CITY OF PARRAMATTA

Your Ref	SSD-33631237
Our Ref	NCA/2/2023
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Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2124

24/03/2023

ATTN: Caleb Ball,

COUNCIL SUBMISSION
NOTICE OF EXHIBITION – BAPTISTCARE CARLINGFORD SENIORS HOUSING (SSD-33631237) AT 1 MARTINS LANE & 3A HOMELANDS AVENUE, CARLINGFORD

I refer to the above application and the request to provide advice on the proponent's proposed seniors housing development. Council has reviewed the supplied report and wish to formally object to the proposal for the following key reasons.

1. The proposed Clause 4.6 variations are not supported.
2. Site-specific controls include a road to the south of the built form which is not included in the proposal. This road was intended to delineate the public open space and provide a satisfactory address for the proposed residential development (now seniors housing). The loss of this road results in substandard outcomes for future residents and the general public.
3. The bulk and scale of the proposed development is excessive in relation to both the controls and existing context.
4. Traffic matters, especially in relation to swept paths, the ambulance bay and the porte-cochere are unresolved.

Whilst it is acknowledged that SSD applications do not need to adhere to Development Control Plans, the recent uplift in height and floorspace controls was based on the planning and design principles established in the site-specific controls for this site. Failure to comply with these principles has resulted in a scheme that cannot be supported.

Attached at Appendix 1 is further commentary on the above issues and other matters, some of which could be resolvable by condition.

It is noted that this is the recommendation of Council officers, and this submission has not been endorsed at a Council meeting.

Council appreciates the opportunity to comment on the above application, are supportive of the continued investment in seniors housing in the City of Parramatta and look forward to continued collaboration.

Should you wish to discuss the above matters, please contact Douglas Bennett, Development Assessment Officer on the details listed above.

Yours sincerely

Myfanwy McNally
MANAGER, CITY SIGNIFICANT DEVELOPMENT

ATTACHMENT 1 – DETAILED RESPONSE

Clause 4.6 Request in relation to FSR

The Council does agree with the conclusions in the Clause 4.6 report and does not support an increase in FSR at this location.

Calculation of Floor Space Ratio

It is noted that the Application is accompanied by a formal written Clause 4.6 variation request to vary the floor space ratio development standard under the *Parramatta Local Environmental Plan 2011*. The request seeks to vary the standard by a factor of 35%, with a total floor space ratio of 1.68:1 (23,252sqm). Gross floor area calculations are provided in the architectural plan set under drawings DA 450 (Rev 3) and DA 451 (Rev 3) (see excerpt below).

Upon review of the gross floor area calculations provided by the proponent, it is evident that the total gross floor area of the proposed development has been incorrectly calculated. Section 82 (Division 2, Part 5, Chapter 3) of the *State Environmental Planning Policy (Housing) 2021* provides a separate definition for ***gross floor area*** for development to which Part 5 of Chapter 3 of the SEPP applies. The definition reads as follows.

> ***Gross floor area*** *means the sum of the areas of each floor is taken to be the area within the inner face of the external enclosing walls, as measured at a height of 1.4m above each floor level –*
> *(a) excluding columns, fin walls, sun control devices and elements, projections or works outside the general lines of the inner face of the external wall, and*
> *(b) excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and*
> *(c) excluding—*
> *(i) car parking needed to meet the requirements of this Part or the council of the local government area in which the development is located, and*
> *(ii) internal access to the car parking, and*
> *(d) excluding space for the loading and unloading of goods, including access to the space, and*
> *(e) for in-fill self-care housing—including car parking provided at ground level, other than for visitors, in excess of 1 per dwelling, and*
> *(f) for a residential care facility—excluding floor space used for service activities provided by the facility below ground level (existing).*

There are numerous areas within the gross floor area calculations in drawing DA 450 (Rev 3) and DA 451 (Rev 3) that have been incorrectly excluded. The Application's accompanying Clause 4.6 variation request makes no reference to the separate definition of ***gross floor area*** under the Housing SEPP. It is therefore assumed that the proponent has applied the definition under the *Parramatta Local Environmental Plan 2011*.

A summary of the areas of the development that have been incorrectly excluded from the total gross floor area calculations has been provided in the following table.

Level	Component	Area (estimate)	Comment
Ground	Back-of-house services	122sqm	The ground floor of the main RACF building includes rooms dedicated for 'dirty laundry', 'clean laundry', 'laundry', and 'workshop'. These services are partially

			located above ground level (existing). It is noted that the GFA definition under the Housing SEPP specifically excludes 'floor space used for service activities provided by the facility below ground level (existing)'. Confirmation is required on whether these services are located substantially below ground level in order to be excluded from gross floor area calculations. In addition, the proponent must clarify whether the services will be utilised for the entire development or the RACF component only, as this will also determine whether these areas may be excluded from GFA calculations.
	Waste storage areas	78sqm	Basement level waste storage areas are not excluded from gross floor area calculations under the Housing SEPP (unlike the definition under the LEP). All waste storage areas are therefore required to be counted toward GFA.
	Basement circulation areas	?	It is noted that "internal access to car parking" is excluded from gross floor area under the Housing SEPP. It is unclear whether this exclusion applies specifically to *vehicular* access or whether it encompasses both *vehicular* and *pedestrian* access. Notwithstanding this, there are multiple areas of the basement level that could not be reasonably considered as facilitating "internal access to car parking". These areas should be counted toward gross floor area calculations. See **Figure 2** at the end of this table.
	Stairs and lifts	114.11sqm	Common vertical circulation areas are not excluded from gross floor area calculations under the definition of GFA in the Housing SEPP. Stairs and lifts must therefore be counted toward gross floor area.
	Excess parking	194.4sqm	The definition of gross floor area under the Housing SEPP excludes 'car parking needed to meet the requirements of this Part or the council of the local government area in which the development is located.' The Application's accompanying Traffic and Accessibility Impact Statement notes that the Housing SEPP requires a total of 53 parking spaces to be provided within the development. As the proposal involves a total of 232 spaces, approximately 179 of these spaces must be counted toward gross floor area. 22 RACF spaces, 20 staff spaces and 14 ILU spaces are provided on the ground

