



Stockland

**Section 75W
Submission**

prepared in respect of Project Application
MP05_0084 for the Subdivision of
Lot 1001 DP 1040571 and
Lot 1009 DP 1066557 and
the construction of residential dwellings at

**2 Spurway Street
ERMINGTON**

September 2008

1 Introduction

This report has been prepared by Helen Mulcahy Urban Planning on behalf of Stockland Development Pty Ltd. The report constitutes an application made pursuant to Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act), seeking modification of the approval issued by the Minister for Planning on 21 November 2006 in respect of Major Project Application 05_0084 – Lot 1001 DP 1040571 and Lot 1009 DP 1066557 at No. 2 Spurway Street, Ermington.

Section 75W of the EP&A Act 1979 sets out the parameters within which the Minister's approval of a Major Project Application may be modified. "Modification of approval" means changing the terms of the Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
- (b) changing the terms of any determination made by the Minister.

Subclause (3) provides that:

The request for the Minister's approval is to be lodged with the Director General. The Director General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

1.1 Background

On 21 November 2006, the Minister for Planning granted approval, subject to conditions, to a Project Application MP 05_0084, comprising:

Torrens Title subdivision of part Lot 1001 DP 1040571 and Lot 1009 DP 1066557 into 78 lots, and residential development, incorporating studio, freestanding, courtyard, and townhouse dwellings, a residential flat building providing a total of 101 dwellings and stratum subdivision of the second storey dwellings above the garages on Lots 2 and 25.

Phases 1, 1A, 2 and 5 of the dwelling construction are complete with 42 of the 44 dwellings sold. A further 23 dwellings within Phases 3 and 4 are nearing completion and are anticipated to be released to the market in September 2008. The photographs at **Appendix 5** illustrate the extent of works completed to date.

1.2 Need for Modification of Consent

The sales and marketing campaign for the product completed to date has revealed that certain house designs are not well suited to the market.

Phase 4A is the next stage of construction for the project and the designs of four (4) of the eight dwellings that comprise this Phase are proposed to be changed. This application seeks approval for a variation in the house designs to be constructed on Lots 59 – 62 (inclusive).

1.3 Summary of Proposed Modifications

The designs that are proposed to be substituted on Lots 59 – 62 have all been previously approved and constructed elsewhere on the site. The plan at *Figure 1* illustrates where the individual designs have been used before and which of the aforementioned lots it is proposed to locate them, as summarised below:

Phase 4A Lot No.	Example of where the Design has been used elsewhere on the site	Location
59	Lot 30	At the northern end of Phase 1A in same orientation and configuration as Lot 59
60 & 61	Lots 28 & 29	At the northern end of Phase 1A, addressing Central Avenue – Lots 28 and 29 have an identical orientation, configuration and site area to Lot 60.
62	Lot 47	On the opposite corner of Central Avenue and Eighth Street in Phase 4

The corresponding landscape treatments associated with each of the new (substituted) house designs will be utilised on the subject allotments.

The substitution of house designs has also necessitated minor adjustments to the lot boundaries between the lots which can be adjusted accordingly in the preparation of the linen plan for registration. The external boundaries (ie. to the streets and the rear) will not alter. The Area Schedule included in the Architectural Package at **Appendix 1** provides a comparative analysis of the proposed dwellings against the approved development.

The substituted dwelling designs result in a minor increase in the amount of gross floor area and FSR however both remain within the allowable limits under the Masterplan. This is also detailed in the Area Schedule.

The cumulative effect of the abovementioned modifications has been examined and it is concluded that there will be no substantive change in terms of the extent of environmental impacts:

- visual impact (bulk and scale remains the same, materials and finishes are consistent with the approved palette)
- overshadowing
- the negligible increase in floor space ratio calculated over the total land area of Phase 4A (0.5:1 proposed as opposed to 0.48:1 approved) will not alter the bulk and scale of the development.

