 806.3m ² or 35% of the site area as landscaping.	Yes
Deep Soil Zones	15% of site area	Required 161.32m ² . The proposal provides a total 344.5m ² or 15% of the site area as deep soil zone.	Yes
Solar Access	3 hours to 70% of dwellings between 9am and 3pm at mid-winter	All 74% units achieve the 3 hours of solar access at mid-winter.	Yes

Parking at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms	7 x 1 Bed = 3.5 spaces 24 x 2 Bed = 24 spaces 4 x 3 Bed = 6 spaces Min 33.5 spaces required in total.	33.5 spaces required, and 35 spaces provided	Complies
Dwelling Size	1 Bed: 50m ² 2 Bed: 70m ² 3 Bed: 95m ²	1 Bed: >50m ² 2 Bed: >70m ² 3 Bed: >95m ²	Complies Complies Complies

Clause 15- Design Requirements & Clause 16- Continued Application of SEPP 65

The proposal involves a residential flat building and therefore the reference to the Seniors Living Policy: Urban Design Guidelines for Infill Development is not relevant to the current proposal. As noted by Clause 16 the provisions of SEPP 65 continue to apply to the development and the provisions of SEPP 65 are addressed previously in this statement.

Clause 16A- Character of Local Area

The design ensures compatibility with the local area as outlined in the planning principle established in *Project Venture Developments Pty Ltd V Pittwater Council*. Of particular relevance to the current proposal is the recent decision in *Moscaritolo v Ryde City Council* where Senior Commissioner Brown outlined, in relation to a proposal under the ARH SEPP, at [18] that:

I accept that any assessment of the proposed development against the character of the local area should include an assessment of existing building forms and also the character envisaged by the forms of development contemplated.

Future character is a consideration, noting that Council envisions the (East) Rydalmere Precinct as per its zoning to accommodate higher density residential flat buildings, as evident of a residential flat building recently constructed at 16-18 Myrtle with adjoining property to the site immediate northern boundary (44-46 Wattle Street) subject to a DA for a comparable residential flat building. As such the current application seeking to set the tone and scale for future higher density development along Pine Street.

A detailed discussion against the planning principle is provided in the following page. In accordance with the Planning Principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* the following tests apply in determining whether development is compatible with surrounding development:

24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

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

These questions will be dealt with in turn however it is important to note that as set out in the planning principle *'Compatibility is... different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve'*. Therefore it can be seen that it is not necessary that the development adopt the same built form, scale, and appearance as surrounding development.

In terms of the physical impacts of development the following points are made:

- The sites has been designed to minimise overshadowing of adjoining properties. Refer to attached Shadow Diagrams for details.
- Privacy impacts are mitigated through the provision of appropriate building separation, window placement (offset windows) and landscape embellishment works to mitigate privacy impacts to adjoining properties as far as practicable.
- Noise impacts arising from the proposal will predominantly be limited to traffic movements. Given the location and design of the basement entry it is not anticipated that the level of noise generated will substantially impact on adjoining properties; and
- The development proposal does not result in the constrained development potential of the adjoining properties or impact on any existing view corridors-noting that the immediate locality is earmarked for higher residential densities by virtue of its R4 zoning.

Therefore it can be seen that the physical impacts of the proposal are acceptable.

The planning principle establishes that the three (3) key elements that define urban character are building height, setbacks, and landscaping. In this regard the following comments are made:

Height

- The building height is predominantly below the maximum height provision contained in the Parramatta LEP 2011, with the exception of the lift core & overrun, stairwell, pergola structure associated with the roof top communal open space and part of the upper level – however the additional height is reasonable given the additional FSR permitted under the ARH SEPP. This is discussed further in this statement.

Setbacks

- The development is compliant with setback controls within the Parramatta DCP 2011.
- The building will sit comfortably in the streetscape. The spatial sequencing of the proposed built form is consistent with the setback found within higher density zones, noting that the development is to set the tone and scale including establishing front setback along Pine Street.

Furthermore, the proposed setbacks and building separation will ensure that the development will not create any adverse amenity, visual or privacy impact on adjoining properties.

Landscaping

- The landscape concept provides for appropriate deep soil and landscaped plantings within a high density residential context that will continue towards maintaining and enhancing the level of privacy and amenity enjoyed by existing residents of the area and for future residents of the proposal. The proposed landscaping will help to soften the built form of the proposed development and reduce the visual bulk and mass of the buildings and this will help the proposal to integrate with the site's context.
- A variety of species are proposed including small sized canopy trees, shrubs and hedge plantings, and groundcovers.

