

APPENDIX D – STATUTORY COMPLIANCE TABLE

Statutory Reference	Mandatory Consideration	Response	Section in the EIS
Consideration under the Environmental Planning & Assessment Act			
	<p>The Environmental Planning and Assessment Act 1979 is the primary land use planning statute for environmental planning in NSW, providing the legislative framework for detailed development environmental assessment.</p> <p>The objects of the Act are principles to guide planning authorities in making decisions. The proposal is consistent with the objects of the EP&A Act as it is considered to promote the orderly and economic use and development of land while ensuring the context and concept does not result in an adverse impact on the environment. The orderly development of the land will be assisted by securing the long-term provision of affordable rental housing on a large site in an important location within proximity to the Parramatta CBD. The application has, over a number of years, considered the sensitivity of the site's location in proximity to state listed heritage items and the Clay Cliff Creek.</p> <p>The proposed development has been assessed against the heads of consideration contained in Section 4.15 of the EP&A Act. As the application is not for development and only seeks consent for a concept, Section 4.22 of the EP&A Act sets out the relevant assessment requirements:</p> <p>The proposed development and its impact has been assessed in accordance with the matters of consideration listed in Section 4.15 and 4.22 of the EP&A Act, in particular:</p> <ul style="list-style-type: none"> • It delivers the provision of significant affordable housing in an accessible location, close to major transport infrastructure, jobs, employment, services and education. • It is the first stage in the delivery of the development which will facilitate the orderly and economic use of the land. 		

- It has been designed to development of a bulk and scale that is compatibility with the existing and future character of the area.
- It has been designed sensitively to respond to the historical European heritage surrounding the site, particularly Hambleton cottage to the north.
- It will deliver significant open space, courtyards and landscaping responding to its setting within its parkland setting.
- It promotes an understanding of the first nations history within the development, Connecting to Country through an understanding of the cultural landscape that envelops Gregory Place.
- It promotes the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).
- It integrates relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.

Section 1.3	Relevant Objects of the Act		
	To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal promotes the social and economic welfare of the community and a better environment, by replacing an old industrial use with housing to support those with low to moderate incomes and with over 10,000sq.m of publicly accessible landscaped spaces to compliment the landscaped setting of the site.	N/A
	To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The project is committed to achieving high standards of ecologically sustainable development (ESD). An Energy Efficiency and Ecologically Sustainable Design Report has been prepared SLR Consulting Pty Ltd, and is included at Appendix U . The Report provides a qualitative ESD assessment, including energy efficiency, for the proposed development, and has been prepared in accordance with the issued SEARs, noting that the project is at concept application and does not seek consent for development at this stage. Overall, positive ESD and energy efficiency features are currently in place in several design areas ESD initiatives will continue to be developed and implemented throughout the course of the project.	
	To promote the orderly and economic use and development of land	The site is a decaying industrial factory not suitable to the location. The site is in need of urban renewal and has been identified for residential in the local strategic planning framework and supported for residential flat development by the NSW	

		Government through the site compatibility certificate. The proposal will facilitate the orderly and economic development of the land.	
	To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	<p>The proposal is located on an old industrial site. Study has found that there was no threatened species on the site and tree removal was focussed to items of no value (generally exempt species). Where opportunities to retain vegetation has occurred, this has been applied (generally on-site edges). The proposal seeks significant new planting to ensure the development sits within a landscape setting and is screened from certain viewpoints.</p> <p>Further, a BDAR waiver was issued on 22 June 2022, confirming that “the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report is not required”. A BDAR waiver is included at Appendix Y.</p>	
Section 4.15	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • NSW Biodiversity Conservation Act 2016 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Parramatta Local Environmental Plan 2011 	Refer to sections below	N/A

	Relevant proposed environmental planning instruments	None relevant to the proposal	N/A
	Relevant planning agreement or draft planning agreement	There are no planning agreements relevant to the proposal	N/A
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	Assessed in EIS	Section 6
	The suitability of the site for the development	Assessed in EIS	Section 7
	The public interest	Assessed in EIS	Section 7

Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 seeks to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development, and in particular the matters listed under Clause 1.3 of the Act.

The SEARs require an assessment be carried out into the biodiversity impacts associated with the development, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless it can be demonstrated that the proposed development is not likely to have any significant impact on biodiversity values and the Planning Agency Head (or delegate) and the Environment Agency Head (or delegate) grant a waiver.

The existence of biodiversity values and impact of the development on potential biodiversity value has been assessed through the preparation of a Arboricultural Impact Assessment and Tree Management Plan prepared by Horticultural Management Services and waiver request prepared by MJD Environmental.