			floor. 7 of the RACF spaces, and all of the staff parking and ILU parking spaces on the ground floor meet the requirements under the Housing SEPP. The excess 15 RACF parking spaces must therefore be counted toward gross floor area.
Level 1	Balconies	56.5sqm	Balconies and terraces are not specifically excluded under the statutory definition of ***gross floor area*** of the Housing SEPP. Upon review of the elevations of the proposed development, balconies on the north and south elevation of the RACF appear to be substantially enclosed. It is considered that these areas may potentially be counted toward gross floor area.
	Stairs and lifts	62.5sqm	As noted above, it is considered that stairs and lifts should be counted toward GFA. The stairs and lifts at the rear of basement level 1 must be counted as GFA.
	Floor space for service activities	92sqm	It is noted that there are several rooms within the first floor of the RACF identified as 'wash-up', 'linen', 'cart storage', and 'dirty utility'. Under the GFA definition in the Housing SEPP, floor space used for service activities provided by the facility may only be excluded if it is located **below** ground level (existing). As these services are located above ground level, they must be counted toward gross floor area.
	Excess parking	1,645.92sqm	114 ILU parking spaces and 25 visitor parking spaces are provided within basement level 1. A total of 127 spaces exceed the parking requirements set out under the Housing SEPP and must therefore be counted as GFA.
	Waste storage rooms	116.1sqm	Waste storage areas (including bulky waste storage areas) located within the basement area of Level 1, are to be counted as gross floor area.
	Bicycle parking	36.4sqm	The definition of GFA under the Housing SEPP does not exclude bicycle parking spaces. All bicycle parking spaces within the development must therefore be counted as gross floor area.
Level 2	Stairs	37.6sqm	Stairs are to be counted on every alternating level toward GFA (see *Connoisseur Investments Pty Ltd v Sutherland Shire Council [2020] NSWLEC 1181*).
	Balconies	56.5sqm	See above comments relating to balconies within the RACF.
	Floor space for service activities	92sqm	Areas used for service activities located above natural ground level are to be counted toward gross floor area.

Level 3	Stairs	128.9sqm	Stairs within the ILU building are to be counted toward GFA.
	Balconies	56.5sqm	Balconies on RACF Level 3 may count toward GFA.
	Floor space for service activities	92sqm	Areas used for service activities located above natural ground level are to be counted toward gross floor area
Level 4	Stairs	114.11sqm	As per above comments.
Level 5	Stairs	100sqm	As per above comments.
Level 7	Stairs	80sqm	As per above comments.

Table 1 – Components of Proposed Development that may comprise gross floor area

Figure 1 *Example of potential area within basement which has no dedicated purpose and may count toward GFA*

As identified in **Table 1** above, a total of 3,275.54sqm of floor space may potentially be counted toward gross floor area under the statutory definitions of the *State Environmental Planning Policy (Housing) 2021*. Should all of the identified components in **Table 1** be counted as gross floor area, the proposed development would comprise a true floor space ratio of around 1.91:1, representing a variation of 52% from the prescribed development standard.

It is acknowledged that the measurements provided in **Table 1** are estimates only and may not be accurate. It is also acknowledged that some (or all) of the identified components in **Table 1** may not count toward GFA depending on the accurate interpretation of the environmental planning instrument. However, it is considered that the proponent must revise the gross floor area calculations to reflect the definition under the Housing SEPP and provide a detailed rationale of which areas of the development they consider to count toward GFA and which areas do not. Legal advice may be required to scope the correct interpretation of certain elements of the definition.

Existing infrastructure and capacity constraints in Carlingford

The approval of this application in its current form would put further strain on infrastructure and services within the Carlingford area. Parramatta's key strategic land use policies in relation to the Carlingford Precinct, namely the Local Strategic Planning Statement 2020 (LSPS) Council's Local Housing Strategy 2020 (LHS) 2020) identify that housing growth in City of Parramatta LGA is forecast to exceed it's 20-year Central City District Plan dwellings target as the most of this growth is already accounted for in the growth precincts, including Carlingford. This means that the Carlingford Precinct is already zoned to support substantial housing growth and has capacity under the existing controls to accommodate new housing so dwelling targets can be achieved.

The proposed additional floor space would facilitate the provision of dwellings both within the site and locality beyond the projections in both the *Parramatta Local Strategic Planning Statement* and *Parramatta Local Housing Strategy*. The *Parramatta Local Housing Strategy* specifically identifies the site and surrounding area as being unsuitable for further intensification (see excerpt below)

> *The following are not considered appropriate for rezoning based upon current program for investigation post 2026 and delivery unknown, but potentially post 2036*
> - *Parramatta CBD to Epping: Windsor Road Corridor*
> - *Parramatta CBD to Norwest: Pennant Hills Road Corridor*
>
> *Both of these corridors are identified in the multi-criteria analysis as representing opportunities. However, these corridors are likely to form the spine of two major transport initiatives outlined in Future Transport 2056 that fall outside the timeframe of this housing strategy: namely Parramatta to Epping; and Parramatta to Norwest mass-transit connections.*
>
> *Since the nature of the mass-transit solution, corridor preservation and station locations are unknown at present,* ***this Strategy recommends that no further intensification of these corridors occur at this stage to preserve potential future dwelling opportunity.***
>
> ***With regards to the Parramatta to Epping mass transit initiative, two key locations at Epping and Carlingford are already subject to substantial dwelling growth with road capacity presenting an issue.*** [Page 56] [Emphasis added in **bold**]

Given that both the *Parramatta Local Strategic Planning Statement* and *Parramatta Local Housing Strategy* have been formally endorsed by both Council and the Greater Sydney Commission, the proposal should be revised to ensure consistency with both strategic planning policies. This can be achieved by reducing the total gross floor area to achieve compliance with the floor space ratio standard(s) under the *Parramatta Local Environmental Plan 2011* and *State Environmental Planning Policy (Housing) 2021*.

Swept Path Testing

Minimal swept path testing has been provided by the proponent demonstrating that light and heavy vehicles can effectively navigate the several basement levels within the proposed development. Swept path testing has been partially provided for the main loading dock area – however, the swept path testing provided demonstrates insufficient room within the basement level for heavy vehicles to perform three-point turns (see diagram below).