Based on the foregoing discussion it is considered that the development will exist in harmony with future development in the vicinity of the site and as such is worthy of support by Council as the development is compatible with the character of the locality.

Clause 17- Must be used for Affordable Housing for 10 Years

It is anticipated that conditions of consent will reinforce that the proportion of floor area to be used as affordable dwellings are to be used for a period of no less than 10 years as affordable dwellings.

Clause 18 –Subdivision

This application does not seek approval to subdivide the land.

SYDNEY REGIONAL ENVIRONMENTAL PLAN – SYDNEY HARBOUR CATCHMENT

The subject site is subject to the broad planning principles contained within the SREP. The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment. The relevant principles include:

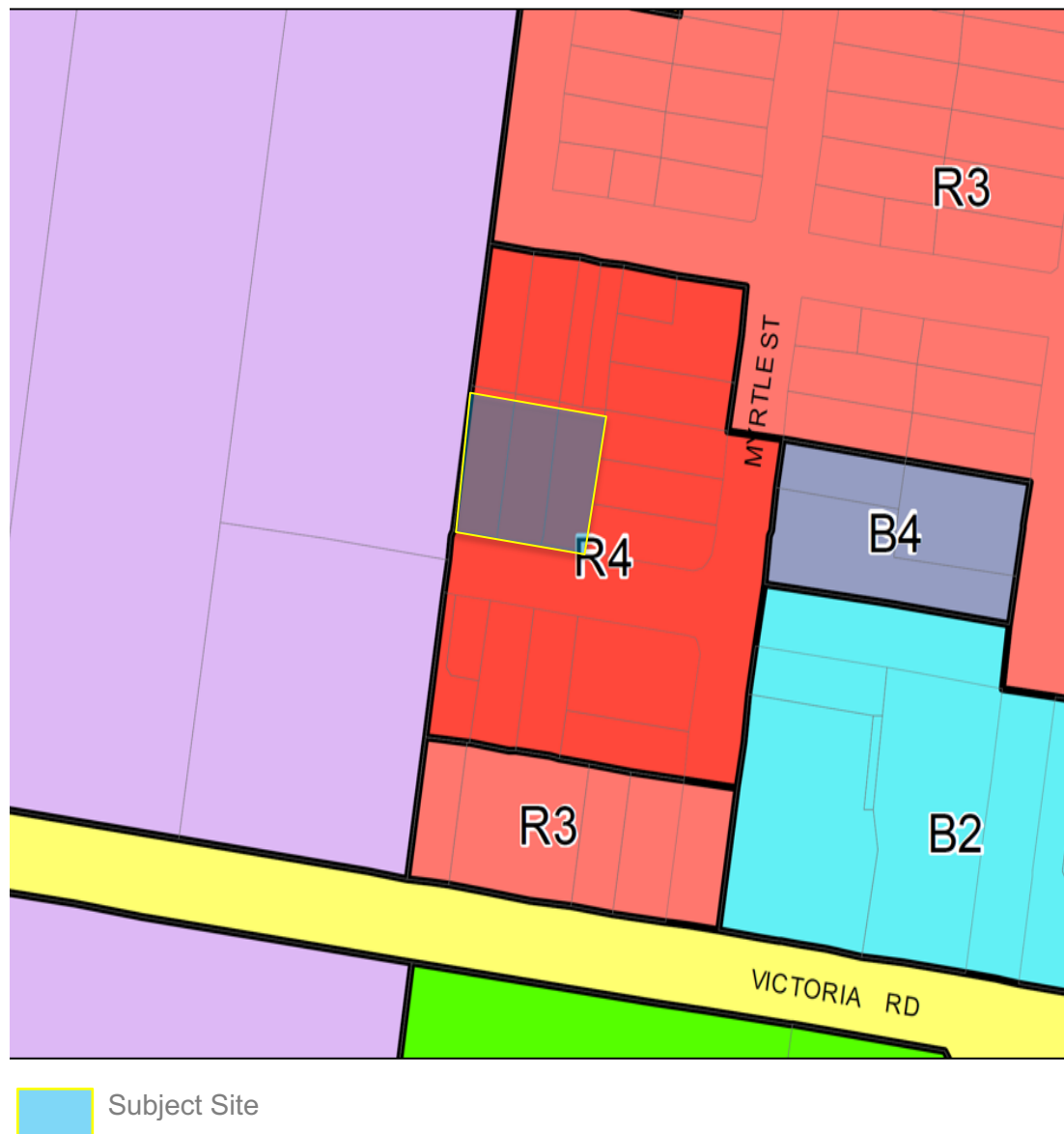
- Protect and improve hydrological, ecological and geomorphologic processes;
- Consider cumulative impacts of development within the catchment;
- Improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- Protect and rehabilitate riparian corridors and remnant vegetation.