The reports identified Twenty-one (21) non-endemic planted trees species will be impacted by the proposed development, of which six (6) are not exempt under the DCP (2011) or Sydney Water Act (1994). Of the 6-requiring approval, all bar one individuals were assessed in the Horticulturist report as having nil to low ecological landscape significance based on life expectancy, structure and connectivity within the landscape. The remaining species determined to have medium ecological significance is a Lemon scented Gum (*Corymbia citriodora*), which is regarded as a weed within the wider Sydney Region due to its invasion of open woodland areas from deliberate plantings.

In summary, the reports demonstrate that the proposed concept will not likely have any significant impact on biodiversity values as follows:

<ul style="list-style-type: none"> • The proposal will not impact indigenous vegetation, vegetation communities or reduce important available habitat for threatened entities. • The proposal will require the removal of twenty-one (21) non-endemic planted trees and shrubs, of which eleven (11) individuals require approval for under Part 5.4 of the DCP (2011). Of the 11 individuals, five (5) are recommended for removal under Part 6 Division 4 Section 46 of the Sydney Water Act 1994 due to risks of infrastructure interference from root extents. • The non-endemic planted species to be impacted as a result of the proposal do not constitute as habitat for threatened entities beyond opportunistic foraging. • Owing to the sites position within the landscape, lack of indigenous vegetation and habitat features present within the site, impacts to threatened species or ecological communities or their habitat are unlikely to occur. • Therefore, it is considered the application of a biodiversity assessment waiver as required under the SEARs issued for the site is appropriate for the current proposal due to the required removal of up to six (6) nonendemic planted trees. 			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.	<p>A request for a waiver for the requirement to prepare a Biodiversity Development Assessment Report (BDAR) was prepared by MJD Environmental and submitted to the DPE on 20 June 2022.</p> <p>The waiver was supported by Aboricultural Impact Assessment and Tree Management Plan, which identifies the trees within and adjoining the site and provides an individual health condition assessment, and their suitability for retention, preservation or removal A BDAR waiver was issued on 22 June 2022, confirming that <i>“the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report is not required”</i>.</p>	Section 6.10 and Appendix Y
State Environmental Planning Policies			
State Environmental Planning Policy (Planning Systems) 2021	<p>Part 2.2 State significant development</p> <p>2.6 Declaration of State significant development: section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if—</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument,</p>	<p>The project is classified as SSD as it comprises development for the purpose of ‘build-to-rent housing’ with a capital investment value (CIV) of more than \$100 million (with at least 60% of the capital investment value related to the tenanted component) on land within the Greater Sydney Region, pursuant to Clause 27 of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021. Refer to Schedule 1, Clause 27 Build-to-rent housing.</p> <p>27 Build-to-rent housing</p>	Section 6.1 and Appendix I

	<p>not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	<p>(1) <i>Development permitted under the Housing SEPP, Chapter 3, Part 4 if—</i></p> <p>(a) <i>the proposed development has a capital investment value of—</i></p> <p>(i) <i>for development on land in the Greater Sydney Region—more than \$100 million, or</i></p> <p>(ii) <i>for development on other land—more than \$50 million, and</i></p> <p>(b) <i>the tenanted component of the proposed development has a value of at least 60% of the capital investment value of the proposed development, and</i></p> <p>(c) <i>for development on land in Zone B3 Commercial Core—the proposed development does not involve development that is prohibited under an environmental planning instrument applying to the land, other than development for the purposes of multi dwelling housing, residential flat buildings or shop top housing, and</i></p> <p>(d) <i>for development on other land—the proposed development does not involve development that is prohibited under an environmental planning instrument applying to the land.</i></p> <p>(2) <i>Subsection (1) does not apply to development on land within the area of the City of Sydney.</i></p> <p>(2A) <i>Subsection (1)(d) does not apply to development on land for which a site compatibility certificate has been issued—</i></p> <p>(i) <i>under the Housing SEPP, section 39, or</i></p> <p>(ii) <i>State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 37, as in force immediately before its repeal.</i></p> <p>(3) <i>In this section—</i></p> <p>Greater Sydney Region <i>has the same meaning as in the Greater Sydney Commission Act 2015.</i></p>	
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State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	<p>4 Application of Policy</p> <p>(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if—</p> <p>(a) the development consists of any of the following—</p> <ul style="list-style-type: none"> (i) the erection of a new building, (ii) the substantial redevelopment or the substantial refurbishment of an existing building, (iii) the conversion of an existing building, and <p>(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and</p> <p>(c) the building concerned contains at least 4 or more dwellings.</p>	<p>A site compatibility certificate has been issued for the site under Division 5 of the ARH SEPP (now Housing SEPP). Clause 41 of the Housing SEPP states:</p> <p><i>“Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development to development to which this Division applies”.</i></p> <p>Therefore, SEPP 65 applies to the subject development.</p> <p>While the application is for concept only at this stage, and further consideration against the provisions of SEPP 65 will be required under further applications for development, to assist in the assessment of the Concept DA, a table has been prepared to demonstrate how the proposal is capable of complying with the relevant objectives of the Apartment Design Guide. This is included below.</p>	Refer to table below.
State Environmental Planning Policy (Housing) 2021	<p>Part 2 Development for affordable housing</p> <p>Division 5 Residential flat buildings – social housing providers, public authorities and joint ventures</p>	<p>The ARH SEPP (now Housing SEPP 2021) applies to land in the Sydney region within 800 metres of a public entrance to a railway station of light rail station <i>“but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument”.</i></p>	Section 1.4.1, Appendix B and Appendix K