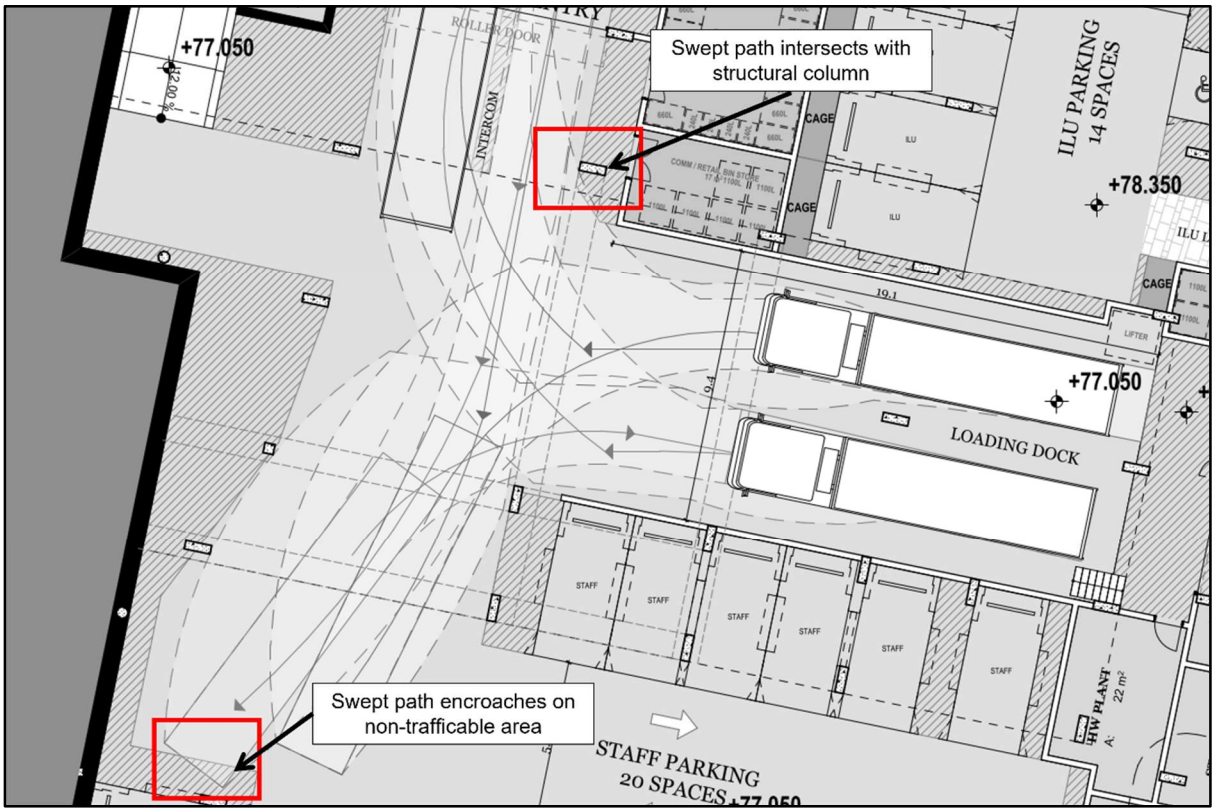

Figure 2 *Swept Path for Loading Dock*

The proposed location and configuration of the main loading dock is considered a poor planning outcome and is not supported. The existing location and configuration of the main loading dock requires heavy vehicles to perform a three-point turn and blocks access to the main staff parking area. In addition, it is considered that there is insufficient space within the basement level to enable heavy rigid vehicles to successfully navigate corners and trafficable areas without obstructing other carriageways.

It is considered that there is ample space at the Subject Site to accommodate a loading dock with direct (or near direct) access to the street. It is recommended that the proposal be redesigned to site the loading dock further to the east and away from the main parking area of the development. The redesigned loading dock should be supported with thorough swept path testing that demonstrates that heavy rigid vehicles can enter and exit the site in a forward direction.

It is also requested that swept path testing be provided for the secondary loading bay on Basement Level 2.

<u>Deep Soil Zone(s)</u>

The Application's accompanying architectural drawings include deep soil zone calculations which supports the proponent's claim that the proposed development would provide a total of 3,807sqm of deep soil landscaping (see figure below). This equates to a total of 20% of the site area.

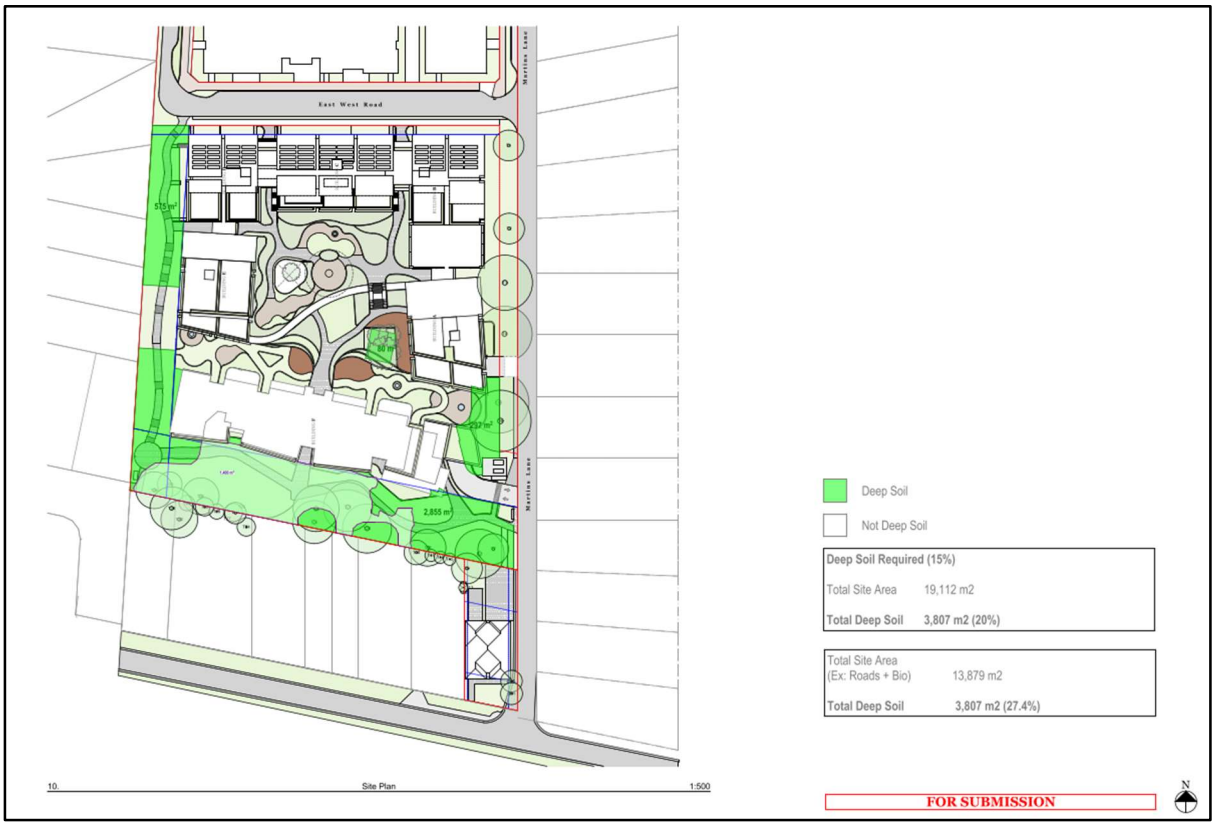

Figure 3 *Deep soil zone calculations*

However, the deep soil zone calculations provided by the proponent do not accord with the statutory definition of ***deep soil zone*** and ***landscaped area*** under the *State Environmental Planning Policy (Housing) 2021*. The relevant definitions are as follows.