The proposed development does not detract from the above listed principles given the nature of the development and the environmental safeguards proposed, including the detailed drainage concept and erosion and sediment controls that will be in place throughout the construction phase of the development.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

As evident via zoning map extract below, the development site is zoned R4 High Density Residential under the provisions of the Parramatta LEP 2011.

Figure 8: Zoning Map Sheet LZN_014 Extract (Source: Parramatta LEP 2011)



'Residential Flat Buildings' are permissible with consent on the subject site and the proposal is consistent with the definition contained within the LEP:

- **residential flat buildings** means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

The proposal is also consistent with the prescribed zone objectives that are stipulated as:

- *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.*

The proposal is consistent with the zone objectives and will provide an attractive modern flat building that is to appropriately address its frontage whilst contributing towards increasing the housing stock within Rydalmere, including affordable housing units.

The development aims to set the tone and scale for future higher residential development within the (East) Rydalmere Precinct, especially along Pine Street. The site is also well located and is within proximity to essential services, public transportation and recreational opportunities.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Parramatta Local Environmental Plan 2011 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	R4 – Residential Flat Building	A residential flat development is permissible with Council consent in the R4 – High Density Residential zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	<p>The proposal is consistent with the zone objectives of the R4 Zone. The site is currently underutilised in terms of its full zoning potential. The proposal will appropriately fulfil the subject site's zoning potential and will increase housing stock within Rydalmere.</p> <p>Furthermore, the proposal provides an attractive building that aims to set the design standard and the tone and scale for future character and build form within the subject residential block.</p>	Yes

2.6	Subdivision – Consent Requirements	Council consent is not sought for strata subdivision at this stage.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site in accordance with the submitted Demolition Plan.	Yes
Part 4 Principal Development Standards			
4.3	Height of Buildings: 11m	<p>A maximum building height of 11m is identified for the site under Parramatta Local Environmental Plan 2011 Height of Buildings Map Sheet HOB_014.</p> <p>The proposal varies the height control as discussed in the submitted Clause 4.6 variation request. This is a function of the additional GFA permitted under the ARH SEPP and the additional height has merit and is worthy of support pursuant to Clause 4.6 of the PLEP 2011.</p> <p>A variation is sought and provided within Annexure 1.</p>	Clause 4.6 Variation
4.4	Floor Space Ratio:	<p>A maximum floor space ratio of 0.8:1 is identified for the site under Parramatta Local Environmental Plan 2011 Floor Space Ratio Map Sheet FSR_014.</p> <p>The development is to be undertaken in pursuant with the State Environmental Planning Policy (Affordable Rental Housing) 2009 (within an accessible area as identified under the SEPP) which permits Residential Flat Buildings with an additional floor space bonus of up to 0.36:1 as per the ARH SEPP discussion.</p>	Yes – SEPP ARH 2009

Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	<p>The site is not identified as a heritage item, however there are two heritage items (I589 & I594) located within close proximity to the subject site. It is noted that there is sufficient separation between the subject site and the heritage items with existing development acting as visual buffer, and as such the proposal will not impact upon the heritage significance of the heritage items.</p> <p>A detailed Heritage Impact Statement is not considered necessary given the physical separation meaning there is no impact on the items or their setting.</p>	Yes
Part 6 Additional Local provisions			
6.1	Acid Sulfate Soils	<p>The subject site is not identified as being affected by Class 5 Acid Sulfate Soils under Parramatta Local Environmental Plan 2011 Acid Sulfate Soils Map Sheet ASS_014. Notwithstanding the proposal is not located within 500m of adjacent Class 1, 2, 3 or 4 Acid Sulphate Soils and the proposal will not have any adverse impact on site or on its surrounds.</p>	N/A
6.2	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the basement car parking area will have minimal adverse environmental or amenity impact.</p> <p>It is considered that the proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p>	Yes