		<p>As the site is zoned IN1 General Industrial, under which residential flat buildings are prohibited, an application was made in December 2016 for a SCC to the department pursuant to the provisions of Division 5 of the ARH SEPP.</p> <p>On 19 July 2017, under the provisions of Clause 37 of Division 5 of the ARH SEPP a SCC was issued by the department.</p> <p>The SCC provided as follows: <i>I certify that in my opinion:</i></p> <ul style="list-style-type: none"> • The site described in Schedule 1 is located in the Sydney Region within 800 metres of a rail station; • <i>The development described in Schedule 1 is compatible with the surrounding land uses, having regard to the matters set out in Clause 37(6)(b); and</i> • <i>That development for the purposes of affordable rental housing is not likely to have an adverse effect on the environment and will not cause any unacceptable environmental risks to the land uses subject to the requirements specified in Schedule 2 of this certificate.</i> <p>The development of the site described in Schedule 1 of the SCC is as follows: <i>“Residential flat development with a minimum of 50% of all residential product being made available for affordable rental housing for a minimum of 10 years”</i></p> <p>A number of conditions were prescribed at Schedule 2. Refer to Section 1.4.1 and Appendix B. The EIS describes how the conditions have been met through a long process of collaboration with Heritage NSW and the Heritage Council Approvals Committee, The State Design Review Panel and a peer review process with Alec Tzannes. The Concept Design Report at</p>	
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		Appendix K also provides details of how the design meets the conditions and achieves compatibility.	
	<p>Chapter 3, Diverse Housing Part 4 Build-to-rent housing</p> <p>72 Development for the purposes of build-to-rent housing permitted with consent</p> <p>(1) <i>The objective of this section is to enable certain residential accommodation to be used as build-to-rent housing.</i></p> <p>(2) <i>This Part applies to development for the purposes of multi dwelling housing, residential flat buildings or shop top housing on land—</i></p> <p>(a) <i>in the following zones—</i></p> <p>(i) <i>a zone in which development for the purposes of residential flat buildings is permissible under another environmental planning instrument,</i></p> <p>(ii) <i>Zone B3 Commercial Core,</i></p> <p>(ii) <i>Zone B4 Mixed Use,</i></p> <p>(iv) <i>Zone B8 Metropolitan Centre, or</i></p> <p>(b) <i>for which a site compatibility certificate has been issued under section 39.</i></p> <p>(3) <i>Development consent may be granted for development to which this Part applies if—</i></p> <p>(a) <i>the development will result in at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and</i></p>	<p>On 12 February 2021 State Environmental Planning Policy Amendment (Build-to-rent Housing) 2021 was made to introduce Build-to-rent (BTR) housing into the planning system. BTR housing has the potential to provide more rental housing choice and to support construction jobs and drive economic recovery. Division 6A applies to development that contains at least 50 dwellings occupied by residents under a tenancy agreement and facilitates concessions in relation to the application of SEPP 65 and the ADG.</p> <p>While the site is not within a prescribed zone under Section 72 of the SEPP, it is subject to a SCC issued under Section 39 of the SEPP. However, the SCC was issued under the ARH SEPP 2009, not the Housing SEPP 2021, and therefore the savings provisions under Schedule 7A Savings and Transitional provisions apply, notably <i>Clause 3 Continued application of site compatibility certificates</i>:</p> <p>(3) <i>If a development application made after the commencement date relies on a site compatibility certificate issued under the repealed ARH SEPP, clause 37, the site compatibility certificate is taken to be a site compatibility certificate issued under this Policy, Chapter 2, Part 2, Division 5.</i></p>	N/A