> ***Deep soil zone*** *means a landscaped area with no buildings or structures above or below the ground.*
>
> ***Landscaped area*** *means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part use or intended to be used for a driveway or parking area.*

The deep soil zone calculations provided by the proponent include areas with built improvements both above and below ground including pathways, substations, courtyards, stormwater infrastructure (including drainage pipes), and basement structures. In addition, parts of the identified deep soil zone include areas with dimensions of less than 3m, which is inconsistent with the requirements of cl. 108(2)(f) of the *State Environmental Planning Policy (Housing) 2021*. An overview of areas to be excluded from deep soil zone calculations is provided below.

Figure 4 *Areas to be excluded from deep soil zone calculations*

The total area to be excluded from deep soil calculations as shown in Figure 6 is estimated at approximately 723.7sqm. The true deep soil zone provided within the proposed development is therefore around 3,083.3sqm or 16% of the total site area. It is noted that the excluded areas in Figure 6 do not include areas where stormwater drainage pipes are located. As such, the proposal is likely to provide less than the minimum 15% deep soil area as required under the Housing SEPP.

Council requests that the proposal be redesigned to enhance deep soil landscaping within the site and decrease the quantity of impermeable surfaces.

Bulk and Scale

Council considers that the bulk and scale of the proposed development at the south of the site toward the zone interface is inappropriate and should be reduced to reflect the character and nature of development in the adjoining R2 Low Density Residential Zone.

The appropriateness of development at zone interfaces has been explored extensively in the NSW Land and Environment Court. For the purposes of this submission, Council relies on the findings of Bly C in *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117* at paragraph 25.

> *25. As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone. In this case, residents living in the 2(b) zone* [Multiple Dwelling Residential] *must accept that a higher density and larger scale residential development can happen in the adjoining 2(c)* [Medium Density Residential] *or 2(d)* [High Density Residential] *zones and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone.* ***Conversely any development of this site must take into account its relationship to the 2(b) zoned***

lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like. [Emphasis added in **bold**]

Proposed Building F does not appropriately account for the relationship of the site to adjoining R2 Low Density Residential land to the south. The scale of development between the site and surrounding land changes dramatically from five storeys to single and two storey dwelling houses on Homelands Avenue. The proposal does not comply with the required site-specific setbacks identified within figure 4.3.8.1.3 of the Parramatta DCP nor meet any of the height of building objectives, principles or controls of the same section of the DCP.

Council requests that the scale of Building F be reduced to provide an appropriate transition between low density dwellings to the south of the site and higher density development located further to the north. The reduction in scale for Building F would ameliorate multiple issues identified in this submission including excessive floor space, visual privacy concerns, and inconsistencies with strategic planning policies. The reduction in scale for Building F should be undertaken in accordance with comments provided by Council's City Design unit (see comments below).

Tandem Parking

Concern is raised on the quantity and reliance on tandem parking spaces within the proposed development. The provision of 108 tandem parking spaces would likely result in a high incidence of on-street and verge parking as residents (and visitors) often preference alternative parking arrangements over tandem parking. This has the potential to restrict the availability and functionality of on-street parking in the surrounding road network.

In addition, the practice of accessible parking spaces in a stacked/tandem parking arrangement is not supported. Accessible parking spaces should be located in single space format with immediate access to lifts and principal entry points to the development.

Visual Privacy Impacts

The proposed residential aged care facility (Building F) includes a proliferation of habitable rooms, balconies, and trafficable rooftop terraces with a southern orientation (see elevation diagram below).

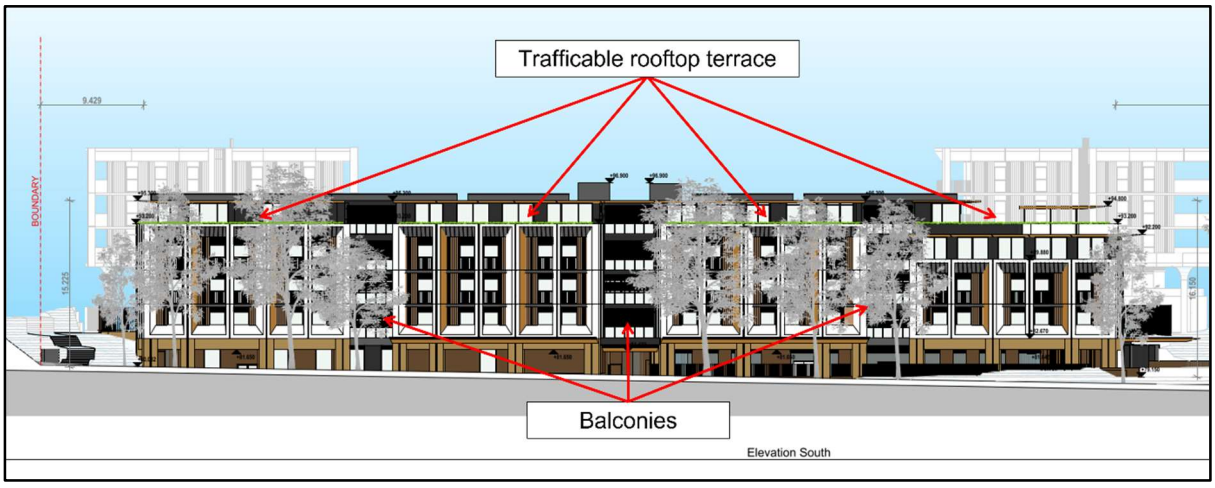

Figure 5 *Southern Elevation (Building F)*

The provision of southern-oriented habitable areas within the development would facilitate direct overlooking opportunities into the principal private open space of multiple dwelling houses on Homelands Avenue (see figure below). No privacy measures have been incorporated into the design of the proposal to mitigate potential visual privacy impacts.

Figure 6 *Adjoining PPOS*

Existing vegetation along the southern boundary of the site may partially obscure overlooking opportunities from the proposed development. However, the sole reliance on vegetation and landscaping to mitigate visual privacy impacts is inconsistent with the planning principle established in *Super Studio v Waverley [2004] NSWLEC 91* at paragraph 6.

> *6 The second principle is that where proposed landscaping is the main safeguard against overlooking, it should be given minor weight. The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climatic conditions and good luck. While it is theoretically possible for a council to compel an applicant to maintain landscaping to achieve the height and density proposed in an application, in practice this rarely happens.*

Council requests that the proponent incorporate fixed privacy screening measures along the southern elevation of Building F to protect the visual privacy of adjoining residents if a reduced setback is maintained.