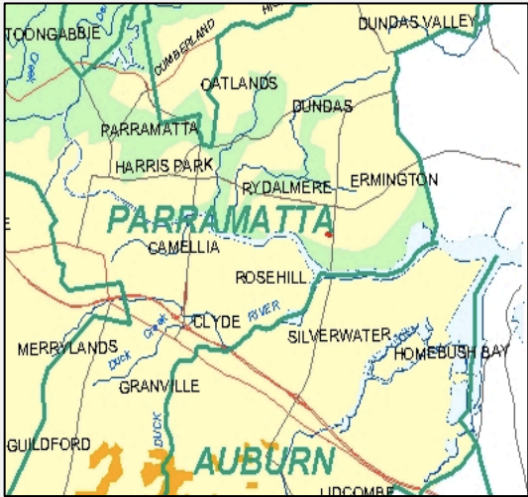
		It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	
6.3	Flood Planning	The site is not identified as being flood prone. Not applicable.	N/A
6.4	Biodiversity Protection	The site is not identified on the Natural Resources Biodiversity Map.	N/A
6.5	Water Protection	The subject site is not identified on the Natural Resources Riparian Land and Waterways Map.	N/A
6.6	Development on Landslide Risk Land	The site is not identified as being subject to landslide risk.	N/A
6.7	Foreshore Building Line	The proposal is not within close proximity of the foreshore and is not located within the foreshore building line.	N/A

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

All relevant Council controls have been identified and considered in the following compliance table.

Parramatta Development Control Plan 2011 – Compliance Table			
Clause	Controls	Comments	Complies
Part 2 Site Planning			
2.1	Design in Context in the Parramatta City	<p>It is noted that development for the purpose of a <i>'Residential Flat Building'</i> is permissible within the R4 – High Residential Density Zone under Parramatta Local Environmental Plan 2011, noting that the proposal is compliant with the objectives and specific control of this document.</p> <p>The proposed development aims to utilise the subject site to its full zoning potential, to provide a strong interface to its two frontages whilst aiming to set the design standard and tone and scale for the future character of the locality.</p> <p>The proposal is consistent with the desired future high density character of the area by virtue of the subject residential block's R44 zoning.</p> <p>The proposal will have minimal adverse environmental or amenity impacts and provides an appropriate outcomes on site in an appropriate location.</p> <p>The proposal will contribute to the provision of an appropriate form of accommodating and housing choice within the Parramatta LGA.</p>	Yes
2.3	Site Analysis	<p>A detailed site analysis has been prepared for the proposal and is attached as part of this application.</p> <p>The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal, particularly orientation and the relationship to the school site that has informed driveway and building locations.</p>	Yes
2.4.1	Site Considerations – Views and Vistas	<p>The proposed development will not impact on significant views due to the location of the proposal is not located within a nominated view corridor. It is noted that the proposal is to be of a size and scale that is predominantly consistent with Council controls and existing development within close proximity of the site.</p>	Yes

Clause	Controls	Comments	Complies
		<p>The proposed development is to be appropriately landscaped and is of a form and style that will positively contribute to the cohesiveness and visual appreciation of the streetscape.</p> <p>The proposal fulfils the subject site's zoning potential and will not impact on views to and from significant sites or on existing significant view corridors. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan. See Landscape Plan for detail.</p>	
2.4.2.1	Site Considerations – Water Management – Flooding	<p>The subject site is not identified as being liable to flood. Not applicable.</p> <p>Notwithstanding it is considered that the proposed development will not adversely affect or impact upon drainage, stormwater flows or flooding patterns in the area.</p> <p>All stormwater is to be appropriately managed.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application. See attached Stormwater Plan for detail.</p>	Yes
2.4.2.3	Site Considerations – Water Management – Protection of Groundwater	<p>The proposed development is for a residential flat building. It is therefore considered that the risk of contamination occurring during construction and future use of the site is low.</p>	Yes
2.4.3.1	Site Consideration – Soil Management – Sedimentation	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the basement car parking area will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan will be formulated at CC Stage.</p>	Yes
2.4.3.2	Site Consideration – Soil Management – Acid Sulfate Soils	<p>The subject site is identified as being affected by Class 5 Acid Sulfate Soils under the Parramatta Local Environment Plan 2011 Acid Sulphate Soils Map Sheet ASS_014.</p>	N/A

Clause	Controls	Comments	Complies
		Notwithstanding the proposal is not located within 500mm of adjacent Class 1, 2, 3 or 4 Acid Sulfate Soils and the proposal will not have any adverse impact on site or on its surrounds.	
2.4.3.3	Site Considerations – Soil Management – Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Mapping undertaken by the Development of Infrastructure, Planning and Natural Resources entitled Salinity Potential in Western Sydney 2002 indicates that the area of the subject site as having Low Salinity Potential as evident in the extract below.	N/A
			