	<p>(b) all buildings containing the dwellings are located on the same lot.</p> <p>(4) Part 7 does not apply to development permitted under this Part.</p>		
	<p>73 Conditions of build-to-rent housing to apply for at least 15 years</p>	<p>Notwithstanding the application is for a concept only at this stage, the following is noted:</p> <ul style="list-style-type: none"> The tenanted component of the future building will be owned and operated by 1 person or a managing agent. Given the proposal includes significant affordable housing (50% of total dwellings) it is likely this will be through Pacific Community Housing. <p>The build-to-rent housing component will apply for a minimum of 15 years from the day an occupation certificate is issued.</p>	EIS
	<p>74 Non-discretionary development standards – the Act, s.4.15</p>	<p>While the maximum building height under the Parramatta LEP 2011 is 9.2 metres, the land use controls contemplated in the LEP are specific to industrial development and have not taken into account a built form and use that seeks to provide affordable housing in the form of residential flat development. Clause 1.9(1) of the LEP states that the LEP is subject to the provisions of any State Environmental Planning Policy (SEPP) that prevails over the LEP.</p> <p>Clause 8 of the ARH SEPP states if there is an inconsistency between it and any other environmental planning instrument, the ARH SEPP prevails to the extent of the inconsistency. Residential flat buildings are prohibited in IN1 General Industrial zone under the LEP. However, with the benefit of the SCC issued on 19 July 2017 under the then ARH SEPP, residential flat buildings are an additional permitted use on the subject site</p> <p>The SCC provided under Schedule 2 that the height, along with bulk, scale and form, amongst other matters, was to be determined through the development assessment process. The</p>	Section 3.6.2, Section 6.3.3 and Appendix E
	<p>(2) The following are non-discretionary development standards in relation to the carrying out of the development to which this Part applies—</p> <p>(a) the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for a building on the land,</p>		

		height determined by that process was 27.9 metres which importantly was supported by the HCAC.	
	(b) for development on land in a zone in which no residential accommodation is permitted under another environmental planning instrument—a floor space ratio that is not more than the maximum permissible floor space ratio for other development on the land under another environmental planning instrument,	<p>The floor space ratio control does not apply to the site.</p> <p>The density is to be determined by the conditions of the SCC, which requires the final development layout, design and number of dwellings being subject to the resolution of:</p> <ul style="list-style-type: none"> • <i>Surrounding heritage items</i> • <i>form, height, bulk, scale, setbacks, landscaping and residential amenity</i> • <i>traffic and access, flood risk management and soil contamination</i> <p>The concept, therefore, provides for a density of 2.5:1 (48,685m² GFA) on a site area of 19,480msq.m.</p>	N/A
	(c) if paragraph (b) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land under another environmental planning instrument,	N/A	N/A
	<p>(d) for development carried out wholly or partly on land in the Greater Sydney Region—</p> <p>(i) for land within an accessible area—0.2 parking spaces for each dwelling, or</p> <p>(ii) otherwise—0.5 parking spaces for each dwelling, or</p> <p>(iii) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower</p>	<p>The concept proposal seeks to facilitate 483 dwellings, supported by two basements levels that will provide 634 spaces, including 566 parking spaces to support the development and 68 visitor spaces. The basement also provides a loading area.</p> <p>While the site is within an accessible area, the proposal provides approximately 1.3 spaces per dwelling. It is noted that this is a concept and the layout and parking provision in the two basement levels may be subject to change.</p> <p>Nonwasting, the application is supported by a Traffic & Transport Study that demonstrates that the indicative parking provision is</p>	Section 6.9 and Appendix X


	number specified in the relevant planning instrument,	acceptable and can be supported on impact grounds. Refer to Appendix X.	
	(e) if paragraph (d) does not apply—at least the number of parking spaces required under the relevant development control plan or local environmental plan for a residential flat building.	<p>Maximum parking rates apply for CBD development under Parramatta LEP 2011. Section 3.6.2 of Part 3 applies:</p> <p><i>Residential flat buildings, Multi dwelling housing or the residential component of Mixed Use development (within 400 metres walking distance of a transitway bus stop with a service frequency of an average of 10 minutes or less during the morning peak hour (7am-9am) in either direction, or of a railway station). 1 space per 1 or 2 bedroom unit 1.2 spaces per 3 bedroom unit 2 spaces per 4 bedroom unit Plus 0.25 space per dwelling for visitor parking A car wash bay which may also be a visitor space</i></p> <p>The concept proposal meets the minimum parking required under the DCP.</p>	Section 6.9 and Appendix X
	75 Design Requirements	<p>The application is for a concept application, associated with a SCC under Division 5. Nothing under that policy prevents the applications of SEPP 65. It is noted that a detailed assessment against the provisions of SEPP 65 and the ADG is included at the end of the Appendix, which demonstrates how the proposal is capable of complying with the relevant objectives of the Apartment Design Guide.</p> <p>For the purpose of 75(2), the application is not a modification application.</p>	Refer to end of Appendix
	76 Active Uses on ground floor of build-to-rent housing in business zones	<p>The site is not located in a business zone and therefore this clause is not applicable.</p> <p>It is noted however, that the ground floor interface has been carefully considered and the varying topography across the site results in a number of different conditions at the ground level of buildings. Within the communal courtyards, private terraces are located at the same level of the courtyard with visual privacy</p>	N/A

