



**CITY OF PARRAMATTA**

Your Reference: KS 09389  
Our Reference: NCA/6/2010/A  
Contact: Sonia Jacenko  
Telephone: 9806 5751

Ms Kim Shmuel  
PO Box 375  
NORTH SYDNEY  
NSW 2059

22 January 2016

Dear Kim,

**Dedication of Affordable Housing Apartment - V by Crown Development  
45 Macquarie Street, Parramatta**

I write in response to your letter regarding the units to be dedicated to Council for affordable housing purposes in the approved V by Crown Development at 45 Macquarie Street, Parramatta as required under Condition B4A of the modified development approval issued for MP09\_0167.

Condition B4 'Affordable Housing' of the approval lists the configuration of the five (5) units to be dedicated to Council which consist of:

- 1 x two-bedroom apartment
- 2 x one-bedroom apartments
- 2 x studio apartments.

The condition also specifies that the units must comply with SEPP 65 (and subsequently the Apartment Design Guideline (ADG)) in relation to solar access, natural cross ventilation, privacy requirements, and the minimum unit size.

At the meeting held on 21 December 2015, Council Officers raised concern with the proposed units' (Unit 10.05, Unit 21.17, Unit 20.16, Unit 21.14, and Unit 21.15 as identified on the approved plans) compliance with the solar access and cross ventilation requirements of the ADG. Council Officers would like to ensure the units being dedicated to Council achieve a suitable level of compliance with these requirements to ensure future affordable housing tenants benefit from the levels of residential amenity and liveability envisaged by SEPP 65 and the ADG.

As outlined in your letter dated 21 December 2015, it was agreed during negotiations that at a minimum the units to be dedicated to Council should achieve the same proportion of solar access and natural cross ventilation compliance with the ADG as that of the V by Crown Development as a whole. As a result, approximately 80% of the units proposed to be delivered to Council must receive a minimum of 2 hours solar access and approximately 60% of the units must be naturally cross ventilated.

The units proposed to be dedicated to Council were amended to achieve this proportion and now consist of Unit S10.01, Unit 21.17, Unit 20.16, Unit 21.14, and Unit 21.15 on the approved plan. Officers note that Unit S10.01 does not comply with the solar access requirements of the ADG, and Unit 21.15 and 21.17 do not achieve natural cross ventilation. Therefore the units proposed to be dedicated to Council do not strictly comply with the requirements of Condition B4A. However given the offer achieves the same level of SEPP 65 compliance (in relation to solar access and natural ventilation) as the development as a whole, Council accepts the offer.

In addition, Council supports the inclusion of the following household appliances within each unit, as this is consistent with the other affordable housing units that have been negotiated and/or dedicated to Council:

- A range hood
- Cook top
- Oven
- Dishwasher
- Washing machine
- Dryer.

The letter dated 21 December 2015, and email dated 19 January 2016, propose changes to the wording of Condition B4A to include the unit numbers identified on the approved plans to be transferred to Council, and to be more specific in relation to the timing of the transfer of the units. Council's Legal Services Team has reviewed the condition and propose some minor changes to ensure the wording within the condition is consistent. Please see the attachment which sets out the suggested changes. In relation to your questions regarding the legal process used to transfer the units to Council, the actual transfer is achieved by way of the typical conveyancing process.

If you have any questions relating to any of the matters outlined above, please do not hesitate to contact Sonia Jacenko – Project Officer Land Use Planning on 9806 5751.

Yours sincerely



Robert Cologna  
**Service Manager - Land Use Planning**



#### Condition B4A

As set out in the Proponent's revised statement of commitments (see the end of this document), the Proponent shall dedicate 5 affordable housing units to Parramatta City Council ("Council") as identified in condition B4A(b) below (each affordable housing unit being a "Council Strata Lot"). ~~The units~~ The Council Strata Lots shall:

(a) ~~be dedicated to Council prior to the issue of any occupation certificate for block D each be dedicated to Council free of cost with the dedication of each individual Council Strata Lot to occur within 15 Business Days after:~~

- (i) the issue of an Occupation Certificate for the ~~residential~~ relevant part of the Development within which that Council Strata Lot is located, or
- (ii) the registration of a Strata Plan for the ~~residential~~ relevant part of the Development within which that Council Strata Lot is located,

whichever occurs later, the ~~Developer~~ Proponent must at no cost to Council transfer ~~the each~~ Council Strata Lot to the Council in accordance with any relevant ~~provisions of the Construction Terms approvals, approved plans or construction terms~~ and so that immediately on transfer, the Council will have an estate in fee simple in possession, freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, ~~except as may be permitted by this agreement~~. For the avoidance of doubt, all stamp duty (including fines penalties and interest) payable on or in connection with ~~this agreement~~, the transfer of ~~the any~~ Council Strata Lot and on any other instruments executed under or any transaction evidenced by this agreement in connection with the transfer of the Council Strata Lots, must be borne by the ~~Developer~~ Proponent;

(b) ~~comprise of the following apartments as identified in the approved plans under Condition A2:~~

- (i) Apartment S10.01, being an apartment on level 10, located in the same corresponding location as S12.01 identified in the approved plans under Condition A2;
- (ii) Apartment 20.16 as identified in the approved plans under Condition A2;
- (iii) Apartment 21.14 as identified in the approved plans under Condition A2;
- (iv) Apartment 21.15 as identified in the approved plans under Condition A2;
- (v) Apartment 21.17 as identified in the approved plans under Condition A2;

(c) each include the following household appliances:

- (i) a range hood;
- (ii) cook top; \_
- (iii) oven;
- (iv) dishwasher;
- (v) washing machine; and
- (vi) dryer.

~~(d) a 2 bedroom apartment, 2 x 1 bedroom apartments and 2 x studio apartments;~~

~~(e) comply with SEPP 65 solar access, natural cross ventilation and privacy requirements and the minimum unit size of the Residential Flat Design Code;~~

~~(f) be identified prior to the issue of any construction certificate for block D.~~

~~In the event that the Proponent and Council are unable to agree on the suitability of apartments to be dedicated, the decision of the Director General shall be final.~~