Landscape and Trees

Council's Landscape and Trees Officer provide the following recommendations to be undertaken prior to the release of a construction certificate:

- Consent from Council must be obtained prior to any pruning works being undertaken on any trees located in adjoining properties.
- A Tree Management Plan is to be provided demonstrating tree protection measures in accordance with AS4970-2009 (Protection of Trees on Development Sites) for all trees identified for retention.
- A Construction Management Plan identifying all construction works, including demolition and site management, within five (5) metres of any existing tree to be retained is supervised by an AQF Level 5 Arborist

Traffic and Transport

Council's Traffic & Transport Investigations Engineer provide the following comments:

- The submitted Traffic Impact Assessment report has not provided turn path plans for vehicle access to the basement parking.
- Triangle splays associated with sight lines to pedestrians at the access driveways in accordance with Clause 3.2.4 (b) and Figure 3.3 of the Australian Standard AS 2890.1-2004 have not been shown on the submitted plans with the development application. However, this requirement can be conditioned.
- The footpath along Martins Lane is required to be extended up to Homelands Avenue, without having the public walk on the road.

Ambulance Bay

The proposed ambulance bay adjacent to the RACF entry is poorly designed and is not supported. The provision of two vehicular waiting bays between the ambulance bay and main entrance to the residential aged care facility would impede direct access to the facility. There is insufficient space to enable stretchers (including 'Bariatric Specialist' stretchers with a width of 750mm) to enter the facility whilst both waiting bays are occupied.

NSW Ambulance has published the following requirements for ambulance access in new developments.

> *The following factors must be given prime consideration in the design of an ambulance entry.*
>
> ***Ambulance driveways should be exclusive to ambulance vehicles.***
>
> *Turning circles and clearances to kerbs, existing buildings or other obstructions are for the current largest size of ambulance vehicle* ***which requires a minimum turning circle of 15 metres.***

[Emphasis added in **bold**] [Source: https://www.ambulance.nsw.gov.au/our-services/vehicle-access-specifications]

The proposed Porte Cochere does not include a turning circle with a minimum diameter of 15m as illustrated in the following diagram.

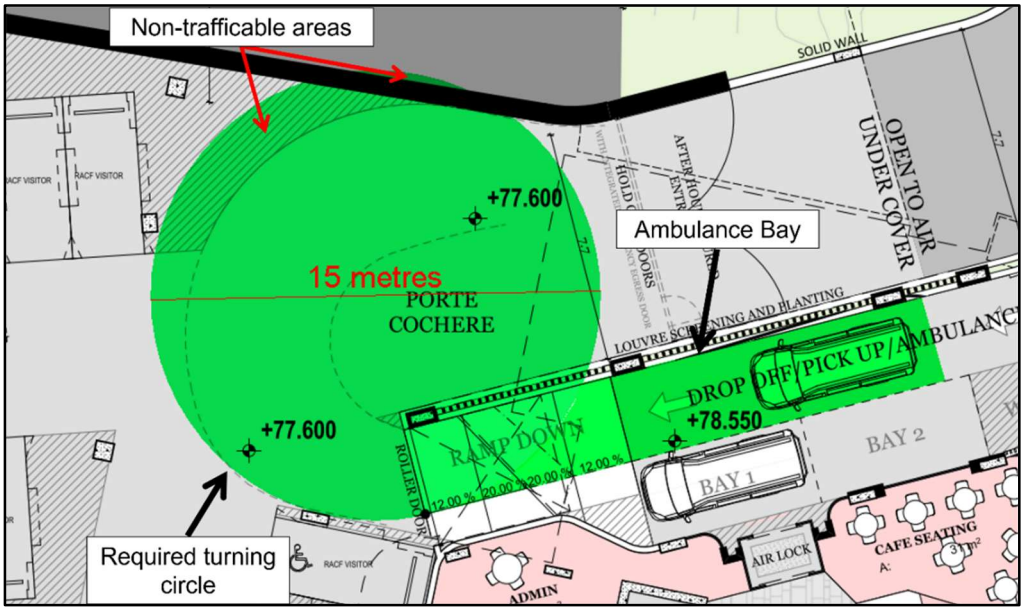

Figure 7 *Required Turning Circle*

In addition, the configuration of the Porte Cochere requires ambulances (and other vehicles) to travel through two (2) security roller doors in order to leave the site. The requirement to travel through two roller doors is inconsistent with Ambulance NSW requirements to provide unimpeded access to buildings.

It is requested that the Porte Cochere and ambulance bay be redesigned to accord with the requirements of Ambulance NSW.

Council Voluntary Planning Agreement

An existing Voluntary Planning Agreement relates to the site as a whole. Baptistcare are currently working through the deliverable requirements as part of the development on the front portion of the site (Site A). However, some of the deliverables may not be complete prior to the approval/construction of development on the lower portion of the site (Site B) which is the subject of the SSD being considered.

It is noted that the VPA includes land dedication to Council for the section of the site that adjoins Martins Lane. This area also requires the construction of public domain works. The SSD appears to be inconsistent with the more recent public domain drawings approved by Council as there are two new driveway crossings through this part of the site.

Furthermore, this section of the land adjacent to Martins Lane has a number of trees of significance and impact on those trees must be limited. The VPA and figure 4.3.8.1.2 of the Parramatta DCP requires Tree Protection Works in this location. As such, new driveway crossings in this location may not be suitable having regard to the potential impact on these trees. Any trees to become Council's must be clearly shown on the proposed plans.

As the VPA only delivers a pedestrian footpath adjacent to Martins Lane up until the high value ecological zone, it would require pedestrians to walk through Martins Lane to Homelands Avenue for the final part of their journey. It would be preferable if the footpath can be extended on Baptistcare land through the 'Ecological Zone' and also through their property facing Homelands Avenue to continue the footpath all the way to Homelands Avenue. It would be beneficial if this could form a requirement of the SSD approval (possibly with Baptistcare agreement). Arrangements could be via further dedication of land along full extent of Martins Lane or via a right of way for pedestrian access.

Safety

The application's accompanying CPTED Report provides no recommendations in relation to mailbox placement and storage facilities.

City Design

Given the site is affected by 4.3.8.1 (264-268 Pennant Hills Road, Carlingford) of the Parramatta DCP 2011, the proposal has been assessed against the following controls and the following urban design inconsistencies are identified against these site-specific controls and general design principles:

<u>Site layout</u>

1. The proposal should adequately provide residents of the building with adequate daylight (while the site overall achieves minimum solar access requirements to 71% of dwellings, at least three individual buildings do not achieve this minimum requirement within the building).