		achieved with deep planters between the courtyard and the terraces. Along the passages, ground level apartments are raised as the Passages meet the existing levels of the stormwater channel. Deep planters are also used to achieve visual privacy. Along the Channel Walk, ground level apartments are raised approximately 1m with planting between the walkway and balconies to apartments to achieve visual privacy.	
	77 Conditions requiring land or contributions for affordable housing Nothing in this Part overrides a requirement to dedicate land or pay a monetary contribution under the Act, section 7.32.	The project supports the provisions of 241 affordable dwellings out of the total 483 dwellings associated with the future development, in accordance with the provisions of the SCC.	Section 6.22 and Appendix H
	78 Consideration of Apartment Design Guide for further subdivision of dwellings Development consent must not be granted for development involving the subdivision of a residential flat building for which consent has been granted under this Part unless the consent authority has considered the relevant provisions of the Apartment Design Guide in relation to the part of the building affected by the subdivision.	No subdivision is proposed	N/A
	4.6 Contamination and remediation to be considered in determining development application (1) A consent authority must not consent to the carrying out of any development on land unless—	A Phase 1 Contamination Investigation was conducted in 2015 by Sullivan Environmental Sciences to appraise existing and historical activities on the site, assess the potential for land contamination from those activities, and assess the need for further investigation.	Section 6.15, Appendix EE and Appendix FF.

	<p>(a) it has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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.</p>	<p>The Phase 1 was finalised and issued on 26 August 2015 concluding that <i>“historic activities at the site may have caused potential site contamination and may pose a potential health risk”</i>. It was recommended to conduct a Phase 2 contamination investigation to address contamination concerns within identified areas of the site.</p> <p>Notwithstanding the requirement in the SEARs that a Preliminary Site Investigation be undertaken given the application is only seeks concept approval, a detailed Phase 2 Contamination Investigation and Remediation Action Plan (RAP), have been prepared by Sullivan Environmental Sciences to “demonstrate the site is suitable (or will be suitable, after remediation) for the development”.</p> <p>Subject to the successful implementation of the remediation and validation measures detailed in the attached RAP, Sullivan Environmental Sciences considers the site can be rendered suitable for its intended future land use for residential apartment development with associated basement carparking and open space.</p> <p>Refer to Appendix EE and FF.</p>	
State Environmental Planning Policy (Resilience and Hazards) 2021	Part 2.2, Division 17 Roads and Traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations.	<p>The development in traffic generating development for the purpose of Schedule 3 Traffic generating development of the SEPP. Therefore, the proposal will be referred to TfNSW as part of the progression of the project. The current application is for concept only, and further study and assessment is to occur, where apartment and car parking numbers are finalised as part of the detailed development and further analysis can be undertaken to understand the impacts of the development.</p> <p>Notwithstanding, SIDRA analysis has occurred for development scenarios ranging from 750 apartments to 2500 apartments. The</p>	Section 6.9 and Appendix X

		<p>study at that time concluded that the studied intersections operated at a satisfactory level of service under existing conditions; that at 750 apartments the network would be approaching capacity under the current road configuration and at 2500 apartments the network would be at capacity if vehicular movements were limited to left in and left out of Gregory Place. It is noted that the proposed dwelling yield, at 483 dwellings, is below all scenarios previously modelled and that the network can support this proposal.</p> <p>A Transport and Accessibility Impact Assessment is included at Appendix X and provides further details of the impact and assessment.</p>	
State Environmental Planning Policy (Transport and Infrastructure) 2021	Part 2.2, Division 17 Roads and Traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations.	<p>The development in traffic generating development for the purpose of Schedule 3 Traffic generating development of the SEPP. Therefore, the proposal will be referred to TfNSW as part of the progression of the project. The current application is for concept only, and further study and assessment is to occur, where apartment and car parking numbers are finalised as part of the detailed development and further analysis can be undertaken to understand the impacts of the development.</p> <p>Notwithstanding, SIDRA analysis has occurred for development scenarios ranging from 750 apartments to 2500 apartments. The study at that time concluded that the studied intersections operated at a satisfactory level of service under existing conditions; that at 750 apartments the network would be approaching capacity under the current road configuration and at 2500 apartments the network would be at capacity if vehicular movements were limited to left in and left out of Gregory Place. It is noted that the proposed dwelling yield, at 483 dwellings, is below all scenarios previously modelled and that the network can support this proposal.</p> <p>A Transport and Accessibility Impact Assessment is included at Appendix X and provides further details of the impact and assessment.</p>	Section 6.9 and Appendix X