2.4.4	Site Considerations – Land Contamination	– Refer to discussion against SEPP 55 – noting that the site can be made suitable for the development.	Yes
2.4.5	Site Considerations – Air Quality	<p>– It is considered that the proposal will not significantly contribute to air pollution, odours or the release of atmospheric pollutants.</p> <p>Appropriate management of the site during the demolition and construction phases will limit the potential for air pollution.</p>	Yes
2.4.6	Site Considerations – Development on Sloping Land	<p>The proposal has been designed to minimise the amount of cut and fill required with the proposal following the natural contours with the basement level contained below ground level.</p> <p>This will ensure that the NGL is retained as far as practicable, with the basement contained under the ground level with limited protrusion.</p>	Yes

Clause	Controls	Comments	Complies
		It is considered that the proposal results in an appropriate outcome on site that will not adversely affect the environment or the existing residential amenity of adjoining properties.	
2.4.7	Site Considerations – Biodiversity	<p>The proposed development will not impact on any significant flora and fauna.</p> <p>It is noted that the proposal is for the erection of a residential flat building within an existing residential area.</p> <p>The development proposes appropriate open space and landscaped areas undertaken in accordance with Council controls. See attached Landscape Plan for detail</p>	Yes
2.4.8	Public Domain	<p>The proposal will positively contribute to the public domain and proposes a development that aims to achieve the overall vision for the (East) Rydalmere Precinct by delivering a contemporary 4 storey residential flat building that will set the tone and scale for future high density residential development.</p> <p>The proposal will incorporate appropriate finishes; fencing and landscaping that will positively contribute to public domain areas and visual appreciation of the development. Refer to attached architectural and landscape plans for detail.</p> <p>The proposal provides an active frontage and enhances the visual interest of the streetscape. Furthermore, it is considered that the proposal will not adversely impact on views to or from the public domain, rather the proposal presents an active façade that will contribute to casual surveillance, increasing safety in the area.</p>	Yes
Part 3 Development Principles			
3.1.1	Preliminary Building Envelope– Height: 11m	<p>Parramatta Local Environmental Plan 2011 Height of Buildings Map Sheet HOB_014 indicates that the maximum building height within the subject site is 11m.</p> <p>The proposal adopts a 4 storey form that exceeds the height control as discussed in the attached Clause 4.6 variation reports.</p> <p>Refer to Annexure 1 at the end of this statement for detail.</p>	Variation – Clause 4.6

Clause	Controls	Comments	Complies
3.1.2	Height Transition	Not applicable.	N/A
3.1.2	Preliminary Building Envelope– Height:9 FSR 0.8:1	<p>A maximum floor space ratio of 0.8:1 is identified for the site under Parramatta Local Environmental Plan 2011 Floor Space Ratio Map Sheet FSR_014.</p> <p>The State Environmental Planning Policy (Affordable Rental Housing) 2009 is applicable to the subject site, as it is located within an accessible area and is located within 400m of bus stops with regular services.</p> <p>The SEPP (ARH) 2009 allows Residential Flat Building up to additional 0.5:1 Floor Space Ratio to the existing FSR of 0.8:1, allowing the subject site a proposed FSR of 1.3:1.</p> <p>Refer to SEPP ARH discussion above for future detail.</p> <p>It is noted that the development proposes an FSR of 1.16 over the site and as such is compliant with this control.</p>	Yes
3.1.3	Preliminary Building Envelope Table – R4 - Site Frontage:	The site has a frontage of approximately of 50.3m to Pine Street and as such is compliant with Council's development control that require a minimum frontage of 24m.	Yes
3.1.3	Preliminary Building Envelope Table – Primary Frontage: 5m-9m	<p>Under Parramatta Development Control Plan, the primary front setback for residential flat building is between 5-9m.</p> <p>The site is to maintain a front setback of between 6m-6.5m from the primary building line of both buildings in accordance with Council controls. Complies.</p>	Yes
3.1.3	Preliminary Building Envelope Table – Side Setback: 4.5m	The proposal provides a side setback between 6m-6.5m in accordance with Council Controls. Complies.	Yes
3.1.3	Preliminary Building Envelope Table – R4: Rear Setback 15% of length of site	<p>The development requires a rear setback of approximately 6.9.</p> <p>The development provides a rear setback >6.9m. Complies.</p>	Yes
3.1.3	Preliminary Building Envelope Table – Deep Soil Zone	The proposal meets the ARH SEPP deep soil requirement of 15% (15% provided).	Yes – ARH SEPP