1.4 Specialist Reports

This report has been prepared with the assistance of a number of specialist consultants, as follows:

Architectural Drawings (incl. Area Schedule)	Turner & Associates	Appendix 1
BASIX Certificates	Turner & Associates	Appendix 2
Landscape Plan	Context	Appendix 3
Parramatta DCP 2005 Compliance Table	HMUP	Appendix 4
Site Photographs	Stockland	Appendix 5

2 Description of Proposed Development

This section of the report should be read in conjunction with the architectural drawings prepared by Turner & Associates and included at **Appendix 1**.

2.1 General

The proposal represents a minor modification of the approved scheme and entails the substitution of house designs on Lots 59 – 62 (inclusive) in Phase 4A of the Riverwalk Project.

Similar to the original approval, the four houses are two storey forms with pitched roofs to the street. The materials and finishes are also consistent with the original approval and reflect the palette of the surrounding areas with lower elevations of face (and some rendered) brick, and the upper levels in a combination of brick and lighter weight panelling and boarding which reduces the perceived bulk and scale of the dwellings.

The substitution of house design on Lots 59 – 62 in Phase 4A provides for both housing choice that is proven as suitable to the market and also ensures that an interesting streetscape is maintained.

2.2 Traffic and Parking

The house designs on Lots 59, 60 and 61 incorporate double garages and the dwelling now proposed on Lot 62 provides a single garage with sufficient space in the driveway to accommodate a second parking space, wholly contained within the property boundary.

This arrangement results in the same number of off-street parking spaces as was provided under the terms of the original consent.

2.5 Materials and Finishes

As indicated previously in this report, the four house designs that are proposed to be constructed on Lots 59 – 62 have been used elsewhere on the site. The same palette of materials and finishes (refer to details included the Architectural Package at **Appendix 1** and also the photographs at **Appendix 5**) will be employed in Phase 4A.

3 Environmental Impacts

3.1 Statutory Considerations

The Environmental Planning Instruments, policies and other documents that are relevant to the proposed development are as follows:

- (i) SEPP 55
- (ii) SEPP 32
- (iii) SEPP 65
- (iv) SEPP – BASIX 2004
- (v) SEPP (Major Projects) 2005
- (vi) SREP – Sydney Harbour Catchment 2005
- (vii) Parramatta LEP 2001
- (viii) Parramatta DCP 2005
- (ix) Ermington Master Plan

An assessment of the proposal against the provisions of each of the aforementioned policies and instruments is provided in the following sections of this report.

3.1.1 SEPP 55 – Remediation of Land

Detailed contamination investigations were undertaken for the whole Defence site at Ermington as part of the Master Plan exercise. Furthermore, the land has been remediated in accordance with the relevant standards for residential development contained in the Contaminated Land Management Act 1997.

A Site Audit Report and Site Audit Statement were prepared by Coffey Geosciences Pty Ltd and submitted as part of the Environmental Assessment prepared in respect of the original application (MP05_0084). The report concludes that the site is suitable for use as residential with accessible soil, including garden areas.

3.1.2 SEPP 32 – Urban Consolidation

The proposed redevelopment of the former Defence site is consistent with the provisions of SEPP 32 as it makes economic use of existing infrastructure and facilities and increases opportunities for people to live in close proximity to employment and leisure opportunities.

3.1.3 SEPP – Building Sustainability Index BASIX 2004

Regulations under the Environmental Planning and Assessment Act 1979 have established the BASIX scheme to encourage sustainable residential development which requires:

- (a) development applications for certain kinds of residential development to be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and
- (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.

The aim of the Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. BASIX Certificates for all the proposed dwellings are included at **Appendix 2**.

3.1.4 SEPP (Major Projects) 2005

The site is identified in Schedule 2 of the Policy as a site of State significance.

3.1.5 SREP Sydney Harbour Catchment 2005

The REP seeks to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained. It includes a zoning system specifically designed to reflect the various characters of the waterways of the Harbour and its tributaries.