Draft Environmental Planning Instruments			
	None relevant to the proposal		N/A
Local Environmental Plans			
Parramatta LEP 2011	Clause 2.1 Land Use Zone	<p>The site is zoned IN1 General Industrial under which, under which <i>'residential flat buildings'</i> and <i>'shop top housing'</i> are prohibited. The proposed concept plan will facilitate the future development of the site for <i>'residential flat buildings'</i>.</p> <p>As previously discussed, as the site is zoned IN1 General Industrial, under which "Residential flat buildings" are prohibited, an application was made in December 2016 for a Site Compatibility Certificate to the Department of Planning and Environment pursuant to the provisions of Division 5 of the ARH SEPP. On 19 July 2017, under the provisions of Clause 37 of Division 5 of the ARH SEPP a Site Compatibility Certificate (SCC) was issued by the Department of Planning and Environment, which certified that the development described as <i>"Residential flat development with a minimum of 50% of all residential product being made available for affordable rental housing for a minimum of 10 years"</i> is <i>"compatible with the surrounding land uses, having regard to the matters set out in Clause 37(6)(b)"</i>.</p>	Section 1.4.1
	Clause 4.3 Height of Buildings	<p>The maximum building height for the subject site is 9.2 metres ("J2"), which is equivalent to approximately 2 to 3 storeys.</p> <p>Land to the north and east have a maximum building height of 11-14 metres (RL), which is related to the historical heritage views from Elizabeth Farm and Experiment Farm. Sites to the south have maximum building heights ranging from 6 to 13 metres on an elevated topography on top of the remnant clay cliff.</p>	Section 3.6.2

		<p>The built form varies in height from RL 18.40 to RL 32.40, or a maximum height in metres of 27.9 metres. This is a 67% increase on the maximum height control of 9.2 metres. The existing factory buildings on the site vary in height up to RL 28.70. Further, the site is subject to a SCC providing a use that is not contemplated by the height control, with conditions that seek to determine a height through further study. That study has informed the height, notwithstanding the height control.</p>  <p><i>Maximum Height of Building Map</i></p>	
	Clause 4.4 Floor Space Ratio	<p>The maximum floor space ratio (FSR) control does not apply to the site.</p> <p>The ARH SEPP provides for incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards. To determine the appropriate density for the development, Schedule 2 of the SCC provided for conditions which required consultation with the Heritage Council</p>	Section 3.6.3

of NSW to determine the “*bulk and scale, and design principles to protect surrounding heritage items*”.

The bulk and scale of the development was defined by its setbacks, building height and landscaped area to ensure the development retains compatibility within its context, as per the requirements of the SCC.

The architectural design concept is for 3 x freestanding building forms that are arranged into an orthogonal layout of five fingers that vary in height from 4-8 storeys and adjust to the scale of the existing and future context, including remaining colonial cottages. The built form has been embedded within a parkland setting of courts and passages that creates a framework for permeable pedestrian movement to enable physical and visual connections to the rich cultural landscape setting.



		The concept, therefore, provides for a density of 2.5:1 (48,685m ² GFA) on a site area of 19,480msq.m. This is simply a numerical calculation based on the built form layout and performance criteria associated with the development concept.	
	Clause 4.6	<p>The proposal will have a maximum height of 27.9 metres, which is a 67% increase on maximum height of building development standard.</p> <p>It is possible that a clause 4.6 request is not required given that Division 5 clause 36 of the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (ARH SEPP) permits development allowed for in a site compatibility certificate (SCC) issued under that SEPP to be carried out with development consent. That provision of the SEPP may override the development standard in the LEP. A clause 4.6 request has been prepared, notwithstanding the issuing of the SCC, and is included at Appendix E. There are strong planning reasons why an increased height of building exceeding the 9.2 metre standard is appropriate on this site, which are discussed further in the attached request.</p>	Appendix E
	Clause 5.10 Heritage Conservation	<p>The site is not identified as a heritage item and is not within a conservation area. However, there are a number of heritage items and heritage conservation areas surrounding the site of state and local significance:</p> <p><u>State significance:</u></p> <p>I00001 - Elizabeth Farm House I00285 - Public reserve associated with Elizabeth Farm A00768 - Experiment Farm archaeological site I00768 - Experiment Farm Cottage and environ</p>	Section 6.18 and Appendix KK

I504 - Hambledon Cottage and all trees (we understand PLEP has yet to be updated to reflect this).