Clause	Controls	Comments	Complies
3.1.3	Preliminary Building Envelope Table – Landscaped Area	The proposal meets the ARH SEPP landscaping requirement of 15% (15% provided).	Yes – ARH SEPP
3.2.1	Building Elements – Building Form and Massing	<p>The future character and built form envisioned by Council for the residential section of the subject area is of high density residential.</p> <p>The proposed development is to be of a size and scale that is consistent with existing development in the area and is compliant with Councils FSR and predominantly compliant with height controls. It is considered that the proposal results in an appropriate outcome on site that responds to the unique characteristics of the site and addresses the established context of the surrounding area.</p> <p>The proposal does not result in any adverse environmental or amenity impacts on site or on adjoining properties. It is considered that the proposal responds well to the individual context of its site and surrounds and positively contributes to the visual appreciation and cohesiveness of the streetscape, providing a built form that is both compliant with Council controls and is visually pleasing.</p> <p>Appropriate landscaping and setbacks will minimise the visual dominance of the built form on the streetscape. Moreover amenity impacts to adjoining properties are mitigated and contemporary standards of amenity are provided to occupants.</p>	Yes
3.2.2	Building Elements – building Façades and Articulation	<p>The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes. The front façade is broken up by the provision of balcony spaces and vertical elements that signify the entry point to the building.</p> <p>Materials used are consistent with that existing within the Parramatta Local Government Area while being contemporary in character.</p> <p>The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>Clear entry point are proposed, that are easily read by residents, visitor and passer by alike.</p>	Yes
3.2.3	Building Elements – Roof Design	The proposal incorporates a predominantly flat roof form that does not dominating the streetscape.	Yes

Clause	Controls	Comments	Complies
3.2.4	Building Elements – Energy Efficient Design	<p>The proposed development incorporates design elements to increase energy efficiency and reduce the consumption of natural resources.</p> <p>A complying BASIX Report has been prepared.</p>	Yes
3.2.5	Building Elements – Streetscape	<p>The locality is in a state of transition given R4 - High Density Residential zoning applying to the residential block.</p> <p>The proposed development will set the tone and scale for future comparable developments. The proposal will have minimal adverse environmental or amenity impacts and provides an appropriate outcome on site in an appropriate location. Further the proposed development is to be appropriately landscaped and is of a form and style that will positively contribute to the cohesiveness and visual appreciation of the streetscape, particularly with the development of high density dwellings in the future.</p> <p>The design concept gives address to the public domain and acknowledges, whilst minimising dominance of the basement entry.</p> <p>The proposed development is to be appropriately landscaped and is of a form and style that will positively contribute to the cohesiveness and visual appreciation of the streetscape.</p> <p>All ancillary features including mailboxes and waste facilities are to be appropriately located and integrated into the development.</p> <p>The proposal is of an appropriate height, bulk and scale and maintains appropriate setbacks in accordance with Council controls.</p> <p>It is considered that the proposal positively contributes to the streetscape of Pine Street and proposes a development that will set the tone for future comparable developments.</p> <p>Overall it is considered that the proposal results in an appropriate outcome on site and within the context of the area and will contribute to the orderly development of the Parramatta Local Government Area. See attached plans.</p>	Yes
3.2.6	Fences	Fencing consistent with the character and style of other development comparable flat building development within the broader LGA will be adopted and erected.	Yes
3.3.1	Landscaping	Where appropriate, existing street trees are to be retained in accordance with the recommendation of the Arborist Report.	