2. The lack of formal streets along the southern and western boundaries is a departure from the block and public street network envisioned for the greater site in figure 4.3.8.1.2 of the Parramatta DCP. A road along the southern boundary should be provided at the least. This will delineate the public open space from the residential aged care facility by providing a public edge to this space, improve legibility and wayfinding to building F and increase amenity, connection, access for emergency vehicles and safety for pedestrians. It is acknowledged that a road along the western boundary would be contrary to the approved DCP, however given the slope of the site this would not be usable by the users of the site.
3. The proposal should continue the north-south view corridor established on Site A. It should echo the width of the approved corridor on Site A (9m) and be open to the sky, with no built form encroaching on the corridor. As such, the proposed lobby entry on East West Road and the eastern end of the RACF building could be redesigned to ensure an uninterrupted view corridor from East West Road, through the site, to the public open space to the south.
4. Passive surveillance to the public open space along the southern boundary could be improved by internalising the back of house services along this space and providing more active uses such as retail, café, or communal rooms along the ground floor.

Built form, height and massing

5. The massing appears overscale for the site, with proposed building heights and lengths that seem excessive in the existing context. The height and FSR identified within PLEP 2011 (and the Housing SEPP 2021) should be considered the maximum density permissible on the site.
6. The proposed height is up to 6-7 storeys and is considered too great given the surrounding lower-scale context (1-2 storey dwellings to the east, west and south and approved 4-storey development to the north). A maximum height of 4-storeys is more suitable for the site, which will mirror the approved heights to the north on Site A. A reduction in the proposed FSR would allow for this lower height and provide a more reasonable density on the site.
7. Given the steep topography of the site, the building height should step down to the south to ensure a maximum height of 4 storeys across the site. Further stepping of height and increased setbacks may be appropriate to strengthen the relationship between the proposal and surrounding lower-scale dwellings.
8. While there has been some attempt at providing articulation and breaks in the proposed buildings, in elevation these buildings appear as uninterrupted volumes (for example, Building C and D along East West Road appear as one long building of nearly 70m length). Full building breaks are recommended between buildings A and B, C and D and D and E. If this is not achievable, reduced heights between these buildings and the use of transparent materials could help reduce the building bulk.
9. Building F (RAFC) is roughly 70m long with few significant building breaks. Given its location along private and public open spaces, it is recommended that adequately sized building breaks be applied to provide a fine grain articulation to the lengthy building. A reduction of the overall length of the building to provide an uninterrupted view corridor from East West Road down to the public open space is also recommended.

Setbacks

10. A 32m setback from the southern boundary is envisaged for the site which includes a 20m ecological impact zone and a 12m area for a new one-way street, pedestrian thoroughfare, and planting (PDCP 2011 – Figure 4.3.8.1.3). The proposal only provides a 20m setback currently, with the proposed built form located right on the building edge

to the ecological impact zone. This setback must be increased to provide adequate space to allow for the street connection identified in the DCP (greater setback if a two-way street is proposed) and to create a public edge that is of a reasonable height and setback from the ecological impact zone.

11. The setback to the western boundary should be increased by 2.4m (in total 14.4m from the western boundary). This will align the proposed built form with the western edge of built form for Site A, provide a more generous setback to allow for a safe north-south thoroughfare as part of the proposed new public street network and allow for increased landscape treatment.
12. The setback areas are to contribute to the street/landscape setting and environmental amenity by providing tree planting (additional to street trees). These setbacks must be maintained for the full height of the building and below ground level i.e., no overhang of the setback zone or basement car parking under is permissible.

Amenity

13. Sections indicate apartments in the ILU Buildings B & D that are located significantly below the ground level (by approximately 2m+). This is not supported, and it is recommended that these apartments be relocated or removed.
14. The use of high-level windows should be limited. High level windows from bedrooms, living spaces and bathrooms that open onto lobby and communal spaces are not considered acceptable. Greater separation between buildings and reconfiguration of apartment layouts could allow for appropriately sized windows that can maximise ventilation and solar access while maintaining privacy.
15. The building separation between buildings (including the breaks between buildings where lobby/communal spaces are located) must comply with ADG building separation requirements. Walls with high level windows should not be considered 'non-habitable.' A wider physical break between buildings could increase separation and help break down the solid uninterrupted form of the buildings.
16. The overall amenity of apartments is questioned given the following issues:
    a. The provision of subterranean apartments (see above comment)
    b. Several apartments at the courtyard level could have their privacy impacted as they face directly out to this communal area. Some of these apartments have poor outlook onto walls/stairwells.
    c. Buildings A, C and F (ILU only) do not appear to comply with the minimum solar access requirements in the ADG. A reduction in the number of units per floor may be needed to comply with the requirement.
    d. Buildings A, B and E do not appear to comply with the minimum natural ventilation requirements in the ADG. A reduction in the number of units per floor may be needed to comply with the requirement.
    e. High level windows in apartments that open onto communal internal rooms/lobbies will reduce privacy and security.
    f. A large number of the rooms in the RAFC are south facing, and the overall access to natural light within these apartments and communal spaces may be poor.
    g. Proposed corridors within the independent living units (ILU) buildings are often very lengthy and narrow, with no access to natural light in parts.
17. Accessible paths of travel into and around the site are unclear (for example, access to Building A from Martins Lane, access from one level of the communal open space to the next.)
18. It is unclear where the communal open space is located for the ILU section in Building F.

19. The proposed communal open space could be improved with additional seating and areas to gather and socialise that are not directly associated with dining & function or retail services. Shaded areas should also be provided to increase amenity.
20. The proposal should provide seating and spaces to socialise within the public open space and along any thoroughfare on the southern and western boundaries.
21. Any pedestrian path along the southern and western boundaries from Martins Lane to East West Road should be accessible. It is unclear how pedestrians, seniors especially, will navigate the pedestrian pathways given the site's steep topography.
22. Given the proposal has not provided a dedicated street along the southern boundary, it is recommended that the pedestrian entrance to the RACF be relocated to Martins Lane to provide a legible street address and prominent front entry.

Landscape – private domain

23. The applicant is requested to provide calculations showing compliance of the external and internal communal space to the Housing SEPP requirements
    The minimum internal and external communal open space areas required are to be demonstrated for residential care and the independent living units.
24. Currently part of the ecological zone and the western setback which is to be publicly accessible has been considered in the calculations for communal open space. This is not supported as explained earlier. There must be a clear delineation between publicly accessible and private communal space.
25. Most of the communal open space is located on slab. Additional trees on podium/in planter boxes can be provided. However, details around how planting of new trees on slab will meet the required tree volume are needed. Drawings must clearly show the number of trees and proposed soil volumes to meet ADG requirements. Soil volumes should be contiguous as much as possible so that trees (and other plants) are not located in small, isolated planter beds.
26. In accordance with council's aspiration to facilitate development in a way that provides for mature tree vegetation and natural shade in the LGA, the applicant is required to provide trees at a rate of 1/80m2 of landscape area (additional to any existing trees to be retained). The trees must be species capable of reaching a mature height of more than 13m (min dimension 4x4m). The applicant needs to demonstrate that the trees can be planted more than 3m away from any proposed built structure. Any tree planting in deep soil need to meet Parramatta Public Domain Guidelines 2017 requirements with respect to soil volume.