Local significance:

I532 - Timber cottages

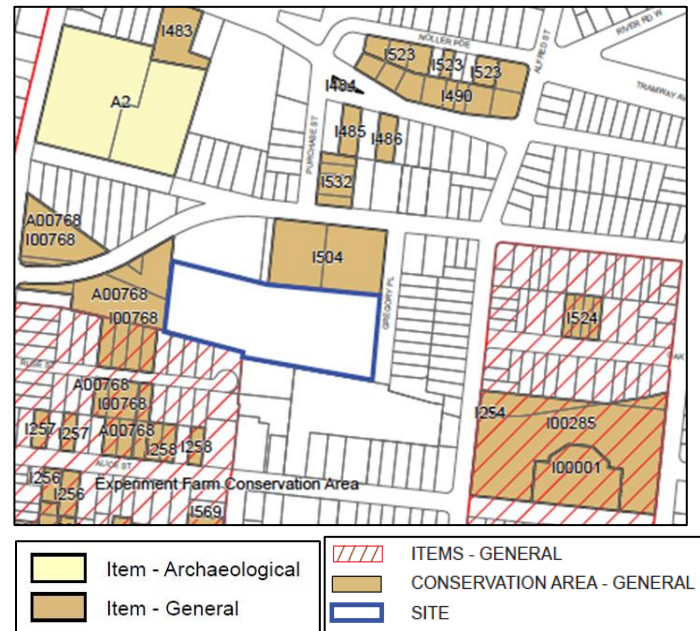
I254 - Boundary Stone

Conservation areas:

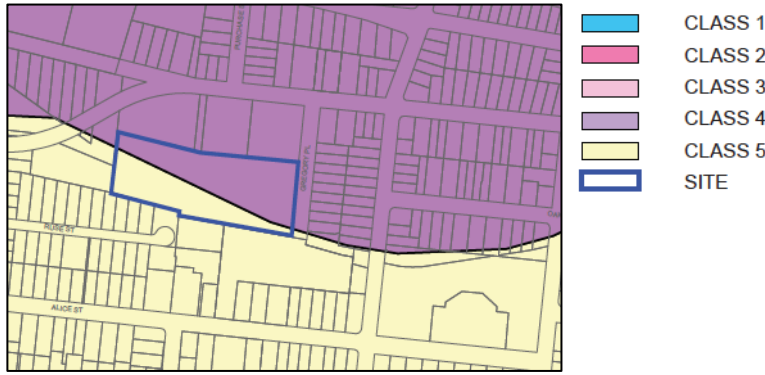
Elizabeth Farm Conservation Area

Experiment Farm Conservation Area

Harris Park West Conservation Area



Parramatta LEP 2011 Heritage Map

	Clause 6.1 Acid Sulfate Soils	<p>The site has two acid sulfate soil classifications, generally divided by the stormwater channel. The north of the site is Class 4, which means that the water table is likely to be lowered more than 2 meters below the natural ground surface. The south of the site is Class 5 which means applies to works within 500 metres of the adjacent Class 1, 2, 3, or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3, or 4 land.</p>  <p><i>Acid Sulfate Soils Map</i></p>	Section 6.12.5 and Appendix AA
Development Control Plans			
Parramatta DCP 2011	N/A	<p>The site is zoned IN1 General Industrial, however has a site specific SCC that permits residential flat buildings. The certificate requires resolution of the “<i>form, height, bulk, scale, setbacks, landscaping and residential amenity</i>” through the development assessment process.</p> <p>A detailed workshop process with the Heritage Council Approvals Committee, the SDRP and a peer review considered the above requirements and informed the subject concept application. This</p>	N/A

		<p>included the form, scale, setbacks and landscaping amongst other items.</p> <p>Further, the Concept application is an alternative to a DCP, as per Section 4.23(2) of the EP&A Act, and will be used to assess future applications for development.</p>	
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State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

Due to the nature of the design, a Concept DA is statutorily not required to verify that the design quality principles set out in Schedule 1 of the State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development have been achieved or that objectives contained within Parts 3 + 4 of the Apartment Design Guide have been achieved.