Clause	Controls	Comments	Complies
		<p>The proposed landscaping will positively contribute to the cohesiveness and visual appreciation of the area and provides relief from the built form, softening the impact of the development. The proposed landscaping and open space areas will provide for a range of passive and active recreational activities and will contribute to a high level of residential amenity on site.</p> <p>The proposed development incorporates open space and landscaped areas that are consistent with the achieve the objectives of Council controls and will permit stormwater penetration, minimising run off from the site.</p> <p>See attached landscaping plan and arborist report for detail.</p>	
3.3.2	Private and Communal Open Space	<p>The proposal incorporates appropriate private open space for each dwelling.</p> <p>Each unit is provided with private open space in accordance with the ADG.</p> <p>Council requires a minimum of 10m² of communal area per dwelling that equates to 350m² of communal open space. The proposal provides a total of 462.5m² of communal open space with:</p> <ul style="list-style-type: none"> - 292.5m² of communal open space within the ground floor - 170m² of communal open space within Level 3. <p>Both the communal and private open space areas are of suitable size, compliant with Council controls and are to be easily accessible. Refer to attached plans for detail.</p>	<p>Yes – ADG</p> <p>Yes</p>
3.3.3	Environmental Amenity – Visual and Acoustic Privacy	<p>The proposal will have limited acoustic impacts to adjoining properties given the design and layout of the proposed development as it relates to surrounding properties.</p> <p>Internal places are appropriately zoned into passive and more active areas.</p> <p>The proposal will be affected in partly by the industrial development however the industrial operations are required to comply with EPA requirements in terms of noise generation received at the boundary.</p> <p>Most living spaces are oriented away from this noise source. The solid wall along the majority of the length of the site will also mitigate noise transmission.</p>	Yes

Clause	Controls	Comments	Complies
3.3.5	Environmental Amenity – Solar Access and Cross Ventilation	<p>The proposed does not result in unacceptable overshadowing of adjoining properties, with adjoining properties to the north will continue to retain 3 hours of solar access to windows and to 50% of private open space areas noting the majority of the shadow falls to Pine Street and the industrial development site with limited impacts to adjoining properties between 9am and 12 noon.</p> <p>The proposal meets the solar access requirements under SEPP 65 (74%).</p> <p>A minimum floor to ceiling height of 2.7m is achieved.</p>	See ADG Discussion
3.3.6.1	Environmental Amenity – Water Sensitive Urban Design	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area.</p> <p>See attached Stormwater Management Plan for detail.</p>	Yes
3.3.6.7	Environmental Amenity – Waste Management	<p>A Waste Management Plan is attached as part of this application.</p> <p>It is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>Further, appropriate waste facilities will be provided within the basement level. See attached Waste Management Plan for detail.</p>	Yes
3.4.2	Social Amenity – Access for People with Disabilities	<p>Appropriate access is provided to, from and within the site for those with a disability, noting that the lift core from the basement provides access to all level of the proposed residential flat buildings.</p> <p>Proposal provides 4 adaptable unit.</p> <p>Appropriate paths of travel are provided throughout the development.</p>	Yes

Clause	Controls	Comments	Complies
		Refer to attached Access Report for detail.	
3.4.4	Social Amenity – Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance of Pine Street as well as common open space areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.</p> <p>Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	Yes
3.4.5	Housing Diversity and Choice	<p>The DCP provides the following suggestion in regards to mix of apartments:</p> <ul style="list-style-type: none"> ○ 1 bedroom 10% - 20% ○ 2 bedroom 60% - 75% ○ 1 bedroom 10% - 20% <p>The development proposed the following housing mix:</p> <ul style="list-style-type: none"> ○ 1 bedroom (20%) – 7 units ○ 2 bedroom (69%) – 24 units ○ 3 bedroom (11.4%) – 4 units <p>Four (4) adaptable units are provided. It is highlighted that appropriate access is provided to, from and within the site for those with disability. See attached plans.</p>	Yes
3.5	Heritage	<p>The site is not identified as a heritage item, however there are two heritage items (I589 & I594) located within the broader locality.</p>	Yes

Clause	Controls	Comments	Complies
		<p>It is noted that there is sufficient separation between the subject site and the heritage items with existing development acting as visual buffer, and as such the proposal will not impact upon the heritage significance of the heritage items.</p> <p>A detailed Heritage Impact Statement is not required to be undertaken.</p>	
3.6.2	Movement and Circulation – Parking and Vehicular Access	<p>The proposal is only required to comply with the ARH SEPP requirements- and the DCP rates are not relevant. The proposal exceeds the ARH requirements with 35 spaces provided.</p> <p>Appropriate storage areas are also provided within the basement.</p> <p>It is noted that the bicycle parking area is provided within the basement level.</p>	Yes
3.6.3	Movement and Circulation – Accessibility and Connectivity	<p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site.</p> <p>Vehicle and pedestrian routes are clearly indicated and accessible.</p> <p>Refer to attached Traffic Report for detail.</p>	Yes
3.7.2	Site Consolidation and Development on Isolated Sites	<p>The proposal will not lead to the creation of any isolated land parcels.</p>	Yes
Part 4 Special Precincts:			
4.3.2	(East) Rydalmere Precinct	<p>The site is within the (East) Rydalmere Precinct desired future character area. The design of the proposal has been carried out to align with the principles of the DCP.</p> <p>The development proposes to amalgamate Lots 10-12 Section 5 in DP 9776669, thus being of a sufficient size to accommodate the proposed 4 storey flat building.</p> <p>There are no further provision in the Special Precinct that apply to the proposal.</p>	Yes

CONCLUSION

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

ANNEXURE 1: CLAUSE 4.6 VARIATION BUILDING HEIGHT

Clause 4.3 of the Parramatta LEP 2011 stipulates a maximum building height of 11m.