Public Domain

27. Figure 4.3.8.1.3 of the Parramatta DCP shows the typical street sections along the East West Road, North South Road, Martin's Lane, and the Ecological zone. All public footpaths are to be in accordance with the Parramatta Public Domain Guidelines 2017 and Figure 4.3.8.1.3 of the Parramatta DCP. The pedestrian footpath along Martin's Lane is to connect all the way to Homeland's Avenue. It is not clear which streets will be dedicated to Council and this information is to be made clear by the applicant.
28. Kerb ramps are to be aligned across the street and are required at all major intersections.
29. The maximum preferred width for driveways is 6m. The proposed driveway along Martin's Lane passes through the tree protection zones of significant trees to be protected under an existing VPA and to be passed onto council. The location of the driveway is not supported. The survey plan shows seven existing trees while the arborist report only shows six with one missing at the location where the proposed driveway has been shown. This is to be clarified.

30. Street trees are to be provided at average 10-12m centres on all streets. Public Domain request that the applicant carry out test pits before the DA drawings are finalised and stamped to confirm that all proposed trees shown on the drawings are possible to be planted and there are no clashes with any services, existing or proposed. Council will not entertain deleting / removal of any trees at CC stage due to clashes with services or due to any other construction issues.
31. Water Sensitive Urban Design (WSUD) - any proposed WSUD features in the public domain must be underpinned by an integrated stormwater management strategy. The detail of the feature and the required dimensions should be shown in the street sections and public domain master plan. The retention basin proposed in the ecological zone is not supported as it would result in significant disturbances to the ecology, topography, and tree protection zones of the ecological zone
32. A condition should be applied to any consent that requires Council to review and approve the Public Domain Construction Drawings as per Councils standard drawings prior to the issue of any Construction Certificate.

<u>New Public Pedestrian Connections</u>

33. The new pedestrian connection between Grace Street/Azile Court and Pennant Hills Road and between Martin's Lane and Azile Court are to be 24/7 publicly accessible connections. This can be achieved by appropriately designed connections and with the required setbacks discussed in the earlier comments. More thought needs to be put into the design of these links. The through site links:
    - should be a 24/7 publicly accessible space
    - should have pedestrian lighting to AS standards to provide safe 24/7 access using without reflecting into residential properties
    - should extend from the footpath on Azile Court northwards to the footpath on Pennant Hills Road and Eastwards to Martin's place
    - be open to sky
    - have equitable access using graded walkways of no steeper than 1:20, limited use of ramps (if imperative) and/or a 24/7 clearly visible publicly accessible lift service within the building structure
    - should have view lines that align across blocks with passive surveillance from the private blocks of the site
    - should have trees in deep soil to encourage and sustain large canopy trees generally consistent with the ADG requirements of minimum soil volumes
    - should be minimum 3m wide, with controlled access for light weight maintenance/service vehicles

<u>Universal access</u>

34. There is no accessible path of travel from the ground level staff accessible parking spaces to the back of house entry.
35. Access is required to all the common areas and features within communal lounges, café, casual meeting spaces and recreational areas, as per

    BCA Table D3.1 Requirements for access for people with a disability
    Access requirements: To and within not less than 1 of each type of room or space for use in common by the residents, including a cooking facility, sauna, gymnasium, swimming pool, common laundry, games room, TV room, individual shop, dining room, public viewing area, ticket purchasing service, lunchroom, lounge room, or the like.

36. Furniture within the communal spaces, terraces, cafe, and lounge areas will require features suitable for a person with a mobility impairment. This can be conditioned appropriately for the Construction Certificate plans.
    Note: AS1428.2 provides guidance on accessible furniture including, reach ranges and varying heights of tables and seats with back and arm rests.
37. Access to and into the pool and spa will need to be achieved as required within BCA Table D3.1. (above)
38. Ensure the garbage rooms and bin chutes are accessible and meet the requirements for persons with a disability.
39. All reception desks, serveries, kitchenette areas etc. will require accessible features suitable for a person that may have a mobility impairment. To meet the intent of the DDA, provide a section for patrons and visitors with disabilities to carry out transactions. This will decrease the risk of non-compliance with the DDA. The accessible sections should have the following features to comply with AS1428.2 clause 24.
    - Minimum 800 mm length
    - Height from the finished floor to the top of the unit 850 ± 20mm,
    - Height of clearance beneath the unit from the finished floor 820 ± 20mm
    - Overhang a minimum 620mm in depth.
40. Low level thresholds should be provided at all doors accessing outdoor areas
41. Abutment of surfaces shall have a smooth transition. Design transition shall be 0 mm. Construction tolerances shall be as follows:
    a. 0 ±3 mm vertical.
    b. 0 ±5 mm, provided the edges have a bevelled or rounded edge to reduce the likelihood of tripping. AS1428.1.7.2.
42. The outdoor areas will require accessible paths of travel and suitable accessible, inclusive features including spaces and equipment.
43. Compliance with the Housing SEPP including Division 4 Site related requirements including location and access to services (Clause 93)

Operational Waste Management

The application is proposing a commercial premise with a private waste collection. To ensure compliance with Appendix A8.2 of the Parramatta DCP a number of controls are recommended in appendix A of this submission which ensures the safe operation of the Waste operations on site.

Concern is raised over the operational waste management measures proposed within the development. The Application's accompanying waste management plan identifies the use of 660L and 1,100L waste receptacles to store waste generated by the various components of the development. However, upon review of the architectural drawings, it is evident that the proposed waste storage areas would not sufficiently accommodate all required waste receptacles.

The 'commercial/retail bin store' on the ground level is proposed to accommodate a total of six (6) 1,100L bins. However, the configuration of the storeroom prevents user access to bins located at the rear of the room as illustrated in the following figure. In addition, there appears to be insufficient room within the storage area to accommodate the required bins due to the presence of a structural column.