The Ermington site falls within the land to which the Plan applies and is included in Schedule 1 as a strategic foreshore site. The proposed modifications to the approved development are consistent with the planning principles for land within the Sydney Harbour Catchment.

3.1.6 Parramatta LEP 2001

The Riverwalk site is zoned Residential 2C under the provisions of Parramatta LEP 2001. The proposed development is permissible with consent and is generally consistent with the aims and objectives of the LEP and Council's aspirations for the wider local government area.

There are however, a small number of non-compliances, as detailed in the paragraphs below.

Clause 38(1) Minimum allotment size – 550sqm for single dwellings / 15m frontage

Lots 59 – 62 do not satisfy these numeric requirements, but were approved as part of the original application.

Clause 40 Floor Space Ratio – Single dwellings 0.5:1; Townhouses 0.6:1

The freestanding houses now proposed on Lots 60 and 61 comply with the 0.5:1 FSR control. However the dwellings now proposed to be located on Lot 59 and Lot 62 achieve FSRs of 0.51:1 and 0.54:1 respectively, thereby marginally exceeding the development standard in the LEP.

3.1.7 Parramatta DCP 2005

A DCP Compliance Table for the proposed development is included at **Appendix 4**. There are a number of minor inconsistencies with the building envelope controls set out in the DCP, however these departures are considered to be reasonable in view of the fact that:

- (i) the former "brownfields" Defence site has been the subject of a detailed master plan, which established a set of detailed development controls appropriate for the creation of a new residential community; and
- (ii) the departures on the four dwelling designs in question are within the same parameters as those approved by the Minister as part of MP05_0084.

3.1.8 Ermington Master Plan / Deemed DCP

The Master Plan was adopted by the Minister for Planning in April 2002 and provides an indicative road layout and land use distribution and nominates built form controls to accommodate a variety of housing types. The built form controls incorporate a range of floor space ratios which respond to the housing types proposed.

The road and superlot layout incorporates a variety of open space areas within the wider site to provide opportunities for active and passive recreation.

The Master Plan sets the parameters for future development on the Ermington site and effectively serves as a Development Control Plan.

The proposed development is consistent with the approved Master Plan in terms of land use, respect for the scale and siting of existing residential development in the vicinity, road pattern, subdivision pattern, relationship to open space and the incorporation of ESD principles into the design.

FSR

Under the definitions contained in the Master Plan, the dwellings now proposed on Lots 59, 60 and 61 constitute freestanding dwellings, with a corresponding FSR of 0.5:1, whilst the dwelling on Lot 62 falls within the definition of a townhouse and has an FSR of 0.6:1. The area schedule included as part of the Architectural Package at **Appendix 1** summarises the gross floor area applicable to each Lot.

All the new dwellings generally comply with the respective FSR's set for these building typologies.

The Master Plan facilitates residential development of the site in a variety of density and housing forms, and includes controls to ensure that such development does not adversely affect the amenity and function of surrounding areas

The Master Plan does not specify particular objectives for the FSR controls specified for each building typology, however it is generally accepted that FSR controls are designed to:

- control the bulk and scale of development;
- ensure building bulk is compatible with the surrounding built form and minimises the impact of building bulk on existing buildings in the locality, open spaces and streetscape;
- set appropriate density controls that reflect the desired future character of the area; and
- encourage a mix of dwelling sizes and types.

Bulk & Scale

All the individual dwellings comply with the other built form controls including height, number of storeys and minimum landscaped areas.

The Master Plan contemplates this form and scale of development on the site.

Impact of Building Bulk on Existing Buildings, Open Spaces and Streetscape

The substituted house designs comply with the maximum permissible height and as a result, will ensure that there is no overshadowing of the adjoining open space areas.

The proposed development:

- is in keeping with the scale and bulk of existing residential development in the vicinity, as well as being consistent with the originally approved development as part of MP05_0084;
- it will create attractive streetscapes; and
- the quality of the architecture will set a benchmark for future development in the locality.