As shown on the section plan below, the lift core and overrun, stairwell and pergola structure associated with the roof top communal open space area and a small portion of the building itself exceed the building height control. Accordingly, a variation pursuant to Clause 4.6 of the PLEP 2011 is sought. The extent of departure is 2m to the highest point which is the lift over-run where the building is 13m high- which equates to 18.18% of the standard. Images below show the extent of the variation.

Figure 9: North Elevation Image



The non-compliance to height control is a direct result of applying the Affordable Housing SEPP 2009 which permits greater FSR and in the process of accommodating additional floor space, the development encroaches upon the prescribed height limit. However, considering that the majority of the building form is contained below the maximum permitted height control with the top level recessed from neighbouring property to the south to minimise potential privacy and overshadowing impacts (as evident on the submitted shadow diagram), the variation is considered appropriate.

It is further noted that the proposal is predominantly compliant with the setback controls and the proposed RFB is consistent with the maximum permitted FSR (including FSR bonus provided under the Affordable Housing SEPP) on the site indicating an appropriate scale of development. A setback could be pushed to 4.5m in accordance with PDGP 2011 however this would be inconsistent with the ADG and therefore the additional height is the most appropriate means of accommodating the additional building dwelling yield.

Clause 4.6 of the Parramatta LEP 2011 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular sub clause 3-5 which provides:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

(4) Development consent must not be granted for development that contravenes a development standard unless:

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

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Each of these provisions are addressed in turn below.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

The objectives of the building height development standard are stated as:

- (1) The objectives of this clause are as follows:*
 - (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 centers, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

The proposal remains consistent with the objectives based on the following:

- The proposal will provide a high quality urban form that relates well to the context of the site in terms of the natural topography and adjoining development;
- The proposal incorporates an Affordable Housing component of 12 units or 34% of total unit yield which provides for a discernible public and this additional floor space needs to be accommodated within the same building envelope of planning controls;

- The top level is pulled towards the street frontage to minimise overshadowing and potential privacy impacts to adjoining residential land parcels, noting impacts are limited given the school site and industrial development adjoining;
- The proposed presents a suitable scale of development relative to the anticipated future development within the locality given the provisions of the Parramatta LEP 2011.
- The extent of variation, noting the recessed nature, does not discernibly increase the extent of amenity impacts in terms of loss of sunlight;
- Due to the minor nature of the variation it will not have any adverse amenity impacts. In this regard it is noted:
 - The extent of variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
 - The proposed variation will not lead to view loss or interrupt on views to and from the site.
 - The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.
- The proposal presents a suitable scale of development relative to surrounding development and future development within the locality given the provisions of the Parramatta LEP 2011.
- The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site by providing a residential flat building that provides good address to both street frontage and complies with key planning controls applying to the proposal.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

The unique circumstances of the case that warrant support of the departure are:

- The need of service lifts that is to encroach the height plane, however, are recessed to have minimal impact to the streetscape;
- The need to provide appropriate common areas and for protection and amenity in the form of open pergolas within the rooftop level of both buildings for future residents; and

- The proposal is an affordable housing development which means the additional floor space needs to be accommodated within the building envelope given that the 36% additional FSR proposed under the ARH SEPP.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control.

In addition, the proposal is consistent with the objectives of the R4 zone, being:

- *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 provides 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.*

The proposal ensures that the high density nature of the zone is retained and there is not a significant change to the character of the locality. In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development. It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and minor nature of the variation;

- b) There is no public benefit in maintaining the development standard as it relates to the current proposal as the proposal is consistent with the underlying objectives of the control and the fact that the minor non-compliance does not lead to excessive bulk and scale and it will not set an undesirable precedent for future development within the locality, noting consistent with the height form established by Council by virtue of its recent approval of neighbouring properties.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality and is consistent with the future high density residential character envisioned for the subject area by virtue of its R4 Zoning. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the proposed variation.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.