



12 July 2011

**Project Application  
For a Residential Development – Buildings 7 & 8 Mobbs Lane, Epping**

**1.0 The Proposal**

The proposal seeks approval for the construction of the following:

- A 6 storey residential building of 7x1 bedroom apartments and 35 x 2 bedroom apartments;
- A part 3,5 and 6 storey residential building of 3 x 1 bedroom apartments and 82 two bedroom apartments;
- 172 Basement car parking spaces, (including 13 disabled spaces) and 11 on-street visitor spaces. 44 bicycle spaces provided at basement level; and
- Landscaping to the public and private domain throughout.

**2.0 Background**

The site is listed as a State Significant Site under Schedule 3 of the Major Development SEPP. This SEPP zones the subject site General Residential (R1).

In August 2006, the then Minister approved a concept plan including building envelopes for the residential redevelopment of the site allowing up to 650 dwellings with a gross floor area (GFA) of 80,000m<sup>2</sup> on the site. On 21 February 2011, the then Minister for Planning approved modifications to this plan to allow up to 800 dwellings across the site (Buildings 7 and 8 are not subject to this modification) with the same GFA.

**3.0 Delegation to the Commission**

On 28 May 2011 the Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, delegated his power to determine the application to the Planning Assessment Commission.

The Commission members nominated to determine the application were Ms Janet Thomson (chair), Mr Garry Payne and Mr Lindsay Kelly whom visited the site and the surrounding area separately.

**4.0 The Assessment Report**

The Director General's report identified the following key issues:

- Compliance with the approved concept plan;
- Residential amenity; and
- Internal streetscape.

A total of 16 submissions from the public and government agencies were received by the Department during the public exhibition period. The Department considered that the issues raised in these submissions can be addressed through appropriate conditions of consent and is satisfied that potential impacts have been adequately addressed by the proponent via the Environmental Assessment, Preferred Project Report, Statement of Commitments and the Department's recommended conditions of approval.

## **5.0 Meeting with the Department of Planning and Infrastructure**

The Commission met with senior Departmental staff on 28 June 2011 for a briefing. The discussion focused on the following issues:

- The previous Concept Plan approval;
- Residential amenity;
- Building height and overshadowing; and
- Parking

## **6.0 Meeting with Council**

On 4 July 2011, the Commission met with Council staff. The discussion focused on the following issues:

- The previous Concept Plan approval;
- Height;
- The cumulative impacts of the several non compliances with SEPP 65, specifically:
  - Building separation;
  - Depth of building;
  - Single aspect units; and
  - No of units per circulation core

The Council also provided the Commission with comments from their urban designer regarding the exhibited proposal.

## **7.0 Meeting with the Proponent**

On 8 July 2011, the Commission met with the proponent and its consultant. The discussion focussed on the previous concept plan and the current proposal's non compliances with SEPP 65, specifically:

- Building depth;
- Single aspect units and distance from windows; and
- The maximum number of units per circulation core.

## **8.0 Commission's Comment**

The Commission has examined the documents and plans provided by the Department including the Director General's assessment report, public and agencies' submissions and the preferred project report.

The Commission focused on the following two key issues:

### **8.1 Residential Amenity**

#### *Building separation*

In regards to building separation, it is proposed that Buildings 7 and 8 be separated by 6-7m from the ground to the second floor and increase to 25m for the remaining 3 storeys. The RFDC recommends building separation distances of 12m up to 4 storeys and 18m above 4 storeys. Buildings that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.

In regards to visual privacy, the units have been orientated towards the north and south. Measures have also been taken to ensure window openings are limited in width and are offset from windows on the opposite elevation. Bathrooms have also been provided with highlight windows.

It is acknowledged that the proposal is consistent with the approved Concept Plan which allowed a 6m separation distance between the two buildings. As approximately 76 percent of the units of both buildings achieve a minimum of 3 hours sunlight between 9:00am and 3:00pm on 21 June, sufficient measures have been incorporated into the proposal to ensure a satisfactory level of amenity for future residents.

#### *Building and Apartment Depth*

The RFDC states that In general, an apartment building depth of 10-18m is appropriate and developments that propose buildings wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.

Building 7 has a building depth ranging from 15-21.5m and Building 8 has a depth of between 18-21m. Twenty six of the single aspect units within Building 7 exceed the maximum permitted depth by between 0.5-1m and within Building 8, 56 units exceed this standard by between 0.5-1m.

The Commission considers that the proposed building depths are satisfactory, as previously stated under Building Separation, it is considered that sufficient daylight and natural ventilation will be achieved.

#### *Single Aspect Units*

Twelve percent of units in Building 7 and 10 percent of units in Building 8 are single aspect units. The RFDC recommends a maximum 10 percent of units in a development be single aspect and if not then they must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed.

The Commission recognises that the orientation of building footprints approved in the Concept Plan limit the potential to achieve the minimum standard. The Commission also considers that as the proposal exceeds the minimum standard for solar access in both buildings and meets the minimum standard for cross ventilation in Building 7 and exceeds it by 20 percent in Building 8, the minor non-compliance is acceptable.

#### *Access Cores*

The RFDC recommends that the number of units relying on a single access core should generally not exceed 8 units however this can be varied where developments can demonstrate the achievement of the desired streetscape character and entry response.

The proposal complies with this with the exception of Level 2 of Building 8 which contains 1 access lift per 11.5 units. The Commission considers that given the proposal includes direct pedestrian entries for 5 of the 8 ground floor units fronting Road 2 in Building 7 and 2 out of 3 in Building 8, sufficient streetscape activation will be achieved and this non-compliance is acceptable.

#### *Open Space and Deep Soil Areas*

The RFDC recommends that ground floor units within residential flat buildings should be provided with at least 25m<sup>2</sup> of private open space. Within Building 8, 52 percent of units will have more than 25m<sup>2</sup> of private open space, however 4 units will have between 19-23m<sup>2</sup> and the 7 split level units will have a total area of approximately 16.6sq.m of private open space at ground and first floor levels. Within Building 7, 5 of the 7 ground floor units would have in excess of 25m<sup>2</sup> of private open space. The site also includes 3.1ha of public open space and 12,965m<sup>2</sup> of common open space.

Given the provision of accessible open space across the development, the PAC considers the partial non compliance with SEPP 65 in this instance is acceptable.

## 8.2 Car parking

The proposal includes the provision of a total of 184 parking spaces and has been based on Council's DCP 2005. The proposal will result in a shortfall of 5 parking spaces (1 resident and 4 visitor) relative to the requirements of Council's minimum requirements. However, Council has raised no objection to the proposed parking provision. The RTA has advised that the proposed parking provisions will exceed the minimum RTA requirements for the site.

The Commission is satisfied that this shortfall is acceptable as it will not result in any adverse impacts on visitors or residents of the proposal or the surrounding streets.

## 9.0 Commission's Determination

Having met with Council and the Proponent, the Commission considers that the design of the proposed buildings is acceptable. The Commission is satisfied that the Department has appropriately considered all relevant aspects of the project in their assessment and has determined the project should be approved, subject to the recommended conditions by the Department.



Janet Thomson  
PAC Member



Lindsay Kelly  
PAC member



Garry Payne  
PAC Member