Desired Future Character

The community's expectations for development on the site, as reflected in the Master Plan, are that it will be low-rise in scale, in keeping with the surrounding established residential areas, and will be characterised by a mix of detached, zero-lot-line and row housing forms, interspersed with a limited number of residential flat buildings at appropriate locations.

The proposed substitution of house designs on Lots 59 – 62 will not alter the presentation of the Riverwalk development in its local context, nor will it compromise the character of the approved development.

3.2 Privacy

The proposed development has been designed to achieve high levels of visual and acoustic privacy between the dwellings.

The layout of the dwellings and the physical separation between each building ensures that visual privacy is maintained.

3.3 Overshadowing

Shadow analysis modelling for Mid Winter (21 June) has been prepared and are included in the Architectural Package at **Appendix 1**.

The scale and nature of the proposed development ensures that there will be no shadow impact on adjoining residential properties external to the site or adjoining public open spaces.

As indicated previously in this report, the principle of maximising winter solar penetration within the building envelope and private open space has generated the form, siting and massing of the dwellings.

Section 4.3.4 of Parramatta Council's DCP requires a minimum of 3 hours sunlight in habitable rooms and at least 50% of the private open space between 9.00am and 3.00pm on 21 June.

All the dwellings on Lot 59 - 62 satisfy the minimum requirements for direct sunlight access.

4 Conclusion

On 21 November 2006, the Minister for Planning granted approval, subject to conditions, to a Project Application MP 05_0084, comprising:

Torrens Title subdivision of part Lot 1001 DP 1040571 and Lot 1009 DP 1066557 into 78 lots, and residential development, incorporating studio, freestanding, courtyard, and townhouse dwellings, a residential flat building providing a total of 101 dwellings and stratum subdivision of the second storey dwellings above the garages on Lots 2 and 25.

The sales and marketing campaign for the product completed to date on the Riverwalk project has revealed that certain house designs are not suited to the market requirements.

Phase 4A is the next stage of construction for the project and the designs of four (4) of the eight dwellings that comprise this Phase are proposed to be changed. This application seeks approval for a variation in the house designs to be constructed on Lots 59 – 62 (inclusive).

The assessment presented in this submission demonstrates that the proposed modifications are consistent with the terms of the original approval and that there will be no substantive environmental impacts as a result of the substitution of housing designs on the subject properties.

APPENDIX 1
Architectural Package
Turner + Associates

APPENDIX 2
BASIX Certificates
Turner + Associates

APPENDIX 3
Landscape Plan
Context

APPENDIX 4
Parramatta DCP 2005 Compliance Table
HMUP

Building Type	Control	Proposed	Comment
Dwelling House (incl. Courtyard Homes)	Frontage Minimum 15m	Frontages vary between approx. 10 and 14m.	Lot frontages are consistent with the Master Plan / Deemed DCP requirements.
	Height Max 2 storeys and max building height 9m	All freestanding houses and courtyard homes are max. 2 storeys Max building height for all dwellings in this category is 8m	Complies.
	Street Setback Consistent with prevailing setback within the range of 5-9m Min 3m on secondary streets (corner lots) Small lots (<550sqm) consistent with prevailing setback but not less than 3m	The proposed lots are all less than 550sqm and therefore constitute small lots. All dwellings observe setbacks between 4 and 6m	The site has been master planned and appropriate setback controls have been identified in the Master Plan / Deemed DCP consistent with the objectives of creating an integrated residential development with a definite character.
	Rear Setback Min 30% of length of site Small lot (<550sqm) min 6m or consistent with prevailing rear setback	The proposed lots are all less than 550sqm and therefore constitute small lots. All dwellings observe a rear setback of between 6 and 8 metres.	As above.
	Side Setback Min 900mm	The freestanding houses observe minimum setbacks Courtyard homes are zero lot line	As above

APPENDIX 5
Site Photographs
Stockland