SEPP 65 establishes nine design quality principles to be applied in the design and assessment of residential apartment development. The Apartment Design Guide provides greater detail on how residential development proposals can meet these principles through good design and planning practice. A SEPP 65 compliance statement, ADG compliance statement and Design Verification Statement will be included in a future detailed Development Application/s.

Nevertheless, to assist in the assessment of the Concept DA, a table has been prepared to demonstrate how the proposal is capable of complying with the relevant objectives of the Apartment Design Guide, therefore, illustrating that the design quality principles of SEPP 65 are capable of achieving compliance.

ADG Section	ADG Objectives	Capable of Compliance	
3B Orientation	Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Buildings define the street and are oriented to the north, east + west to maximise solar access.	✓
	Overshadowing of neighbouring properties is minimised during mid-winter.	All adjoining residential developments continue to receive adequate solar access to private open spaces and living areas at mid-winter.	✓
3C Public domain interface	Transition between private and public domain is achieved without compromising safety + security	Appropriate transitions are achieved by changes in level, planting, permeable treatments and surveillance.	✓

	Amenity of the public domain is retained and enhanced	The public domain along Gregory Place is enhanced with an upgraded front setback zone and building entries. A permeable network of publicly accessible through site links are provided through the site.	✓
3D Communal + public open space	An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	12,192m ² (62.6%) of communal open space is provided at ground level and on roof terraces compared to the minimum guideline of 25%	✓
3E Deep soil zones	Deep soil zones provide areas of the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	5100m ² (26.2%) of deep soil area is provided on the site compared to the minimum guideline of 7%.	✓
3F Visual Privacy	Adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy.	The site is an island site with frontages to only 4 residential dwellings. Separation distances greatly exceed the minimum guidelines.	✓
	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open spaces.	Adequate separation and modulation is provided between dwellings on the site to achieving the minimum recommended guidelines and ensure privacy can be achieved.	✓
3G Pedestrian access + entries	Building entries and pedestrian access connects to and addresses the public domain	The site only has one frontage to Gregory Place. A network of permeable publicly accessible pathways are provided through the site	✓
	Access, entries and pathways are accessible and easy to identify	A network of permeable publicly accessible pathways has been provided through the site providing clearly identifiable entries to lift lobbies.	✓
	Large sites provide pedestrian links for access to streets and connection to destinations	The site is a large site with an area of 19,485m ² . Pedestrian links are provided through the site to better connect with	✓

		the Parramatta CBD and extend existing pathways that have been prevented by the existing uses on the site.	
3H Vehicle access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Due to the single street frontage to Gregory Place, vehicle access to basement parking is provided for resident and visitor parking and has been separated from the loading and service area to minimise conflicts. The access points have been integrated within the design of the building to achieve a landscaped setback zone, access to building entry lobbies and create a high-quality streetscape.	✓
3J Bicycle and car parking	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	The site is located in close proximity to multiple modes of transport and parking will be provided in accordance with the guideline.	✓
	Parking and facilities are provided for other modes of transport	Parking for motorbikes and bicycles will be provided with the development.	✓
	Car park design and access is safe and secure	All parking is provided within basements with a clear layout providing access to secured lifts.	✓
	Visual and environmental impacts of underground car parking are minimised	All parking is provided within basements that are encircled by a deep soil zone. The ground level is landscaped to achieve a total landscaped area on the site of 17,753m ² (91.13%) to rejuvenate the blighted industrial land and better Connect with Country	✓
4A Solar and daylight access	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open spaces.	340/484 (70.4%) of apartments are capable of receive 2 hours or direct solar access to living areas and private open spaces at mid-winter	✓
4B Natural ventilation	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	292/483 (60.5%) of apartments are capable of being naturally cross ventilated utilising corner and cross-through layouts and incorporating roof windows.	✓

4D Apartment sizes and layout	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	All apartments are capable of achieving the minimum apartment size guidelines. The layouts can achieve a diversity of apartment types and layouts with a minimum of 50% being affordable housing. All living areas and bedrooms are capable of achieving the minimum guideline dimensions.	✓
4E Private open space and balconies	Apartments provide appropriately sized private open space and balconies to enhance residential amenity.	All apartments are capable of achieving the minimum areas for private open spaces within the guidelines. Private open spaces can be easily located directly adjacent to living areas.	✓
4F Common circulation and spaces	Common circulation spaces achieve good amenity and properly services the number of apartments.	The building layouts have multiple cores with common circulation spaces having access to light and air to service the number of apartments off a single core. There is potential to integrate small social spaces within lobby areas for enhanced social interaction between residents.	✓