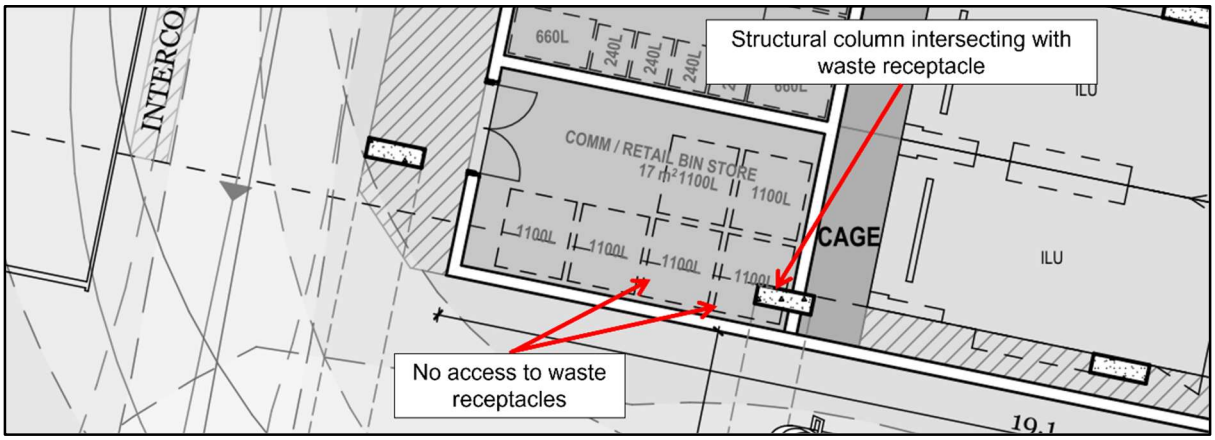

Figure 8 *Commercial/retail bin store*

The Application's accompanying waste management plan does not provide detailed paths of travel from the multiple waste storage area to the waste collection point within the primary loading dock. A preliminary review of the layout of the basement level and primary loading dock reveals that there is insufficient room to navigate the waste receptacles to the rear of the loading dock for collection (see figure below). The presence of structural columns within the basement level also requires users to move waste receptacles through vehicular lanes and trafficable areas, potentially creating conflict between users of the development.

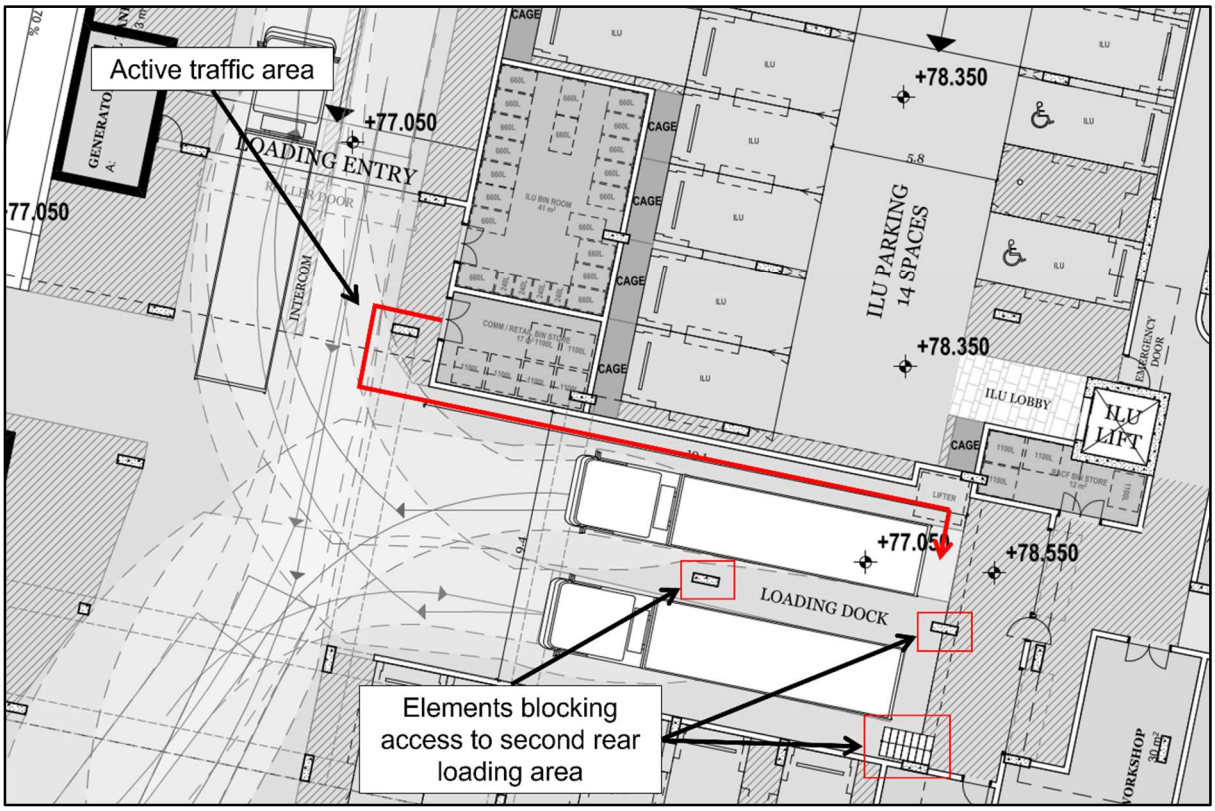

Figure 9 *Potential path of travel for waste collection*

Council requests that the proponent amend the architectural drawings to include sufficient space within waste storage areas to allow user access to all required waste receptacles. In addition, Council requests that clear, unobstructed paths of travel be provided away from trafficable areas to prevent user conflict within the development. A consolidated waste storage area adjacent to the loading dock should also be provided, in lieu of the nine (9) bin rooms proposed throughout Basement Level 1 and Basement Level 2. Finally, Council requests that the bulky waste storage room located on Basement Level 2 be relocated to the loading dock area.

Biodiversity Planning Officer Comments

Council's Biodiversity Planning Officer has reviewed the Biodiversity Development Assessment Report and is acceptable. Conditions would be recommended to manage the mitigation and management measures recommended in this BDAR.

Catchment & Development Engineer Comments

Council's Catchment & Development Engineer team has reviewed the Application's accompanying Flood Impact Assessment Report & Integrated Water Management Plan and is generally satisfied. Conditions would be recommended to ensure compliance with the provided flood reports and water management systems.

Environmental Health Compliance

Council's Environmental Health Team have reviewed the provided Construction Noise and Vibration Impact report as well as the Operational Noise and Vibration Impact Report. Conditions would be recommended ensure the recommendations of these reports are complied with.

The contamination aspects of the development can be adequately managed such that the land is rendered suitable for its proposed use provided that the actions included in the provided Remediation Action Plan and Validation Reporting requirements are carried out. Any contamination that is to remain in situ post development is to be managed under a suitable Long-Term Environmental Management Plan and reference to the location of any encapsulated contaminated materials needs to be included as a covenant on the land title. Conditions would be required to resolve this issue.