



LATE ITEM MEMO BUSINESS PAPER

**(ITEM 15)
GENERAL MEETING**

**Wednesday 11 June 2014
at 6:30 PM**



TABLE OF CONTENTS

SUPPLEMENTARY ITEMS

Item 15	LM2/14 Development Application - Section 96(2) – Construction of an Affordable Rental Housing Development Comprising 8 Townhouses – 3 & 5 Fulbourne Avenue, Pennant Hills	1
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ITEM 15 **PL42/14** - Development Application - Section 96(2) - Construction of an Affordable Rental Housing Development Comprising 8 Townhouses - 3 and 5 Fulbourne Avenue, Pennant Hills

Additional information with no change to Recommendation

The Planning Report at Section 2.3.6 states the nominated affordable housing units include Units 2, 3, 9, 10, 11 and 12.

The applicant submits the provision for affordable rental housing is in accordance with Clause 13 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* which permits a floor space bonus subject to at least 20% of the total floor space being for affordable rental housing (237m²).

The applicant nominates Units 3, 5 and 11 for affordable rental housing. The units have a floor area of 241.89m².

Accordingly, in compliance with the provision of the Policy, the above Report's recommended Condition No. 33 for the provision of affordable rental housing is to be amended for the three nominated affordable rental housing units.

The Table to Condition No. 1 at Page 15 omits the submitted Drawing DA 01 and Drawing DA 02 which are plans recommended for approval. The table is to be amended accordingly.

Page 5 of the Planning Report includes an error in the last sentence of the paragraph commencing with Clause 5.10. Section 3.2.2 is to read Section 2.8.2.

Page 16 includes an error at Condition 4. The later 4(a) is to read 4(b).

Page 17 includes an error at Condition 10. The later 10(a) is to read 10(b) and following conditions to read c, d, e, f.

Schedule 1

That Condition No. 1 and Condition No. 33 under Schedule 1 of the Report be amended as follows:

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Plan No.	Drawn by	Dated
DA 00 Revision O - Calculations	McCullum Ashby Architects	09/05/14

Plan No.	Drawn by	Dated
DA 01 Revision H – Site Analysis Plan	McCullum Ashby Architects	16/01/14
DA 02 Revision M – Basement floor Plan	McCullum Ashby Architects	16/01/14
DA 03 Revision O – Ground Floor Plan	McCullum Ashby Architects	08/04/14
DA 04 – Demolition	GGF Architects	27/07/10
DA 04 Revision O – First Floor Plan	McCullum Ashby Architects	08/04/14
DA 05 Revision O – Sections A-A & B-B	McCullum Ashby Architects	08/04/14
DA 06 Revision O – East Elevation & Sections C-C & D-D	McCullum Ashby Architects	08/04/14
DA 07 Revision O – Street & South Internal Elevations	McCullum Ashby Architects	08/04/14
DA 08 Revision O – Internal North & South Rear Elevations	McCullum Ashby Architects	08/04/14
108.10/179 'A'	ISCAPE Landscape Architecture	November 2010

33. Restriction as to User – Affordable Rental Housing

To inform current and future owners that the townhouse development on the site is for affordable rental housing, a Restriction as to User must be created under Section 88B of the *Conveyancing Act 1919* identifying the following:

The development is for affordable rental housing pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 for a period of 10 years from the date of the issue of the occupation certificate.

The dwellings identified as Units Nos. 3, 5 and 11 on the approved plans must be used for the purpose of affordable housing pursuant to Clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The dwellings identified as Units Nos. 3, 5 and 11 on the approved plans must be managed by a *registered community housing provider* as defined in the Housing Act 2001.

Note: The wording of the Restriction as to User must be to Council's satisfaction and Council must be nominated as the authority to release, vary or modify the Restriction.

RECOMMENDATION

THAT pursuant to Section 96(2) of the *Environmental Planning and Assessment Act, 1979*, Development Application No. DA/1021/2010/A for construction of an affordable rental housing development comprising eight townhouses at Lot 16 and Lot 15 DP 10203, Nos. 3 and 5 Fulbourne Avenue, Pennant Hills be approved, subject to the conditions of consent as detailed in Schedule 1 of Group Manager's Report No. PL42/14 and the inclusion of amendments to Conditions 1 and 33 as outlined in Late Items Memo No. LM2/14.

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Planning Division

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Attachments:

There are no attachments for this report.

File Reference: DA/1021/2010/A

Document Number: D03119192